

**From:** Henry, Ray [<mailto:rhenry@ap.org>]  
**Sent:** Monday, October 03, 2011 12:48 PM  
**To:** Hannah, Roger; Ledford, Joey  
**Subject:** FOI Request

**FOIA/PA REQUEST**

**Case No.:** 2012-0004  
**Date:** 10-5-11  
**Special:** Christian  
**Related Case:** \_\_\_\_\_

Roger, Joey,

FOI request attached re: Plant Hatch-tritium. Please call me if you have any questions. The file is attached as a Microsoft Word document and as text in the email below.

Cheers,  
Ray

Ray Henry | The Associated Press | Office: 404-522-8971 | Cell: 404-308-9916 | [rhenry@ap.org](mailto:rhenry@ap.org) | Twitter:  
[www.twitter.com/rhenryAP](http://www.twitter.com/rhenryAP)

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Roger Hannah, Senior Public Affairs Officer  
U.S. Nuclear Regulatory Commission  
Region II-Division of Regional Administrator

Mr. Hannah:

Under provisions of the Freedom of Information Act and under the Electronic Freedom of Information Act, 5 U.S.C 552, I am seeking copies of the following records:

- 1.) Any correspondence, e-mail or other documents created or received by NRC officials since Tuesday, Sept. 27, pertaining to a suspected tritium leak at Plant Hatch in Georgia.

Please consider this an expedited request. I meet the definition of "compelling need" as defined by your agency. This information is sought to inform the public about the safety of an operating nuclear plant that is leaking radioactive effluent. If that tritium contaminated public water supplies, it would constitute a threat to public health. The information is urgently needed by The Associated Press, which is engaged in disseminating information in order to inform the public about safety and health issues.

Whether an "urgency to inform" exists, according to the courts, depends on several factors: (1) whether the information relates to a currently unfolding story, (2) whether delaying release of the information harms the public interest, and (3) whether the request concerns federal governmental activity. *Al-Fayed v. CIA*, 245 F.3d 300 (D.C. Cir. 2001). In addition, "the credibility of a requestor" also is a "relevant consideration." *Id.* These factors underscore that an "urgency to inform" undeniably exists for the information sought by my request, that is not currently available to the public.

This request meets the standard of "urgency to inform" because it involves regulatory and safety decisions concerning an operating nuclear power plant that is leaking radioactive effluent. Delaying a response to this request would compromise the significant interest of the public to learn about the scope and consequences of this radioactive leak. This request concerns federal government activity. Finally, as the world's oldest and largest news organization, the AP is a credible requestor.

Please release any information pursuant to my requests as it is received and/or reviewed by your office, rather than waiting to send me all the material I have requested.

If there are any fees for searching for, or copying, the records I have requested, please supply the records without informing me if the fees do not exceed \$50.

As you know, the Act permits you to reduce or waive the fees when the release of the information is considered as "primarily benefiting the public." I believe that this request fits that category and I therefore ask that you waive any fees.

If all or any part of this request is denied, please cite the specific exemption(s) that you think justifies your refusal to release the information and inform me of your agency's administrative appeal procedures available to me under the law.

I would appreciate your handling this request as quickly as possible, and I look forward to hearing from you.

**I declare under penalty of perjury that the foregoing is true and correct. Executed on October 3, 2011.**

Sincerely,

Ray Henry  
The Associated Press  
101 Marietta St. NW, Suite 2450  
Atlanta, GA 30303  
Cell: 404-308-9916  
rhenry@ap.org