



**FOI/PA REQUEST**

**Case No.:** 2011-0118  
**Date Rec'd:** 3-16-11  
**Specialist:** Raphael  
**Related Case:** \_\_\_\_\_

Dina Cappiello  
The Associated Press  
1100 13th Street NW  
Washington, DC 20005  
202-641-9446

March 16, 2011

Donna L. Sealing  
FOIA/Privacy Officer  
U.S. Nuclear Regulatory Commission  
Mailstop: T-5 F09  
Washington, DC 20555-0001

**FOIA REQUEST**

Dear Ms. Sealing:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of all communications between the NRC, the Department of Energy, GE Energy and Hitachi-GE Nuclear Energy pertaining to the Japanese nuclear incidents caused by the March 11 earthquake and tsunami. This includes problems at the following three facilities: Fukushima Dai-ichi, Fukushima Daini, and Onagawa.

The communications should include emails, faxes, and written correspondence between the commission's chairman, its four commissioners, their staffs, and all other NRC employees to and from the Department of Energy and to and from GE Energy, Hitachi-GE Nuclear Energy, and its designated representatives.

Please consider this an expedited request under the FOIA, as this information is urgently required to inform the public about an actual or alleged federal government activity, namely the role the U.S. government is playing in the response to the Japan nuclear crisis and whether what is unfolding there has implications for U.S. nuclear policy and reactors here. I certify that I am a full-time employee for The Associated Press, the world's largest news-gathering organization with more than 1 billion readers, listeners and viewers.

Whether an "urgency to inform" exists depends on several factors: (1) whether the information relates to a currently unfolding story; (2) whether delaying release of the information harms the public interest; and (3) whether the request concerns federal governmental activity (*see Al-Fayed v. CIA, 245 F.3d 300 (D.C. Cir. 2001)*). In addition, "the credibility of a requester" is also a relevant consideration.

Please release any information pursuant to my requests as it is received and/or reviewed by your office, rather than waiting to send me all the material I have requested. If you have questions or need to contact me, I can be reached at 202-641-9446 and [dcappiello@ap.org](mailto:dcappiello@ap.org).

As I am making this request on behalf of the AP for use in reporting the news, no fees may be assessed for searching or reviewing documents sought by this request, and no duplication fees should be charged to the AP for the first 100 pages of material (*see 5 U.S.C. § 552(a)(4)(A)(ii)(II)*). AP hereby consents to pay duplication charges up to a total not to exceed \$200. Please notify me in advance before incurring any duplication charges in excess of this amount.

As you know, the Act permits you to reduce or waive the fees when the release of the information is considered as "primarily benefiting the public." I believe that this request fits that category and I therefore ask that you waive any fees.

If all or any part of this request is denied, please cite the specific exemption(s) that you think justifies your refusal to release the information and inform me of your agency's administrative appeal procedures available to me under the law.

To the extent that you affirm, in whole or in part, the denial of disclosure, we ask that you provide us with a list describing with specificity the categories of documents that have been withheld and explaining the grounds for the withholding (*see Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973)*).

I would appreciate your handling this request as quickly as possible, and I look forward to hearing from you.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

Dina Cappiello

## FOIA Resource

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**From:** Capiello, Dina [DCapiello@ap.org]  
**Sent:** Wednesday, March 16, 2011 12:55 PM  
**To:** FOIA Resource  
**Subject:** AP FOIA REQUESTS  
**Attachments:** NRCJapaneseofficials.doc; NRCinternalJapannuclear.doc; NRCDOEGEcommunications.doc

Dear FOIA officer,

Attached are three separate AP FOIA requests pertaining to the nuclear incident underway in Japan. Please email me back or call to confirm receipt.

I will also send them via regular mail, but the FOIA clock should commence upon receipt of this email.

Kind regards,

Dina Capiello  
Environment/Energy Reporter  
The Associated Press  
1100 13<sup>th</sup> Street NW, Suite 700  
Washington, DC 20005  
(202)-641-9446 (o)  
(202)-403-3582 (f)  
(202)-680-9030 (c)

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