

FOIA/PA REQUEST

Case No.: 2015-04570
Date Rec'd: 8/26/2015
Specialist: _____
Related Case: _____

August 25, 2015

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

Re: Freedom of Information Act Request

Dear FOIA officer:

I am making this request under the Freedom Of Information Act ("FOIA"), 5 U.S.C. ' 552. Please provide records that are maintained by the U.S. Nuclear Regulatory Commission or for the agency by a government contractor in any format, including an electronic format. Please provide:

1. Any and all correspondence, memoranda, e-mails, reports, facsimiles, etc., regarding tornado emergency protocols at licensed nuclear power facilities.
2. Any and all correspondence, memoranda, e-mails, reports, facsimiles, etc., regarding the wind speeds and tornado conditions licensed nuclear power faculties are required to withstand.

I request a waiver of all costs associated with fulfilling this submission pursuant to 5 U.S.C. ' 552(a)(4)(A)(iii). Disclosure of the requested records will contribute significantly to public's understanding of the operations or activities of the government and would not be primarily in the commercial interest of POGO. Specifically, POGO intends to use the requested records to highlight for the public the potential of a nuclear incident in which a category 4 or 5 tornado directly hits a nuclear reactor.

I have included this FOIA Fee Waiver Supplement to provide a detailed account of POGO's planned use of the requested information and to fully respond to NRC's fee waiver criteria.

1. The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government."

The NRC regulates 61 commercial power plants in the U.S. totaling 99 nuclear reactors. Some of these plants are in areas that are prone to frequent, strong tornados including many plants in Texas, Kansas, Missouri, Indiana, Arkansas, and Iowa. The meltdown at the Fukashima Daiichi plant in Japan in 2011 forced the evacuation of hundreds of square miles and highlighted the potential danger of natural disasters striking nuclear power facilities. POGO has long been committed to ensuring the safety and security of commercial and defense nuclear facilities. POGO is also focused on increasing the public understanding of the operations or activities of the government with regards to effective management at nuclear facilities.

2. The informative value of the information to be disclosed: Whether the disclosure is “likely to contribute” to an understanding of government operations or activities.

POGO provides a valuable public service by taking an independent look at how the government spends taxpayer dollars and what can be done to make the system more effective, efficient, accountable, and honest. POGO will likely release a publication analyzing the efficacy of the NRC’s tornado safety standards. The publication will build on POGO’s previous publications that seek to inform the public about management at major domestic and military nuclear facilities. All POGO publications include government reports, documents, and other resources to allow the public to better understand how the federal government operates.

POGO has established a niche in informing the general public, either through its own publications and web site or through media outlets, about the issue of nuclear facilities management. POGO has issued reports and offered public comments on this issue, frequently urging Congress and various agencies to embrace efficient nuclear infrastructure management.

3. The contribution to an understanding by the general public of the subject likely to result from the disclosure, taking into account your ability and intent to disseminate the information to the public in a form that can further understanding of the subject matter.

POGO investigates, exposes, and seeks to remedy systemic abuses of power, mismanagement, and subservience by the federal government to powerful special interests. Founded in 1981, POGO is a politically independent, nonprofit watchdog that promotes a government that is accountable to the citizenry. POGO disseminates information about its activities to thousands of concerned citizens, policymakers, and the media via email, direct mail, and its web site <http://www.pogo.org>, the organization’s primary vehicle for disseminating information to concerned citizens and other targeted constituencies. The site receives approximately one million hits and 100,000 unique visitors monthly. In addition, the “POGO Blog” has developed its own readership, averaging roughly 20,000 visitors monthly, allowing us to reach new readers in the blogosphere. The documents provided will be used for the following activities: publication by email, on our website, in reports, and newsletters issued by POGO and disseminated to POGO supporters, the public, the media, nonprofit organizations, Congress, Executive Branch officials, and other policymakers.

4. The significance of the contribution to public understanding: Whether the disclosure is likely to contribute “significantly” to public understanding of government operations or activities.

POGO concludes that these documents will be of interest to the general public. Our hope is that the report will allow us to inform the public about U.S. nuclear power plants, the

performance of those sites, their efforts to prepare for natural disasters, and plans to make such facilities safer, more efficient, and effective.

5. Describe any commercial or private interest the requester or any other party has in the agency records sought.

POGO does not charge for access to its web site, reports, newsletters, or other publications. Additionally, POGO does not have a financial or commercial interest in the report sought by the attached FOIA request.

If this request is denied in full or in part, please cite each exemptions pursuant to 5 U.S.C. ' 552(b) that justifies each denial. If an exemption applies, however, please consider exercising the agency's discretionary release powers to disclose the records. Any such action supports the presumption of "openness" on which FOIA is based upon. Additionally, please release all reasonably segregable portions of the records that do not meet an exemption. 5 U.S.C. ' 552(b).

I look forward to your response, including an individualized tracking number, within 20 days of the receipt of this request, unless, in the case of "unusual circumstances," the time limitation is "extended by written notice." 5 U.S.C. ' 552(a)(6)(B). I am aware that all fees will be waived if specified time limits are not met. 5 U.S.C. ' 552(a)(4)(A)(viii). I have a right to appeal if this request is wholly or partially denied or if the agency fails to respond within 20 days, and that, if successful, a federal district court may assess "reasonable attorney fees and other litigation costs." 5 U.S.C. ' 552(a)(4)(E).

Please contact me if this request requires further clarification. Thank you for your prompt attention to this matter.

Sincerely,

Jacob Marx
Researcher, Project on Government Oversight
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