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June 12, 2018

FOIA Officer
Mail Stop T-2 F43
U.S. Nuclear Regulatory Commission
Washington, DC 20555
Posted to FOIAonline

Re: Freedom of Information Act Request (minutes, exhibits, briefing documents, slideshows distributed and/or presented at the *public* and *nonpublic* portions of the June 7, 2018 joint meeting of the Commissioners of the Federal Energy Regulatory Commission and the Nuclear Regulatory Commission)

Dear FOIA Officer:

On behalf of Beyond Nuclear (BN), Don't Waste Michigan (DWM), Sierra Club, and Public Citizen (collectively referred to as "Requesting Parties"), and pursuant to the Freedom of Information Act (5 U.S.C. § 552 *et seq.*) and Nuclear Regulatory Commission FOIA regulations (10 C.F.R. Part 9), I hereby request that certain documents and things both generated in contemplation of, and actually presented, exchanged and/or distributed at both the *public* and *nonpublic* portions of the June 7, 2018 joint meeting of the Commissioners of the Federal Energy Regulatory Commission (FERC) and the Commissioners of the NRC (NRC) ("Joint Meeting") be released to us as public records.

Accordingly, pursuant to FOIA, we hereby request that the NRC provide us with copies of minutes kept, exhibits, notes kept, briefing documents, slideshows and other things produced in contemplation of the *public* and *nonpublic* portions of the Joint Meeting and/or actually distributed at, generated by, or presented at the *public* and *nonpublic* portions of the Joint Meeting.

1. Document request

The Requesting Parties specifically request the following documents be released by the NRC:

- Any and all minutes generated as a result of, notes kept by any employee of the NRC, briefing documents, exhibits, slideshows and any other thing written or produced by, received or exchanged by the NRC Staff and NRC Commissioners with the FERC Commissioners and Staff

from the *nonpublic portion of the Joint Meeting* (a/k/a known as “Part 2” of the meeting) convened on June 7, 2018 at the Federal Energy Regulatory Commission between NRC and FERC Commissioners and associated staff. The purpose of the public part of the meeting was to discuss electrical grid resilience and security of nuclear and other types of power generating plants. The nonpublic meeting followed the public session.

- Any and all minutes generated as a result of, notes kept by any employee of the NRC, briefing documents, exhibits, slideshows and any other thing written or produced by, received or exchanged by the NRC Staff and NRC Commissioners with the FERC Commissioners and Staff from the *public portion of the Joint Meeting* convened on June 7, 2018 at the Federal Energy Regulatory Commission between NRC and FERC Commissioners and associated staff. The purpose of the public part of the meeting was to discuss electrical grid resilience and security of nuclear and other types of power generating plants.

- All preliminary or early drafts of any documents, slideshows or other things compiled for, exchanged during or distributed at the *nonpublic* meeting, regardless of the date of compilation and regardless of whether they were exchanged or distributed at the nonpublic meeting.

- A continuing request that any prospective documents and things that will be generated as a result of the *nonpublic* meeting for exchange by and between the Commissioners of the NRC and FERC and/or Staff personnel on any subjects of the aforesaid nonpublic meeting, or to supplement or follow up topics discussed at that meeting, be made available to Requesting Parties and the public as a matter of course. It is important that this information be disclosed for the public to gain a better understanding of any federal economic assistance and/or changes in nuclear power plant safety regulations, and/or any other regulatory practices under consideration relative to nuclear and/or coal-fired electric power plants.

We ask that all documents requested in this letter be provided, if possible, in electronic/digital format.

As required by FOIA, responsive documents should be produced in their entirety if their content is non-exempt pursuant to FOIA. Also, as required by FOIA and 10 C.F.R. § 9.19, documents containing exempt information must be redacted to disclose all non-exempt material. NRC may withhold only those limited portions that are exempt from disclosure under FOIA.

2. Fee waiver request

Pursuant to 10 C.F.R. § 9.41, the Requesting Parties ask that any searching and copying fees incurred as a result of this search be waived because each of the Requesting Parties satisfies the NRC’s criteria in 10 C.F.R. § 9.41(b) for a fee waiver.

The Requesting Parties seek the requested information as part of their respective investigations of the economic assistance (a/k/a “bailout”) plans, and possible efforts to roll back safety regulation of commercial nuclear power plants that are proposed by the Department of Energy, the Federal Energy Regulatory Commission and/or Nuclear Regulatory Commission.

The Requesting Parties intend to analyze, publicly comment upon and/or to formally litigate these matters. The requested information will assist the Requesting Parties in deciding what steps to take relative to any proposed bailout and/or changes in nuclear safety regulation. The availability of the documents under the auspices of FOIA will further enable the Requesting Parties, if need be, to seek public disclosure under FOIA of any redacted information. Provision of the requested items to the public will promote the public interest in preserving due process in possible administrative or other legal proceedings, and enhance the safety and environmental protection aims of the Atomic Energy Act and NRC regulations and procedures. The information further will enhance the Requesting Parties' and their members' understandings of proposed subsidies under § 202(c) of the Federal Power Act and FERC's powers thereunder; subsidy actions taken under the 1950 Defense Production Act (DPA) and in the requisite Congressional appropriations process; and the needed legislative or administrative steps for provision of utility subsidies under the Fixing America's Surface Transportation (FAST) Act.

If this information is not made available pursuant to FOIA, the Requesting Parties and their members, and members of the public, will be disadvantaged from participating fully in the making of several obviously important national decisions.

DOE, NRC and FERC have stated that the provision of economic bailouts to nuclear and coal utility companies, and a need to relax safety regulation of nuclear power plants, are matters of grave national concern and might even constitute a "national emergency." The Requesting Parties accordingly intend to make all information retrieved pursuant to FOIA freely available to the public, without charge, through bulletins to their members and the public to cause informed participation in the administrative and legislative processes to follow. DWM, Beyond Nuclear, Public Citizen and the Sierra Club are all nonprofit corporations engaged in environmental advocacy and communication, as well as providing information to citizens interested in participating in decisionmaking processes. They have no commercial interest in this FOIA request.

3. Request for expedited consideration

Pursuant to 10 C.F.R. § 9.25(e), the Requesting Parties ask that there be expedited consideration of this FOIA request because there is a compelling need for prompt disclosure of the requested information. The information requested is essential for the Requesting Parties to undertake investigations, make the information publicly available, and to decide whether to prepare to litigate the administrative or legislative outcomes of economic bailout subsidies. Taken as a whole, these circumstances comprise a compelling need for immediate disclosure of the requested information. We therefore request timely processing of the within requests.

We look forward to receiving your response as quickly as possible on an expedited basis. If you have any questions, please contact me via phone or email as indicated on the letterhead.

Thank you for your prompt attention to this letter.

Sincerely,

/s/ Terry J. Lodge

Terry J. Lodge
Counsel for Beyond Nuclear
and Don't Waste Michigan

/s/ Wallace L. Taylor

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CERTIFICATION OF NEED FOR EXPEDITED PROCESSING

I, Terry J. Lodge, certify that the statements in this letter regarding the need of the respective Requesting Parties and their members and the general public to have the requested information in order to participate meaningfully in public discourse and potential formal administrative, legislative, and/or court proceedings are true and correct to the best of my knowledge. Further, I certify that in my judgment, these circumstances establish a compelling need for immediate disclosure of the requested information.

Sincerely,

June 12, 2018

/s/ Terry J. Lodge

Terry J. Lodge, Esq.
Counsel for Beyond Nuclear
and Don't Waste Michigan