

December 1, 2009

Mr. Alexander Morris
Chief Officer of Freedom of Information and Publication Services
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585
BY EMAIL: alexander.morris@hq.doe.gov

FREEDOM OF INFORMATION ACT REQUEST

Mr. Morris:

Pursuant to the Freedom of Information Act (FOIA), USC 552, Beyond Nuclear hereby requests from the Department of Energy (DOE) information for the subject matter described as follows. This request covers but is not limited to all calendars and schedules, draft and final reports, correspondence, memoranda, handwritten notes, records of telephone contacts, receipts, electronic communications including fax transmissions and Email, or otherwise written records, whether in paper or computer files, preserved via the use of any medium (e.g., paper documents, final notes, or word processors or computer discs, diskettes, hard drives, or network systems.) In addition, this request includes studies, photographs (print and digital) analyses, work papers, internal or external communications of any sort, testimony, press releases, reports, memoranda or the like concerning, recording, or in any way related to:

- 1) All communications to and from Mr. William Magwood IV during his tenure at the Department of Energy (DOE) and Mr. Marvin Fertel at the Nuclear Energy Institute (NEI);**
- 2) All communications to and from Mr. William Magwood IV during his tenure at DOE to other staff at DOE, or other federal agencies, that reference meetings and communications with Mr. Marvin Fertel at NEI.**
- 3) All communications to and from Mr. William Magwood IV during his tenure as Director of the DOE Nuclear Energy Office and Mr. Marvin Fertel during his tenure as Vice President at the Nuclear Energy Institute, including about regular breakfast meetings between Mr. Magwood and Mr. Fertel, and the contents of those meetings.**

Pursuant to this request, please provide all documents and communications prepared or utilized by, in the possession of, or routed through the DOE related to items 1-3 above.

For any portion of the request that you deem appropriate to deny, Beyond Nuclear requests that you describe the information that is denied, identify the exception to the FOIA on which you rely, and explain how that exception applies to the withheld information.

Pursuant to federal regulations at 10 CFR 9.41, Beyond Nuclear 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 Section 9.41(b):

1) Purpose of request:

The purpose of the request is to gather information on **promotional** interactions, communications, and meetings between Mr. Magwood of DOE and Mr. Fertel of NEI, and/or their respective staff persons. The requested information is currently not publicly available through the agency's public document room.

2) Extent to which Beyond Nuclear will extract and analyze the substantive content of the records:

Beyond Nuclear is qualified to make use of the requested information. The staff has demonstrated the ability to interpret information and communicate that information in a form comprehensible to the general public. Beyond Nuclear staff is quoted as a reliable source of information on nuclear issues in newspapers and magazines across the country, including the *New York Times*, *Washington Post*, *Los Angeles Times*, *Chicago Tribune*, *Newsweek*, and many others. Beyond Nuclear staff is frequently quoted in electronic as well print media resources, and is also published in journals of national repute.

Beyond Nuclear has a working relationship with attorneys, experts on transparency in government, nuclear engineers and other respected professionals who contribute to a fuller understanding of the influence of the nuclear power industry upon, and its involvement in, federal policy making and regulatory decision making.

3) Nature of the specific activity or research in which the records will be used and Beyond Nuclear qualifications to utilize the information for the intended use in such a way that it will contribute to public understanding:

Beyond Nuclear seeks the requested information solely to contribute to and help shape the public debate on the influence of the nuclear power industry upon, and its involvement in, federal policy making and regulatory decision making. Beyond Nuclear intends to use the information in order to advance the concerns for public understanding of transparency in government, or lack thereof.

4) Likely impact on the public understanding of the subject as compared to the level of understanding of the subject prior to disclosure:

The public understanding of the influence of the nuclear power industry upon, and its involvement in promotional activity in federal policy making and regulatory decision making, will be enhanced by the contribution of this information.

5) Size and nature of the public to whose understanding a contribution will be made:

Beyond Nuclear has a membership of over 5,000 throughout the United States. 8,000 additional members periodically receive mailings from Beyond Nuclear. Beyond Nuclear provides resource material to electronic and print media outlets with very broad outreach to our constituency and interested public. Additionally, Beyond Nuclear has a web site (www.beyondnuclear.org) where postings on this issue will be made available.

6) Means of distribution of the requested information:

Beyond Nuclear will use its own newsletter publication resources and our media contacts in both the electronic and print media outlets to provide very broad outreach to the public. Beyond Nuclear will also share information with other interested parties concerned about the influence of the nuclear power industry upon, and its involvement in promotional activity in federal policy making and regulatory decision making. Additionally, Beyond Nuclear will post information on its web site (www.beyondnuclear.org).

7) Whether free access to information will be provided:

Beyond Nuclear will provide the information without charge to all members of the public. Information prepared from the FOIA requested will be posted on the web site for downloading free of charge. Beyond Nuclear will also provide a copy of information to all interested parties without charge.

8) No commercial interest by Beyond Nuclear or any other party:

Beyond Nuclear has no commercial interest in obtaining the requested information. This information is provided to all public requests without charge. The sole interest of Beyond Nuclear is to promote a policy debate on the influence of the nuclear power industry upon, and its involvement in promotional activity in federal policy making and regulatory decision making.

Sincerely,

Kevin Kamps
Beyond Nuclear
6930 Carroll Avenue Suite 400
Takoma Park, MD 20912
Tel. 301 270 2209

<http://www.beyondnuclear.org>
kevin@beyondnuclear.org