

**FOIA/PA REQUEST**

Case No.
Date Rec'd:
Specialist:
Related Case:

2007-0293
8-13-07
WINTER

Alicia M. Novak

Direct Line: 617-439-2864

Fax: 617-310-9864

E-mail: anovak@nutter.com

August 10, 2007
22469-5

By Facsimile (301-415-5130) & U.S. First Class Mail

Freedom of Information Act Officer
U.S. Nuclear Regulatory Commission
Mail Stop T5-F11
Washington, DC 20555-0001

Re: Freedom of Information Act Request

Dear Sir or Madam:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 *et seq.*, and the Nuclear Regulatory Commission's ("NRC") FOIA regulations at 10 CFR Part 9, and on behalf of Whittaker Corporation, I write to request copies of the following documents:

- Any and all documents or information concerning the Nuclear Energy Liability Policy No. NF-44 (the "Policy"), issued on August 1, 1958 by the Nuclear Energy Liability Insurance Association ("NELIA"), now American Nuclear Insurers ("ANI"), and/or any endorsements thereto, including but not limited to any documents concerning communications between NELIA and/or ANI and the NRC or Atomic Energy Commission with respect to a 1990 amendatory endorsement ("NE-72 (1/1/90)") to the Policy;
- Any and all documents or information concerning the drafting, meaning and/or revising of the forms or form language included in liability insurance policies (including "Facility Form Policies") issued by ANI or NELIA, including their endorsements, since 1957, following the enactment of the Price-Anderson Act, Section 170 of the Atomic Energy Act, to the present; and
- Any and all documents or information concerning the current membership of ANI, including any subscribing members, non-subscribing members and/or member reinsurers.

The word "documents" should be construed broadly to include transcripts of testimony, telephone log entries, notations of conversations, meeting notes, letters, memoranda, electronic mail messages, facsimile cover sheets and transmitted documents, calendar entries, etc. Please be sure to include notes from the NRC staff reflecting meetings, telephone conversations or



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other contacts with NELIA, ANI, other insurers or reinsurers, or representatives of the nuclear industry.

Once the materials are collected, please call me to discuss the logistics of copying and producing the requested documents. In the event that any of the requested information is not disclosable in its entirety, please release any separable material. With respect to those documents or portions thereof that are determined to be exempt from disclosure, please clearly identify the legal and factual grounds for withholding those documents or portions of documents.

We would greatly appreciate a prompt response to this request, and look forward to your response within 20 working days after the receipt of this request, as required by 10 CFR § 9.25. Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Alicia M. Novak', with a long horizontal flourish extending to the right.

Alicia M. Novak

NUTTER, MCCLENNEN & FISH, LLP

WORLD TRADE CENTER WEST

155 Seaport Boulevard

Boston, MA 02210-2699

Telephone: 617 439-2000 Main Facsimile: 617 310-9000

FACSIMILE TRANSMITTAL SHEET

Including this transmittal sheet, document consists of 03 pages.

Today's Date: Friday, August 10, 2007 5:01:12 PM

RECIPIENT INFORMATION:

TO: Freedom of Information Act Officer FIRM:

FACSIMILE NUMBER: 301-415-5130

SENDER'S INFORMATION:

FROM: Judy McGurk

VOICE NUMBER: 617-439-2074 FACSIMILE NUMBER: 617-310-9074

COMMENTS:

STATEMENT OF CONFIDENTIALITY

The documents included with this facsimile transmittal sheet contain information from the law firm of Nutter, McClennen & Fish, LLP which is confidential and/or privileged. This information is intended to be for the use of the addressee named on this transmittal sheet. If you are not the addressee, note that any disclosure, photocopying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone (collect) immediately so that we can arrange for the retrieval of the original documents at no cost to you.

IF THERE IS A PROBLEM WITH THIS TRANSMISSION, OR IF YOU DID NOT RECEIVE ALL PAGES, PLEASE CALL 617 439-2415 AS SOON AS POSSIBLE.

Client: 0022469 Matter: 00005