



March 22, 2011

FOIA Officer
Office of Information Resources
U.S. Department of Energy
Mailstop MA-90, Room 1G-051
10000 Independence Avenue S.W.
Washington, D.C. 20585
By e-mail to: FOIA-CENTRAL@hq.doe.gov

FOIA Officer
National Nuclear Security Administration
Attn: OPA
P.O. Box 5400
Albuquerque, NM 87185-5400
By e-mail to: FOIOfficer@doeal.gov

NRC FOIA/PA Officer
U.S. Nuclear Regulatory Commission
Mailstop T-5 F09
Washington, DC 20555-0001
By e-mail to: FOIA.resources@nrc.gov

Re: Freedom of Information Act Request

Dear FOIA Officers:

On behalf of Friends of the Earth ("FOE"), the Nuclear Information and Resource Service ("NIRS"), and Physicians for Social Responsibility ("PSR") (hereinafter "the Requesters"), and pursuant to U.S. Department of Energy ("DOE") and U.S. Nuclear Regulatory Commission ("NRC") regulations for implementation of the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, I respectfully request copies of the following records:

- (1) All records created since March 10, 2011, containing measurements of radiation released to air, soil and water from the Fukushima reactors in Japan;
- (2) All records containing analyses of measurements of radiation referred to in paragraph (1) above; and
- (3) All records relating to the criteria and/or protocols used for the conduct of the radiation measurements and/or analyses described in paragraphs (1) and (2) above.

FOIA/PA REQUEST

Case No.: 2011-0135
Date Rec'd: 3-22-11
Specialist: Raphael
Related Case: _____



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This request covers all records in the possession of the NRC and/or DOE, including but not limited to data collected by your agencies and/or other federal agencies and/or foreign governments. This request also includes any data or analyses collected and/or created by the DOE's National Nuclear Security Administration ("NNSA") under its Aerial Measurement System.

For purposes of this request, the term "record" means: (1) any written, printed, or typed material of any kind, including without limitation all correspondence, memoranda, notes, messages, letters, cards, telegrams, teletypes, facsimiles, papers, forms, records, telephone messages, diaries, schedules, calendars, chronological data, minutes, books, reports, charts, lists, ledgers, invoices, worksheets, receipts, returns, computer printouts, printed matter, prospectuses, statements, checks, statistics, surveys, affidavits, contracts, agreements, transcripts, magazines or newspaper articles or press releases; (2) any electronically, magnetically, or mechanically stored material of any kind, including without limitation all electronic mail or e-mail, meaning any electronically transmitted text or graphic communication created upon and transmitted or received by any computer or other electronic device, and all materials stored on compact disk, computer disk, diskette, hard drive, server, or tape; (3) any audio, aural, visual, or video records, recordings, or representations of any kind, including without limitation all cassette tapes, compact disks, digital video disks, microfiche, microfilm, motion pictures, pictures, photographs, or videotapes; (4) any graphic materials and data compilations from which information can be obtained; (5) any materials using other means of preserving thought or expression; and (6) any tangible things from which data or information can be obtained, processed, recorded, or transcribed. The term "record" also includes any drafts, alterations, amendments, changes, or modifications of or to any of the foregoing.

If it is your position that records exist that are responsive to this request, but that those records (or portions of those records) are exempt from disclosure under the FOIA, please identify the records that are being withheld and state the basis for the denial for each record being withheld. In addition, please provide the non-exempt portions of the records.

Request for Waiver of Fees

The Requesters hereby request that all fees in connection with this FOIA request be waived for the following reasons:

a. The requested disclosures concern the operations and activities of the Federal Government because they seek information regarding the government's measurements of radiation levels in the aftermath of the radiological accident at Japan's Fukushima nuclear reactors.



