



December 19, 2011

NRC FOIA/PA Officer  
U.S. Nuclear Regulatory Commission  
Mailstop T-5 F09  
Washington, DC 20555-0001

**FOI/PA REQUEST**  
Case No.: 2012-0092  
Date Rec'd: 12-19-11  
Specialist: Raphael  
Assigned Case: \_\_\_\_\_

SUBJECT: *Freedom of Information Act Request*

Dear NRC FOIA/PA Officer:

On behalf of Friends of the Earth (“FoE”), and pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and 10 C.F.R. § 9.23(b), I am writing to request you to provide all records of meetings, other oral communications or written communications after March 11, 2011 between any of the current commissioners of the U.S. Nuclear Regulatory Commission (“NRC”) -- Gregory Jaczko, Kristine Svinicki, George Apostolakis, William Magwood, and William Ostendorff -- and individuals, Congressional representatives, U.S. government agencies, the White House, business firms or corporations, regarding the following topics:

- a. The NRC’s actions in response to the Fukushima Daiichi accident which began March 11, 2011;
- b. The personal conduct of any Commissioner;
- c. Proposed changes to the composition of the NRC; or
- d. Proposed changes to the chairmanship of the NRC.

For purposes of this request, the term “record” means: (1) any written, printed, or typed material of any kind, including without limitation all correspondence, memoranda, notes, messages, letters, cards, telegrams, teletypes, facsimiles, papers, forms, records, telephone messages, diaries, schedules, calendars, chronological data, minutes, books, reports, charts, lists, ledgers, invoices, worksheets, receipts, returns, computer printouts, printed matter, prospectuses, statements, checks, statistics, surveys, affidavits, contracts, agreements, transcripts, magazines or newspaper articles or press releases; (2) any electronically, magnetically, or mechanically stored material of any kind, including without limitation all electronic mail or e-mail, meaning any electronically transmitted text or graphic communication created upon 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; (5) any materials using other means of preserving thought or expression; and (6) any tangible things from which data or information can be obtained, processed, recorded, or transcribed. The term “record” also includes any drafts, alterations, amendments, changes, or modifications of or to any of the foregoing.



If it is your position that records exist that are responsive to this request, but that those records (or portions of those records) are exempt from disclosure pursuant to 10 C.F.R. § 9.17, please identify the records that are being withheld and state the basis for the denial for each record being withheld. In addition, please provide the non-exempt portions of the records.

### **Request for Waiver of Fees**

FoE hereby requests that all fees in connection with this FOIA request be waived in accordance with 10 C.F.R. §§ 9.39(a) and 9.41(c). As provided in § 9.41(c), the NRC must:

waive or reduce fees, without further specific information from the requester if, from information provided with the request for agency records made under § 9.23(b), it can determine that disclosure of the information in the agency records is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Federal Government and is not primarily in the commercial interest of the requester.

FoE satisfies the NRC's criteria for a fee waiver in the following respects:

a. The requested disclosures concern the operations and activities of the Federal Government because they seek information regarding the nature and extent to which individuals and entities outside of the NRC influence the actions of the NRC Commissioners. In particular, FoE seeks to investigate the degree to which efforts by four NRC Commissioners to slow the agency's response to the Fukushima Daiichi accident and remove or reduce the authority of Chairman Jaczko have been influenced by forces outside the agency.

b. The disclosure of the requested documents will significantly contribute to the public's understanding of the operations and activities of the NRC with respect to nuclear regulatory matters. In particular, the documents will shed light on the question of whether the NRC has sufficient independence from political and nuclear industry influence to impartially exercise its regulatory responsibilities. FoE believes it is extremely important to ensure that the authority of the NRC to enforce federal health and safety laws is not compromised by outside political and business pressures. To the extent that disclosure of the above-requested documents reveals inappropriate contacts between NRC Commissioners and political and business entities, FoE's analysis and dissemination of the information will permit public discussion and consideration of reforms. Therefore the requested disclosures are essential to protect the independence of the agency.

FoE also has the capacity and commitment to analyze the requested documents and educate the public about their contents. Founded in 1969, with more than 155,000 members and activists in every state in the country, FoE uses policy analysis and advocacy to work for a more health and just world. FoE believes that the NRC must be an independent regulatory body in order to fulfill its mission to "regulate the civilian uses of nuclear materials in the United States to protect public health and safety, the environment, and the common defense and security." FoE will



disseminate the disclosed information to the public through its website, [www.foe.org](http://www.foe.org), through its media communications program, and through educational programs and events.

c. The materials will not be used for FoE's commercial use or gain. FoE is a non-profit organization whose sole purpose in requesting the documents is to educate itself, its members, and the general public regarding the NRC's regulatory process. FoE intends to use the requested information in furtherance of its goal of educating the public on the contribution of regulatory policies to the risks associated with nuclear energy.

Accordingly, we request that you waive all fees for locating and duplicating the requested records. If, however, a waiver is not granted, then please advise me of the amount of any proposed search, review, and reproduction charges before those activities are carried out.

Please respond within 20 business days, as provided by 5 U.S.C. § 552(a)(6)(A)(i). If you have any questions regarding this request, please contact me at (202) 587-5242.

Thank you very much for your attention to this matter.

Sincerely,

/s/

Diane Curran

[dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com)

Counsel to Friends of the Earth

**Blaney, Stephanie**

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**From:** Diane Curran [dcurran@harmoncurran.com]  
**Sent:** Monday, December 19, 2011 9:21 AM  
**To:** FOIA Resource  
**Subject:** Freedom of Information Act Request  
**Attachments:** FoE FOIA letter re Commissioner contacts 12-19-11.pdf

Dear NRC FOIA Office:

Attached please find a Freedom of Information Act request submitted on behalf of Friends of the Earth. Please do not hesitate to contact me if you have any questions about the request.

Thanks, Diane Curran

Diane Curran  
Harmon, Curran, Spielberg & Eisenberg, L.L.P.  
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202-328-3500