

FOIA/PA REQUEST

Case No.: 2014-0219
Date Rec'd: 4/16/14
Specialist: Deena
Related Case: 2014-0174



GOVERNMENT
ACCOUNTABILITY
INSTITUTE

March 10, 2014

VIA CERTIFIED MAIL

ATTN: NRC FOIA/PA Officer
U.S. Nuclear Regulatory Commission
Mail Stop T-5 F09
Washington, D.C. 20555-0001

Re: Freedom of Information Act Request

Dear Freedom of Information Officer:

Pursuant to the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Peter Schweizer and the Government Accountability Institute hereby request that the U.S. Nuclear Regulatory Commission, produce the following within twenty (20) business days:

1. Any and all non-privileged records that are related to the application, review, and approval of the purchase of Energy Metals Corporation by Uranium One, Inc. on or about July of 2007.
2. Any and all non-privileged records that are related to review and approval of the proposed sale of a controlling interest of Uranium One Inc. to ARMZ Uranium Holding Co. also known as JSC Atomredmetzoloto.
3. Any and all records of correspondence from Uranium One Inc. or ARMZ Uranium Holding Co. also known as JSC Atomredmetzoloto relating to the proposed 2013 transaction wherein JSC Atomredmetzoloto proposed to acquire 100% of Uranium One Inc.

We call your attention to President Obama's January 21, 2009 Memorandum concerning the Freedom of Information Act, in which he states:

All agencies should adopt a presumption in favor of disclosure; in order to renew their commitment to the principles embodied in FOIA...The presumption of disclosure should be applied to all decisions involving FOIA.¹

¹ President Barack Obama, "Memorandum for the Heads of Executive Departments and Agencies, Subject: Freedom of Information Act," January 21, 2009; <[http://www.whitehouse.gov/the_press_office/Freedom of Information Act](http://www.whitehouse.gov/the_press_office/Freedom_of_Information_Act)>

President Obama adds that "The Freedom of Information Act should be administered with a clear presumption: In the case of doubt, openness prevails." Nevertheless, if any responsive record or portion thereof is claimed to be exempt from production under FOIA, please provide sufficient identifying information with respect to each allegedly exempt record or portion thereof to allow us to assess the propriety of the claimed exemption. *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). In addition, any reasonably segregable portion of a responsive record must be provided, after redaction of any allegedly exempt material. 5 U.S.C. § 552(b).

For purpose of this request, the term "record" shall mean: (1) any written, printed, or typed material of any kind, including without limitation all correspondence, memoranda, notes, messages, letters, cards, facsimiles, papers, forms, 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, magazine 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; (3) any audio, aural, visual, or video records, recordings, or representations of any kind; (4) any graphic materials and data compilations from which information can be obtained; and (5) any materials using other means of preserving thought or expression.

Peter Schweizer and Government Accountability Institute also hereby requests a waiver of both search and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) and 5 U.S.C. § 552(a)(4)(A)(iii). Government Accountability Institute is entitled to a waiver of search fees under 5 U.S.C. § 552(a)(4)(A)(ii)(II) because it is a member of the news media. See *National Security Archive v. U.S. Department of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). Peter Schweizer, President of the Government Accountability Institute, is also an investigative journalist and writer who works in cooperation with legacy news outlets such as CBS, NBC, and ABC and also major cable news outlets such as CNN and Fox News. Most notable was his cooperation with 60 Minutes in a 2011 investigation examining insider stock trading in Congress. More recently he has worked with 60 Minutes in an investigation of Leadership PACs in Congress. His editorials have appeared in the New York Times, USA Today, Politico, Forbes, Fox News and the Washington Times. Government Accountability Institute regularly obtains information about the operations and activities of government through FOIA and other means, uses its editorial skills to turn this information into distinct works, and publishes and disseminates these works to the public. It intends to do likewise with the records it receives in response to this request.

Government Accountability Institute also is entitled to a complete waiver of both search fees and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Under this provision, records:

Shall be furnished without any charge or at a charge reduced below

the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester. 5 U.S.C. § 552(a)(4)(A)(iii).

In addition, if records are not produced within twenty (20) business days, Government Accountability Institute is entitled to a complete waiver of search and duplication fees under the OPEN Government Act of 2007, Section 6(b).

Government Accountability Institute is a 501(c)(3), not-for-profit, educational organization, and, by definition, it has no commercial purpose. Government Accountability Institute exists to educate the public about the operations and activities of government, and the interface of government with the private sector through investigative and journalistic efforts. The particular records requested herein are sought as part of Government Accountability Institute's ongoing efforts to document the operations and activities of the federal government and to educate the public about these operations and activities. Once Government Accountability Institute obtains the requested records, it intends to analyze them and disseminate the results of its analysis, as well as the records themselves, as a special written report. Government Accountability Institute will also educate the public via radio programs, Government Accountability Institute's website, and/or newsletter, among other outlets. It also will make the records available to other members of the media or researchers upon request. Government Accountability Institute has the ability to disseminate information obtained through FOIA to the public.

Given these circumstances, Government Accountability Institute is entitled to a public interest fee waiver of both search costs and duplication costs. Nonetheless, in the event our request for a waiver of search and/or duplication costs is denied, Government Accountability Institute is willing to pay up to \$350.00 in search and/or duplication costs. Government Accountability Institute requests that it be contacted before any such costs are incurred, in order to prioritize search and duplication efforts.

In an effort to facilitate record production within the statutory time limit, Government Accountability Institute is willing to accept documents in electronic format (e.g. e-mail, pdfs). When necessary, Government Accountability Institute will also accept the "rolling production" of documents.

As part of our effort to examine and investigate transparency the Government Accountability Institute will be comparing, evaluating and reporting the timing and the quality of response as between various governmental and quasi-governmental entities subject to the FOIA. The Government Accountability Institute will also compare and evaluate timing and the quality of response to those made in response to similar request

made by its mainstream media associations with whom the Institute cooperates and communicates on a frequent basis.

If you do not understand this request or any portion thereof, or if you feel you require clarification, please contact the undersigned immediately at stuart.christmas@g-a-i.org. We look forward to receiving the requested documents and a waiver of both search and duplication costs within twenty (20) business days. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Stuart A. Christmas". The signature is written in black ink and extends to the right with a long, thin horizontal stroke.

Stuart A. Christmas
General Counsel
Vice President for Legal Investigations
Government Accountability Institute