



FOIA/PA REQUEST

Case No.: 2012-0160
Date Rec'd: 3/1/12
Specialist: Rapinod
Related Case: _____

Dina Cappiello
The Associated Press
1100 13th Street NW
Washington, DC 20005
202-641-9446

March 1, 2012

Donna L. Sealing
FOIA/Privacy Officer
U.S. Nuclear Regulatory Commission
Mailstop: T-5 F09
Washington, DC 20555-0001

FOIA REQUEST

Dear Ms. Sealing:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of all SPEEDI radiation-projection data received by the Nuclear Regulatory Commission from the Japanese government in the month following the March 11 disaster at the Fukushima Dai-ichi nuclear power plant. The information should include dates the data was received, and accompanying letters and documents.

Please consider this an expedited request under the FOIA, as this information is urgently required to inform the public about an actual or alleged federal government activity, namely the projected concentrations of radiation stemming from leaks at the crippled nuclear power plant. I certify that I am a full-time employee for The Associated Press, the world's largest news-gathering organization with more than 1 billion readers, listeners and viewers.

Whether an "urgency to inform" exists 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 (*see Al-Fayed v. CIA*, 245 F.3d 300 (D.C. Cir. 2001)). In addition, "the credibility of a requester" is also a relevant consideration.

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 you have questions or need to contact me, I can be reached at 202-641-9446 and dcappiello@ap.org.

As I am making this request on behalf of the AP for use in reporting the news, no fees may be assessed for searching or reviewing documents sought by this request, and no duplication fees should be charged to the AP for the first 100 pages of material (see 5 U.S.C. § 552(a)(4)(A)(ii)(II)). AP hereby consents to pay duplication charges up to a total not to exceed \$200. Please notify me in advance before incurring any duplication charges in excess of this amount.

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.

1100 13th St. NW, Suite 700, Washington, DC 20005-4076
T: 202.641.9000 voice; www.ap.org

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.

To the extent that you affirm, in whole or in part, the denial of disclosure, we ask that you provide us with a list describing with specificity the categories of documents that have been withheld and explaining the grounds for the withholding (*see Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973)*).

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

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

Dina Cappiello

From: Cappiello, Dina [DCappiello@ap.org]
Sent: Thursday, March 01, 2012 11:53 AM
To: FOIA Resource
Cc: Kageyama, Yuri
Subject: AP FOIA for SPEEDI Data
Attachments: NRCSPEEDI.doc

Dear FOIA officer,

Attached is a FOIA request pertaining to the NRC's receipt from SPEEDI radiation-projection data from Japan. Please email me or call to confirm receipt.

I will also send the request via regular mail, but the FOIA clock should commence upon receipt of this email.

Kind regards,

Dina Cappiello
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Washington, DC 20005
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[IP_US_DISC]

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