

From: Samuel Miranda
To: FOIA Resource
Subject: [External_Sender] Freedom of Information Act Request Letter
Date: Thursday, November 02, 2017 2:34:58 PM

Freedom of Information Act Request Letter

Via E-Mail

November 2, 2017

U.S. Nuclear Regulatory Commission
FOIA/Privacy Officer
Washington, DC 20555-0001

FOIA.resource@nrc.gov

Dear Sir or Madam:

Pursuant to the Freedom of Information Act (5 U.S.C. § 552), Samuel Miranda requests that the U.S. Nuclear Regulatory Commission (NRC) produce, within twenty (20) business days, the following information from the NRC e-mail server:

(1) Please supply copies of all e-mail correspondence, including attachments, between Annette Vietti-Cook (Annette.Vietti-Cook@nrc.gov, and NRCExecSec@nrc.gov), and myself (Samuel Miranda, (b) (6)), for the period from July 14, 2017 through July 21, 2017.

(2) Please supply copies of all e-mail correspondence, including attachments, between Michael King (Michael.King2@nrc.gov), and myself (Samuel Miranda, (b) (6)), for the period from September 4, 2017 through September 6, 2017.

I expect that all the requested information will total less than two dozen pages, and could be provided in electronic form. Items that are publicly accessible in ADAMS can be supplied simply by identifying their correspondent ADAMS accession numbers.

If any responsive record or portion thereof is claimed to be exempt from production under FOIA, sufficient identifying information (with respect to each allegedly exempt record or portion thereof) must be provided to allow the assessment of the propriety of the claimed exemption. *Vaugh v. Rosen*, 484 F.2d 820 (D.C. Cir 1973), cert denied, 415 U.S. 977 (1974). Additionally, any reasonably segregable portion of a responsive record must be provided to me after redaction of any all allegedly exempt material, as the law requires.

In order to help you to determine my status for purposes of determining the applicability of any fees, you should know that I am an individual seeking information solely for personal use and not for any commercial use. Furthermore, I am a retired nuclear engineer, with a PE license in mechanical engineering, and more than 40 years of professional experience in nuclear safety analysis and licensing, 25 years of which were in Westinghouse's Nuclear Safety Department, and almost 15 years of which were in the NRC's Office of Nuclear Reactor Regulation, as a Reactor Systems Engineer.

I request a waiver of all fees for this request under the terms of 5 U.S.C. Section 552(a)(4)(A)(iii). Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the NRC's responsibilities and its performance as the nation's regulator of commercial nuclear plants, and is not in my commercial interest. I believe I meet the criteria for a fee waiver recognized by the U.S. Justice Department - in its policy guidance of April 1987 - and by the federal courts, See *Project on Military Procurement v. Department of the Navy*, 710 F. Supp. 362 363, 365 (D.C.D. 1989).

Please take note of the Office of Management and Budget guidelines published March 27, 1987 (52 FR 10012) that include electronic publications and other nontraditional publishers as representatives of the news media. My most recent publication is a peer-reviewed paper in a technical journal. See ICONE24-60472, "Strategies to Prevent Benign Transients from Becoming Serious Accidents", Samuel Miranda, Proceedings of the 2016 24th International Conference on Nuclear Engineering, ICONE24, June 26-30, 2016, Charlotte, North Carolina.

In your deliberations, please take note of the following cases: Campbell v. U.S. Department of Justice, 334 U.S. App. D.C. (1998) (administrative and seemingly repetitious information is not exempt from fee-waiver consideration); Project on Military Procurement (agencies cannot reject a fee waiver based on the assumption that the information sought is covered by a FOIA exemption; and Landmark Legal Foundation v. Internal Revenue Service, 1998 U.S. Dist. LEXIS 21722 (D.C.D. 1998) (the fact that the information will soon be turned over to a public body does not exempt the material from fee-waiver consideration).

I am willing to pay fees up to the amount of \$25. If the fees will exceed this amount, please inform me before fees are incurred. I can be contacted at (b) (6) [redacted], and at (b) (6) [redacted], if necessary to discuss any aspect of this request. I look forward to receiving the requested documents and a full fee waiver within twenty (20) business days.

Thank you for your consideration of this request.

Sincerely,

Samuel Miranda, PE

(b) (6) [redacted]

[redacted]

[redacted]