



FOIA/PA REQUEST

Case No.: 2005-0229
Date Rec'd: 5-6-05
Specialist: Brown
Related Case: _____

Buyers Up • Congress Watch • Critical Mass • Global Trade Watch • Health Research Group • Litigation Group
Joan Claybrook, President

May 6, 2005

Carol Ann Reed, FOIA Officer
U.S. Nuclear Regulatory Commission
Mail Stop T6-D8
Washington, DC 20555-0001
via fax: (301) 415-5130

Re: Freedom of Information Act Request

Dear Ms. Reed:

On behalf of Public Citizen, a national, non-profit consumer advocacy organization with over 150,000 members, I am filing a request pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552, for full and complete copies of all records related to the Commission's decision to release a study by the National Academy of Sciences on the safety and security of commercial spent nuclear fuel storage. This includes, but is not limited to, the Staff Requirements Memorandum, the Commission Voting Record, Commission Voting Sheets, letters, telephone call notes, meeting notes and summaries, memoranda, emails, and other relevant documents.

Pursuant to and in compliance with NRC regulations at 10 CFR 9.41, Public Citizen requests that any searching and copying fees incurred as a result of this search be waived, and provides the following information in response to the eight criteria listed in §9.41(b):

(1) Describe the purpose for which the requester intends to use the requested information;

Public Citizen intends to use the requested information in order to understand and evaluate NRC Commissioners' level of recognition and understanding of, and willingness to comply with, that study's conclusion that "sharing information with the public is essential in a nation with strong democratic traditions for sustaining public confidence in the Commission as an effective regulator of the nuclear industry," and that "security restrictions on sharing of information and analyses are hindering progress in addressing the potential vulnerabilities of spent fuel storage to terrorist attacks."

(2) Explain the extent to which the requester will extract and analyze the substantive content of the agency record;

The substantive content of the agency record will be extracted and analyzed fully.

(3) Describe the nature of the specific activity or research in which the agency records will be used and the specific qualifications the requester possesses to utilize information for the intended use in such a way that it will contribute to public understanding;

The requested information will be used in the context of an ongoing campaign in favor of more openness and transparency on behalf of the NRC, and better procedures for substantive public

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involvement in security-related decisions. As an advocacy organization, Public Citizen has been tracking and analyzing nuclear energy policy for 30 years and has access to a wide range of experts on the matter, both internally and outside the organization.

(4) Describe the likely impact on the public's understanding of the subject as compared to the level of public understanding of the subject before disclosure;

Disclosure will contribute significantly to public understanding of the operations or activities of the United States government in providing an adequate level of protection for public health and safety and its willingness to engage in a transparent decision-making process.

(5) Describe the size and nature of the public to whose understanding a contribution will be made;

Public Citizen has a membership of over 150,000 nation-wide; the information will be distributed to our membership, the public, Congress, local officials, and the media.

(6) Describe the intended means of dissemination to the general public;

Public Citizen intends to publish the information we receive pursuant to this FOIA request in press releases, fact sheets, letters, and articles through our website, email lists, newsletters, and in print.

(7) Indicate if public access to information will be provided free of charge or provided for an access fee or publication fee; and

Public Citizen will provide the information free of charge on our website, www.citizen.org, as well as via email lists.

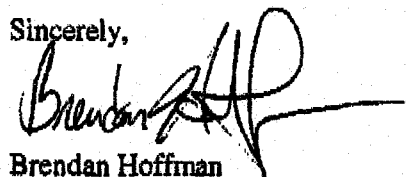
(8) Describe any commercial or private interest the requester or any other party has in the agency records sought.

None; Public Citizen is a non-profit 501(c)3 and 501(c)4 organization.

Please provide the records described above irrespective of the outcome of your evaluation of our fee waiver request. In order to prevent delay in NRC's provision of the requested records, Public Citizen will pay fees under protest if necessary, but such payment will not constitute any waiver of Public Citizen's right to seek administrative or judicial review of any denial of its fee waiver request. Please obtain my approval, however, before undertaking any action that would cause the fee to exceed \$100.

I will expect a response within 20 working days as provided by law. If this request is denied in whole or in part, I expect a detailed justification for withholding the records. I also request any segregable portions that are not exempt to be disclosed. Please feel free to contact me with any further questions regarding this request. I can be reached at (202) 454-5130.

Sincerely,



Brendan Hoffman
Organizer, Nuclear Energy
Critical Mass Energy and Environment Program