

Case No.: 2014-0027
Date Rec'd: 11/4/13
List: McClellan
Related Case: 2012-0321

TOM ZELLER, JR.

Freelance Journalist | NYT, NatGeo, HuffPost

(b)(6)

Nov. 1, 2012

Tom Zeller Jr.

(b)(6)

Attn: Freedom of Information Act Officer
Nuclear Regulatory Commission
Mail Stop TS-D8
Washington, DC 20555-0001
FOIA.resource@nrc.gov

**RE: FOIA REQUEST
Expedited Processing Requested**

Dear FOIA Officer,

I am herewith RE-SUBMITTING this request upon learning that a previous, identical request, assigned **FOIA Case #2012-0321**, was closed – ostensibly because NRC and its contractor were unable to contact me. For the record, my personal cell phone was provided on the original request, but at no point did the NRC or its contractor attempt to reach me by phone to discuss the request or indicate that closure was imminent. Further, the original request was submitted on **Sept. 16, 2012**. NRC's attempt to contact me came **more than one year later**, in Sept. of 2013. This year-long period of inaction is, by itself, a clear violation of the Freedom of Information Act, 5 U.S.C., sect. 552.

In light of these events, and because it has been made clear to me that the requested documents were long ago compiled and prepared, I demand that this new, duplicate request be handled swiftly and without further delay. Failure to provide these requested documents in the legally stipulated timeframe of 20 working days would be a clear and deliberate breach of federal law. The specific request was – and is -- as follows:

All email messages concerning Generic Issue 204 and/or upstream dam failures that were delivered to, or sent by NRC employee Richard H. Perkins, P.E., Division of Risk Analysis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission between January 1, 2010 and September 14, 2012.

I am a representative of the news media and this request is made as part of news gathering and not for commercial use.

Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

As stipulated above, it is expected that this request receive expedited processing.

Sincerely,



Tom Zeller Jr.

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