

FOIA/PA REQUEST

Case No.: 2011-0164
Date Rec'd: 4-4-11
Specialist: Raphael
Related Case: _____

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US Nuclear Regulatory Commission
Freedom Of Information Office
Attn: Donna Sealing, Chief of FOIA Section
Mailstop T-5 F09
Washington DC 20555-001

April 3, 2011

Re; Freedom of Information Request to the US Nuclear Regulatory
Commission

Dear Sir or Madam;

The following request is being made on behalf of the Lawyers
Committee for Nuclear Policy (hereinafter called LCNP) pursuant to the
Freedom Of Information Act (FOIA), 5 USC Section 552, concerning the
dispersion of radionuclides from the Fukushima nuclear power plant. As
required by FOIA, we expect a complete response within 20 working days.
Id Section 552(a)(6)(A)(i).

I. Records Requested

The LCNP requests the following:

- (1) All records¹ created since March 11, 2011 containing
measurements of radiation from the Fukushima, Japan nuclear
reactors that have or may have reached any part of the United
States of America. For purposes of this request, the United

States of America includes the continental United States, as well as any of its territories;

(2) All records containing analysis of measurements referred to in paragraph (1) above.

This request includes all records in the possession of the NRC, including but not limited to data collected by your agency and/or other federal agencies and/or foreign governments or institutions such as the CTBTO and/or IAEA.

II. Segregable Portions

As stated in Section 552(b) of FOIA, “Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection”. It is expected, therefore, that all non-exempt information shall be disclosed after a segregability review has been conducted. It is also expected that claims of segregability will be made with the same specificity as required for any claim for exemption under FOIA. Please identify the records that are being withheld and state the basis for the denial for each record being withheld.

III. Fee Waiver

It is respectfully requested that you waive all fees in connection with this request as provided by 5 USC Section 552(a)(4)(A)(ii)(II). This request is being made by the LCNP because disclosure is in the public interest due to the likely contribution to the public understanding of the operations or activities of the NRC and is not primarily in the commercial interest of the requester.

In this regard, the NRC stated that it expected no “harmful levels of radioactivity” to reach the United States from the Fukushima reactors “given the thousands of miles between the two countries”. Chairman Jaczko specifically stated in a White House briefing that the radioactive plumes poses no danger to the United States. He further stated in response to a question if a meltdown of one of the cores of the Fukushima reactors would increase the risk of harmful radiation reaching Hawaii or the West Coast that “...based on the design and the distances involved, it is very unlikely that there would be any harmful effects.” (William Broad, “Scientists Project Path of Radiation Plume”, New York Times, March 17, 2011

<http://query.nytimes.com/gst/fullpage.html?res=9D02E4DE1E3EF934A25750C0A9679D8B63&ref=williamjbroad>).

A recent article in the New York Times, however, has indicated that Secretary Chu has stated that one of the reactor cores has been 70% destroyed in a partial meltdown. The same article has indicated that radioactive particles from the Fukushima reactors have reached the United States and are being monitored by private organizations (William Broad, "From Far Labs, A Vivid Picture of Japan Crisis", New York Times, April 3, 2011, p. 1

<http://www.nytimes.com/2011/04/03/science/03meltdown.html?scp=2&sq=william%20broad&st=cse>).

Given the ongoing nature of the reactor problems, and Chairman Jaczko's statements mentioned hereinabove, the public has a strong interest in obtaining information from the NRC regarding whether any harmful radioactive effects will reach the United States.

By way of background, the LCNP is a New York based 501(c)3 non-profit, non-partisan organization that produces timely research, analysis, and commentary on matters relating to nuclear disarmament, peace, and security. LCNP has produced books and other publications addressing issues relating to nuclear power in the context of disarmament, including the book *Nuclear Disorder or Cooperative Security* (1997). The LCNP has no commercial interest in obtaining the requested documents. Instead, the LCNP seeks the requested information in order to make it public. The LCNP intends to use the requested information to increase the public's understanding of the effects of the problems at the Fukushima reactor on the United States. The LCNP has contacts with technical experts who can analyze the information.

The LCNP has a proven ability to digest and disseminate information effectively, including as a source for the media. A recent Inter Press Service story, linked at www.lcnp.org, dated March 15, 2011 and entitled "U.S. Nuke Plant Safety Questioned in Wake of Japanese Disaster," quotes the LCNP Executive Director on the Fukushima disaster (See <http://ipsnews.net/news.asp?idnews=54852>) In addition to its website, the LCNP has other means to widely disseminate information to the public including publications, educational programs, and media initiatives. For example, LCNP co-organized a November 2009 conference in Madison, Wisconsin, "Future Cities 2009: Local democracy in action for a greener, more peaceful world," which was hosted by Mayor David Cieslewicz. The

conference addressed issues relating to nuclear power among other matters. The LCNP's role in gathering and disseminating information of interest to the public, as also indicated above, clearly complies with the criteria entitling the LCNP to a fee waiver.

The requested documents will not be used for commercial purposes. Furthermore, 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.

IV. Expedited Processing

No issue could be of greater immediate concern to the American public than whether the fallout from the Fukushima reactors is reaching the United States. The NRC itself acknowledges the timeliness of this issue with its own March 13, 2011 posting at its website at <http://pbadupws.nrc.gov/docs/ML1107/ML110720002.pdf>. A Google search for the keywords "Japanese radioactive plume" yields 2950 results as of March 30, 2011. A recent blog entitle "Fukushima Radiation Plumes Reaches US East Coast" (see <http://www.care2.com/causes/environment/blog/have-fukushima-radiation-plumes-reached-u-s-east-coast/>) states in part that monitors in South Carolina and Florida have detected low levels of radioactive iodine-131 coming from the Fukushima reactors. The same blog posting states that the NRC says the radiation poses no threat to the American public. It is important, therefore, to obtain accurate facts for the American people as quickly as possible.

We appreciate your help in obtaining the requested information as FOIA requires, namely within ten (20) working days. Please contact me if you should have any questions.

Sincerely,



Jules Zacher Esquire
Special Counsel for LCNP

cc Peter Weiss, LCNP President
John Burroughs, LCNP Executive Director
E-mail, FAX and Regular Mail

¹ For purposes of this request, a record is defined as (1) any written, printed or typed material of any kind, including without limitation all correspondence, memoranda, notes, messages, letters, cards, telegram, facsimiles, papers, forms, records, telephone messages, diaries, schedules, calendars, chronological data, minutes, books, reports, charts, lists, computer printouts, statistics, surveys, magazine articles, press releases; (2) any electronically, magnetically or mechanically stored material of any kind, included but not limited to all electronic mail or e-mail, meaning any electronically transmitted text or graphic communication created up 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. The term "record" also means any drafts, alterations, amendments, changes or modification of or to any of the forgoing.

FOIA Resource

From: Jules Zacher [zacherlaw@gmail.com]
Sent: Sunday, April 03, 2011 3:38 PM
To: FOIA Resource
Cc: Peter Weiss; John Burroughs
Subject: FOIA Request on Behalf of the Lawyers Committee for Nuclear Policy
Attachments: Final PDF Version FOIA Request to NRC April 3 2011.pdf

Dear Sir or Madam;

Please see the attached FOIA request . Please respond within the twenty days established by FOIA. Please contact me if you have any questions.

Jules Zacher Esq

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