

FOIA Resource

From: Daly, Matthew [MDaly@ap.org]
Sent: Tuesday, September 13, 2011 2:04 PM
To: FOIA Resource; Sealing, Donna
Cc: Hayden, Elizabeth; Harrington, Holly
Subject: FOIA request re Docket No. 63-001-HLW, CLI-11-07, MEMORANDUM AND ORDER.

Sept. 13, 2011

Ms. Donna L. Sealing
Freedom of Information Officer
U.S. Nuclear Regulatory Commission
MS-T5-F09
Washington, DC 20555-0001

FOI/PA REQUEST
Case No.: 2011-0348
Date Rec'd: 9/13/11
Specialist: Christina
Related Case: _____

Dear Ms. Sealing:

This is a request under the federal Freedom of Information Act, as amended, 5 USC 552.

I am seeking any and all information related to votes taken by the Nuclear Regulatory Commission, affirmed on Sept. 9, 2011, regarding the termination of a high-level waste repository at Yucca Mountain, Nevada.

Specifically, the request concerns Docket No. 63-001-HLW, CLI-11-07, MEMORANDUM AND ORDER.

The order states in part "...Upon consideration of all filings in this matter, the Commission finds itself evenly divided on whether to take the affirmative action of overturning or upholding the (Atomic Safety Licensing) Board's decision. Consistent with budgetary limitations, the Board has taken action to preserve information associated with this adjudication. In furtherance of this, we hereby exercise our inherent supervisory authority to direct the Board to, by the close of the current fiscal year, complete all necessary and appropriate case management activities, including disposal of all matters currently pending before it and comprehensively documenting the full history of the adjudicatory proceeding."

The commission says it is devoted to transparency. However, the Public Affairs Office and individual commissioners, with the exception of Commissioner Ostendorff, have refused to disclose how they voted. This appears more in keeping with the Kremlin than the U.S. government.

I am seeking all records related to the commission's order and how the following commissioners voted: Chairman Jaczko and commissioners Magwood and Svinicki. Commissioner Apostolakis recused himself from this matter.

I am requesting this information for the purpose of possible public dissemination in a news article and therefore request that you waive charges pursuant to 5 USC 552 (a) (4) (A), Fed. Reg. 7296, Section 1900.25. I am a full-time journalist employed by The Associated Press.

If you deny this request for a waiver, please advise me in advance of the estimated charges so that I may decide whether to pay the fees or appeal your denial of my request for a waiver of charges.

As I am making this request in the capacity of a journalist and this information is of timely value, I would appreciate your communicating with me by telephone, rather than by mail, if you have any questions regarding this request. My number is (202) 641-9541.

Thank you for your assistance, and I will look forward to receiving your reply as soon as possible.

Sincerely,

Matthew Daly
Energy/Environment Correspondent
The Associated Press
1100 13th Street NW, Suite 700
Washington, DC 20005
202-641-9541 direct
(b)(6) cell

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