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FOIA/PA REQUEST

Case No.: 2011-0140
Date Rec'd: 3-23-11
Specialist: Raphael
Related Case: _____

March 23, 2011

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

Delivered by facsimile to 301-415-5130 and by e-mail to FOIA.resource@nrc.gov

Re: FOIA request from msnbc.com, No. 005

Dear FOIA/Privacy Officer,

Msnbc.com, the news organization, makes this request for Nuclear Regulatory Commission agency records, pursuant to the federal Freedom of Information Act ("FOIA"), 5 U.S.C. s. 552.

Our organization, msnbc.com, is an online news organization with one of the largest online audiences, a joint venture of NBCUniversal and Microsoft, and headquartered in Redmond, Wash. (The web site is a separate company from MSNBC, the television channel, which is owned by NBCUniversal and headquartered in New York.)

The records requested are:

All e-mail or electronic messages sent or received, including any attachments thereto (spreadsheets, word processing documents, forwarded e-mail, photographs, PowerPoint presentations, etc.), whether sent internally or externally, from 12:00 a.m. ET on Friday, March 11, 2011, through 11:59 p.m. ET on Friday, March 18, 2011, by any of the following 23 NRC personnel:

Margaret M. Doane, director, Office of International Programs
R. William Borchardt, executive director for operations
 Martin J. Virgilio, deputy executive director for reactor and preparedness programs
William (Bill) Dean, regional administrator, Region I
Victor McRee, regional administrator, Region II
Mark A. Satorius, regional administrator, Region III
Elmo E. Collins Jr., regional administrator, Region IV
Brian McDermott, director, Division of Preparedness and Response
 Scott Morris, deputy director for incident response
 Jane Marshall, chief, coordination branch
 William Gott, chief, operations branch
 Christopher Miller, deputy director for emergency preparedness
 Kevin Williams, chief, New Reactor Licensing Branch
 Joseph Anderson, chief, Operating Reactor Licensing and Outreach Branch
 Robert Kahler, chief, Inspection and Regulatory Improvements Branch

In the Office of Nuclear Reactor Regulation:

Bruce Boger, deputy director for reactor safety programs
John Grobe, deputy director for engineering and corporate support
William Ruland, director, Division of Safety Systems
Michele Evans, director, Division of Component Integrity
Michael Cheok, acting director, Division of Risk Assessment

In the Office of Nuclear Regulatory Research:

Jennifer Uhle, deputy director
Kevin Coyne, chief, Probabilistic Risk Assessment Branch
Catherine Haney, director, Office of Nuclear Material Safety and Safeguards

These agency records are electronic records, or data, requested in electronic form, such as in a plain ASCII text file on a CD-ROM. Copying costs should therefore be negligible. Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities.

Because this request involves information about governmental activity, and the request is made by a person primarily engaged in disseminating information to the public, I ask that this request be processed on an expedited basis.

If it is your position that any portion of the requested records is exempt from disclosure, I request that you provide it with an index of those documents, as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1972). As you are aware, a Vaughn index must describe each document claimed as exempt with sufficient specificity "to permit a reasoned judgment as to whether the material is actually exempt under FOIA." *Founding Church of Scientology v. Bell*, 603 F.2d 945, 959 (D.C. Cir. 1979). Moreover, the Vaughn index must "describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of supplying the sought-after information." *King v. U.S. Department of Justice*, 830 F.2d 210, 223-24 (D.C. Cir. 1987). In the event that some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable, non-exempt portions of the requested records. See 5 U.S.C. §552(b). If it is your position that a document contains non-exempt segments and that those non-exempt segments are so dispersed throughout the documents as to make segregation impossible, please state what portion of the document is non-exempt and how the material is dispersed through the document. *Mead Data Central v. U.S. Department of the Air Force*, 455 F.2d 242, 261 (D.C. Cir. 1977). Claims of non-segregability must be made with the same detail as required for claims of exemption in a Vaughn index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

I look forward to your reply within 10 business days, as the statute requires.

Very truly yours,

A handwritten signature in black ink that reads "Bill Dedman". The signature is written in a cursive, flowing style.

Bill Dedman

FOIA Resource

From: Bill Dedman [Bill.Dedman@msnbc.com]
Sent: Wednesday, March 23, 2011 10:52 AM
To: FOIA Resource
Subject: FOIA msnbc.com request 5 e-mail staff
Attachments: msnbc.com request 5 e-mail staff.doc

FOIA/Privacy officer,

Attached please see a FOIA request from msnbc.com, No. 5 of 6 sent today.

Regards,

Bill Dedman

 **msnbc.com**

Bill Dedman | investigative reporter
msnbc.com, the news site, a joint venture of NBC and Microsoft

bill.dedman@msnbc.com

archive of stories and videos: <http://dedman.msnbc.com>

blog: <http://OpenChannel.msnbc.com>

on Twitter: <http://twitter.com/bilddedman>

on Facebook: <http://www.facebook.com/investigative.reporter>

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 **breakingnews.com**

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