

June 22, 2011

David Pritzker, Deputy General Counsel
Administrative Conference of
the United States
1120 20th Street, NW
Suite 706 South
Washington, DC 20036

Dear Mr. Pritzker:

This letter is in response to Chairman Verkuil's request for data on applications made under the Equal Access to Justice Act for attorney's fees and expenses by prevailing parties in administrative and court proceedings. I understand that your agency is collecting such data from Federal agencies for purposes of preparation of a report to the Congress covering fiscal year 2010.

As indicated in the attached Data Report Form for fiscal year 2010, there was only one application for Commission payment of such an award in fiscal year 2010. The application was made on September 27, 2009, for Commission payment of attorney's fees in an administrative proceeding that was finally decided in 2011. The applicant did not prevail in the proceeding and the application for attorney's fees was denied. See *David Geisen*, LBP-11-08, 73 NRC ____ (March 10, 2011).

Please contact Susan Fonner (301-415-1629), an attorney in my office, if there is any question regarding our responses in the attached Data Report Form.

Sincerely,

/RA/

Stephen G. Burns
General Counsel

Attachment: As stated

June 22, 2011

David Pritzker, Deputy General Counsel
Administrative Conference of
the United States
1120 20th Street, NW
Suite 706 South
Washington, DC 20036

Dear Mr. Pritzker:

This letter is in response to Chairman Verkuil's request for data on applications made under the Equal Access to Justice Act for attorney's fees and expenses by prevailing parties in administrative and court proceedings. I understand that your agency is collecting such data from Federal agencies for purposes of preparation of a report to the Congress covering fiscal year 2010.

As indicated in the attached Data Report Form for fiscal year 2010, there was only one application for Commission payment of such an award in fiscal year 2010. The application was made on September 27, 2009, for Commission payment of attorney's fees in an administrative proceeding that was finally decided in 2011. The applicant did not prevail in the proceeding and the application for attorney's fees was denied. See *David Geisen*, LBP-11-08, 73 NRC ____ (March 10, 2011).

Please contact Susan Fonner (301-415-1629), an attorney in my office, if there is any question regarding our responses in the attached Data Report Form.

Sincerely,

/RA/
Stephen G. Burns
General Counsel

Attachment: As stated

DISTRIBUTION

SBurns Chron	MZobler	PHirsch
Mltzkowitz	EWilliamson	SFonner
TRothschild	CScott	OGC R/F
JCordes	MYoung	WestKm
BJones	MMaxin	

Document Name: G:GC:Burns\ACUS Data Collection.docx

G:GC:Burns\EAJA Data Request Form 6-2-2011(3).docx

Office:	OGC	OGC	OGC	OGC
Name:	SFonner	SBurns		
Date:	6/ 22 /2011	6/ 22 /2011		

OFFICIAL RECORD COPY