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b. The disclosure of the requested measurements and analyses regarding radiation releases during the Fukushima accident will significantly contribute to the public's understanding of the operations and activities of the DOE and the NRC with respect to nuclear regulatory matters. It is our understanding that the requested documents regarding airborne radiation levels informed the NRC's decision to recommend the establishment of a 50-mile evacuation zone around the Fukushima reactors as the accident progressed. Given that U.S. emergency planning regulations require only a ten-mile evacuation zone, the public has a strong interest in learning what radiation levels would prompt U.S. government officials to recommend more stringent measures for Japan. While DOE and NRC representatives have publicly discussed these measurements in very general terms, no actual measurements have been disclosed and thus it is not possible to evaluate the significance of the government's representations in any meaningful way. In addition, Requesters seek to evaluate the significance of radiological contamination of soil and water in Japan and its potential effects beyond Japan.

The requested disclosures of criteria and protocols for the measurements and analyses will also contribute to public understanding of the government's operations because the information will help the public understand the reason for the apparent differences between the U.S. and Japanese governments' assessments of the severity of the accident as it unfolded. An understanding of the methods by which the data were collected and analyzed will help members of the public evaluate the reliability of the reports they have received regarding airborne contamination levels caused by the accident. All of the organizations have staff members who are experienced in evaluating information relating to radiological contamination and therefore have the capability to make good use of the information.

All of the Requester organizations intend to publicize the requested information widely to their thousands of members and visitors to their websites. FOE (www.foe.org), for example, is the world's largest grassroots environmental network, uniting 76 national member groups and some 5,000 local activist groups on every continent. NIRS (www.nirs.org) has over 25,000 members and its website receives on average of 1,500 visitors per day. PSR (www.psr.org) has 50,000 members and e-activists, thirty chapters, and a database of 250,000 concerned citizens dedicated to improving national policy formulation and decision-making about security, energy and the environment.

c. The requested documents will not be used for commercial use or gain by any of the Requester organizations. All of the Requesters are non-profit organizations dedicated to protection of public health and the environment.



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If you decide not to grant a waiver, then please advise us of the amount of any proposed search, review, and reproduction charges before those activities are carried out.

Request for Expedited Consideration

Requesters seek expedited release of the requested information, so that they may timely inform their members and the general public about the unfolding events at the Fukushima reactors, including the significance of the public health and environmental threat posed by radiation releases from the Fukushima reactors. Requesters believe that requested disclosures will do a great deal to fill currently existing information gaps and resolve inconsistencies in the currently available reports about the severity of the Japanese radiological releases.

In addition, Requesters seek immediate disclosure of the information in order to participate in and comment on any proceedings the federal government may undertake to evaluate the lessons learned from the Fukushima accident. It is Requesters' understanding, for example, that the NRC shortly intends to embark on a 90-day review of the safety of U.S. reactors and proposed designs in light of the Fukushima events. A better understanding of the severity of the Fukushima releases is essential to Requesters' ability to evaluate and participate in any such review.

If some parts of this request can be responded to more quickly than others, we request that you respond in stages, releasing information as soon as it becomes available.

We will expect a response within 20 business days, as provided by 5 U.S.C. § 552(a)(6)(A)(i). If you have any questions regarding this request, please contact me at (202) 328-3500.

Thank you very much for your attention to this matter.

Sincerely,


Diane Curran
Attorney for Requesters

Cc: Tom Clements, FOE
Michael Mariotte, NIRS
Michele Boyd, PSR

FOIA Resource

From: Diane Curran [dcurran@harmoncurran.com]
Sent: Tuesday, March 22, 2011 4:25 PM
To: FOIA Resource
Subject: Freedom of Information Act Request; request for expedited consideration
Attachments: FOE-NIRS-PSR FOIA Request for Radiation Survey documents 3-22-11.pdf

Dear FOIA Officer:

Attached please find a FOIA request, including a request for expedited consideration. Please call me if you have any questions.

Sincerely,
Diane Curran

Diane Curran
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Washington, DC 20036
(202)328-3500