



1/19/2018

FOIA Officer
Mail Stop T5-F09
Washington, DC 20555-0001
Submitted via email to: FOIA.Resource@nrc.gov

Re: Freedom of Information Act Request

Dear Stephanie Blaney,

As a member of the news media, I am making this request under the Freedom Of Information Act ("FOIA"), 5 U.S.C. § 552. Please provide records that are maintained by your agency or for your agency by a government contractor in any format.

Please provide the following records in a digital format:

1. The studies/reports conducted by the contractor "LinkVisum Consulting Group" for the Office of Enforcement from when it was hired in 2012 to the final study completed in March 2013.
 - a. In these studies/reports, it conducted "benchmarking research on policies and processes to address differences of opinion and alternative views from employees and to identify best practices." The contractor examined at least four other organizations, including NASA, the FAA's ATO, Pfizer, and the FDA's CDER.

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 further 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 the commercial interest" of the requester, the Project On Government Oversight (POGO). Specifically, POGO intends to use the requested records to highlight for the public the ability of government employees and contractors at various agencies to engage in policy dissent and the degree to which they receive legal protections for doing so. These records will also highlight for the public the best practices for how government agencies can encourage open communication and better handle constructive dissent. If the request for a fee waiver is denied, please contact me about any incurred expenses prior to supplying the requested records.

Please see the following fee waiver statements.

The subject of the request:

POGO is requesting records which will inform readers about the existence of various processes for managing disputes regarding agency policies. These studies contributed to recent changes to the NRC's Differing Professional Opinion program, which has a direct impact on the ability of NRC employees to elevate concerns about policies and decisions that they feel are not in the public's best interest.

The informative value of the information to be disclosed:

The information to be disclosed is likely to contribute to an increased public understanding of government activities, as it relates to agency processes and legal protections for employees who voice policy dissent. These records will help the public better understand the working conditions of federal employees and the degree to which certain agencies facilitate and value open communication.

The contribution to an understanding of the subject by the public likely to result from disclosure:

POGO investigates, exposes, and seeks to remedy systemic abuses of power and mismanagement in the federal government. 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 the public, policymakers, and the media via email, direct mail, and its website which receives nearly 70,000 unique views per month. The records provided by your agency will be used for the following activities, which are publicly available: publication by email and on POGO websites; publication in reports and newsletters issued by POGO; publication in the newsletters of affiliated nonprofit organizations; efforts to educate Congress, the Executive Branch, and other policymakers; or in conjunction with other members of the news media.

The significance of the contribution to public understanding:

Disclosure of the records is likely to contribute significantly to the public's understanding of the protections afforded to government employees who disagree with agency policies, the degree to which the NRC followed the best practices recommended by the contractor LinkVisum, and whether there is room for improvement in this area at other federal agencies. Knowledge of these policies can build public confidence in the government's ability to listen to its experts and self-correct when necessary. The requested records are not currently publicly available, and they will bring a unique perspective to the public discussion surrounding government ethics requirements.

The existence and magnitude of a commercial interest:

POGO does not charge for access to its web site, reports, newsletters, or other publications. In addition, we do not directly profit from increased viewership of our website, as it is advertisement-free.

The primary interest in disclosure:

POGO has no financial interest in the requested information as stated above. The primary interest in disclosure is that of the public interest.

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 do not hesitate to call me at (202) 347-1122 to see if I can clarify the request or otherwise expedite and simplify your efforts. Thank you for your prompt attention to this matter.

Sincerely,



Daniel Van Schooten
Investigator
dvanschooten@pogo.org