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April 4, 2011

FOIA/PA REQUEST

Case No.: 2011-0166
Date Rec'd: 4-4-11
Specialist: Blaney
Related Case: _____

VIA ELECTRONIC MAIL AND FIRST-CLASS MAIL

FOIA Officer
U.S. Nuclear Regulatory Commission
Mail Stop T-5 F09
Washington, DC 20555-0001

Re: Expedited Freedom of Information Act request

Dear Sir or Madam:

This is a request for records under the Freedom of Information Act, 5 U.S.C. § 552. In accordance with the act, I hereby request copies of any e-mails, letters, faxes, memoranda, or other written or electronic communications sent or received by anyone in the offices of the Chairman, members of the Commission, Congressional affairs, Public Affairs, or the Advisory Committee on Reactor Safeguards since March 11, 2011 regarding the situation at the Fukushima nuclear power plants in Japan. (Possible search terms for responsive records include, but are not limited to, "Fukushima," "Japan," "Japanese," "meltdown," "tsunami," "earthquake," "radiation," "radioactive," etc.).

I remind you that any request for records must be construed "liberally." *Nation Magazine v. U.S. Customs Serv.*, 71 F.3d 885, 890 (D.C. Cir. 1995) (citing *Truitt v. Dep't of State*, 897 F.2d 540, 545 (D.C. Cir. 1990)).

Because this request relates to matters of significant ongoing public concern, I request that you process this request on an expedited basis under 10 C.F.R. § 9.25(e)(2). As you are no doubt aware, the situation at the Fukushima nuclear facilities remains critical, and has required significant involvement from U.S. authorities; there is an "urgent" and ongoing need to inform the public about the dangers involved, and the U.S. government's response. *Id.* USA TODAY, the nation's largest newspaper, is "primarily engaged in disseminating information." *Id.* I certify that the foregoing is true and correct to the best of my knowledge.

In addition, because this is a request by the news media for information of significant public interest, I ask that you waive any search fees, in accordance with § 552(a)(4)(A)(ii)(II). If the cost of reproducing these records will exceed fifty dollars (\$50.00), please notify me before

filling this request. I may be reached at (202) 906-8177, or by electronic mail at bheath@usatoday.com.

As you are aware, the President has directed that the FOIA "be administered with a clear presumption: In the face of doubt, openness prevails." Memorandum for the Heads of Executive Dep'ts and Agencies, 74 Fed. Reg. 15, 4683 (Jan. 26, 2009). This instruction is unambiguous: "All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA." *Id.*

If for any reason any portion of this request is denied, please provide written notice of the legal justification for the denial and an index of the documents or portions of documents withheld as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1972), cert. denied, 415 U.S. 977 (1972). Please also provide the name and address of the officer or body to which my appeal may be directed.

As you know, the Act, in § 552(a)(6), grants an agency no more than twenty working days in which to respond to this request.

I look forward to your prompt reply.

Sincerely,

Brad Heath

FOIA Resource

From: Heath, Brad [bheath@usatoday.com]
Sent: Monday, April 04, 2011 10:28 AM
To: FOIA Resource
Subject: Expedited FOIA Request
Attachments: NRC - Fukushima correspondence - 4.4.2011.pdf

Attached