

FOIA Resource

From: Greene, Ronnie [rgreene@publicintegrity.org]
Sent: Friday, April 01, 2011 10:41 AM
To: FOIA Resource
Subject: FOIA request

FOIAPA REQUEST

Case No.: 2011-0161
Date Rec'd: 4-1-11
Specialist: Dennis
Related Case: _____

To the Nuclear Regulatory Commission:

The Center for Public Integrity files a request for documents, under the Freedom of Information Act, for the following information:

*All correspondence between members of Congress and the NRC involving the Yucca Mountain storage project, 2008-the present.

Format: we prefer to receive records in the following formats, listed in order of preference:

1. an electronic data format such as a spreadsheet, delimited data set, database file, or similar;
2. other non-proprietary electronic format;
3. word processing file, text-based PDF, or similar;
4. paper copies.

Please also provide any and all documentation related to such electronic records, including but not limited to data dictionaries, database documentation, record layouts, code sheets, data entry instructions, and similar printed or electronic documentation materials.

Please respond within 20 working days, as the Act provides, or notify me if "unusual" or "exceptional" circumstances apply (as the Act uses those terms).

If you decide to withhold an exempt portion of any record, please release all other segregable parts. If you withhold any record or portion of a record, please specify which statutory exemptions are claimed for each withholding. Please separately state your reasons for not invoking your discretion, as the Act allows, to release the requested information. Please describe each record withheld, including its date and size (e.g., amount of electronic memory or number of paper pages).

If there are any search, review, or duplication fees greater than \$25, inform me before you fill the request. But first please consider the Center's requests for fee reduction and fee waiver:

Request for fee reduction as a representative of the news media

This request is being made in connection with the Center's newsgathering functions and not for any other commercial purpose. The Center intends to produce one or more original investigative reports based on analysis of the requested information.

The Center for Public Integrity is a 501(c)(3) tax-exempt charity and a news media organization, and therefore this request should be exempt from all fees for search and review. The Center issues dozens of in-depth, original investigative news reports each year on its website, www.publicintegrity.org. In addition, news reports produced and written by the Center are frequently published in other media outlets; recent examples include:

- *The Washington Post*, “Obama administration gives billions in stimulus money without environmental safeguards,” <http://www.washingtonpost.com/wp-dyn/content/article/2010/11/28/AR2010112804379.html>, Nov. 28, 2010;
- *Politico*, “Blue Dogs: PAC pets no longer,” <http://www.politico.com/news/stories/1210/46047.html>, Dec. 7, 2010;
- *The Daily Beast*, “Obamacare Judges’ Financial Conflict,” <http://www.thedailybeast.com/blogs-and-stories/2010-12-21/health-care-lawsuits-judges-held-stakes-in-insurance-industry/>, Dec. 21, 2010.

Our reporters covering Congress and congressional committees are credentialed by the Standing Committee of Correspondents of the Congressional Daily Press Gallery. In response to previous FOIA requests, federal agencies including the Department of State, the Central Intelligence Agency, the Environmental Protection Agency, and the Department of Defense, among others, have exempted the Center from search and review fees as a representative of the news media. The only federal court to consider the issue has also held that the Center “is entitled to treatment as a representative of the news media for purposes of FOIA.” Center for Public Integrity v. HHS, Civil Case No. 06-1818, 2007 U.S. Dist. LEXIS 56172 (D.D.C. Aug. 3, 2007), https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2006cv1818-15.

Request for fee waiver

In addition, the Center requests a waiver of all duplication fees for this request as permitted under the Act. Disclosure of the requested information to the Center is likely to contribute significantly to public understanding of the operations or activities of the government by members of Congress and the Nuclear Regulatory Commission.

The Center for Public Integrity is a nonprofit, nonpartisan, tax-exempt organization that since 1990 has conducted investigative research and reporting on public policy issues in the United States and around the world. The International Consortium of Investigative Journalists was created in 1997 as a project of the Center for Public Integrity. For more information on the Center for Public Integrity and ICIJ please refer to www.publicintegrity.org and www.icij.org.

In reference to our request I am providing the following information addressing the six factors listed in the Department of Justice’s FOIA Guide (2009): Fees and Fee Waivers, as found online at www.justice.gov/oip/foia_guide09/fee-waivers.pdf.

- 1) The subject matter of the requested records concerns the “operations or activities of the government,” specifically of Congress and the NRC.
- 2) Release of the requested information “is likely to contribute” to the understanding of your agency by the public. Our research will be advanced by the release of the requested information. Prior to any action on this FOIA request, this information is not freely available to the public.
- 3) and 4) Due to the nature of our organization, the disclosure under our FOIA request will “contribute to the understanding of the public at large” and “contribute ‘significantly’ to public understanding of government operations or activities.” Using the information produced through this FOIA request and other sources, we intend to produce one or more original investigative reports that explain the actions and operations of government to the general public. Our reports will be posted on our website, www.publicintegrity.org, and will be read by tens of thousands of people worldwide.

5) and 6) The disclosures we request under the Freedom of Information Act primarily serve the public interest and not any commercial interest. As stated above, the Center for Public Integrity is a 501(c)(3) tax-exempt nonprofit organization, and the requested information will be used only in connection with the Center's newsgathering functions.

Please feel free to contact me about any aspect of this request. In principle, the Center is willing to consider ways in which the request might reasonably be narrowed.

Thank you for your attention to this request.

Sincerely,

Ronnie Greene
Center for Public
Integrity
910 17th Street N.W.,
7th Floor
Washington, DC
20006-2606
202-481-1201
rgreene@publicintegrity.org