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Turner Environmental Law Clinic

March 25, 2010

VIA U.S. MAIL AND FACSIMILE

FOIA Officer
U.S. Department of Energy
1000 Independence Ave., SW
Washington, D.C. 20585
By Fax to: (202)586-0575

Re: Freedom of Information Act (“FOIA”) Request

Dear Sir or Madam:

On behalf of Southern Alliance for Clean Energy (“SACE”), and pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and Department of Energy (“DOE”) regulations, 10 C.F.R. Part 1004, we respectfully request the following records that are related to the DOE’s Loan Guarantee Program for new nuclear power reactors, as described at 72 Fed. Reg. 60,116 (Oct. 23, 2007).

- 1) The Part I and Part II applications received by DOE for the Vogtle Electric Generating Plant (“VEGP”) in Burke County, Georgia.
- 2) All records concerning the VEGP loan guarantee application including all correspondence between DOE and Southern Nuclear Operating Company, Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, or the City of Dalton, Georgia (collectively, “SNC”).
- 3) All records related to any environmental critique or evaluation prepared by DOE in regards to the VEGP loan guarantee application, including but not limited to:
 - a. All records containing an evaluation of the potential environmental impacts of VEGP;
 - b. All records related to the process and/or objective criteria used by DOE in its critique or evaluation;
 - c. All correspondence regarding any environmental critique or evaluation between the DOE and SNC;

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- d. All records pertaining to any conclusions drawn and/or recommendations made by DOE as the result of an environmental critique, including the basis or bases for those conclusions and/or recommendations.
- 4) All records regarding the involvement of the DOE's Credit Review Board with the submitted VEGP loan guarantee application.
- 5) All records related to the use of union labor in connection with VEGP application for a loan guarantee, including all records concerning the use of union labor as a condition, criteria, prerequisite, or factor in DOE's decision to award a loan guarantee.
- 6) All records pertaining to the issuance to SNC of a term sheet, or the drafting of any final or proposed term sheet for SNC, that sets forth the general terms and conditions under which DOE may issue a loan guarantee to VEGP.
- 7) All records pertaining to the issuance of a loan guarantee to VEGP, including but not limited to:
 - a. All records related to the process and/or objective criteria used by DOE in its evaluation;
 - b. All records pertaining to DOE's evaluation or the relative strengths and/or weaknesses of VEGP applications.

For the purposes of this request, the term "record" means: (1) any written, printed, or typed material of any kind, including without limitation all correspondence, memoranda, notes, messages, letters, cards, telegrams, teletypes, facsimiles, papers, forms, records, telephone messages, diaries, schedules, calendars, chronological data, minutes, books, reports, charts, lists, ledgers, invoices, worksheets, receipts, returns, computer printouts, printed matter, prospectuses, statements, checks, statistics, surveys, affidavits, contracts, agreements, transcripts, magazines, newspaper articles, or press releases; (2) any electronically, magnetically, or mechanically stored material of any kind, including without limitation all electronic mail or e-mail, meaning electronically transmitted text or graphic communication created upon and transmitted or received by any computer or other electronic device, and all materials stored on compact disk, computer disk, diskette, hard drive, server, or tape; (3) any audio, aural, visual, or video records, recordings, or representations of any kind, including without limitation all cassette tapes, compact disks, digital video disks, microfiche, microfilm, motion pictures, pictures, photographs, or videotapes; (4) any graphic materials and data compilations from which information can be obtained; (5) any materials using other means of preserving thought or expression; and (6) any tangible things from which data or information can be obtained, processed, recorded, or transcribed. The term "record" also includes any drafts, alterations, amendments, changes, or modifications of to any of the foregoing.

If it is your position that records exist that are responsive to this request, but that those records (or portions of those records) are exempt from disclosure pursuant to 10 C.F.R. § 1004.10, please identify the records that are being withheld and state the basis for the denial

for each record (or portion) being withheld. In addition, please provide the non-exempt portions of the records.

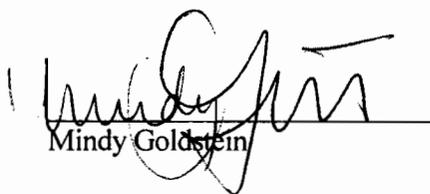
Request for Waiver of Fees

SACE hereby requests that all fees in connection with this FOIA request be waived in accordance with 10 C.F.R. § 1004.9(a)(8), which states, “[t]he DOE will furnish documents without charge or at reduced charges if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and disclosure is not primarily in the commercial interest of the requester.” SACE qualifies because the requested documents will significantly contribute to the public’s understanding of the operations and activities of the DOE by illuminating the process and criteria used by DOE to select recipients of loan guarantees. The materials will not be used for SACE’s commercial use or gain.

SACE is a non-profit, non-partisan environmental advocacy organization operating throughout the Southeast. The mission of SACE is to educate the public and promote the use of clean energy in order to protect the quality of life in the Southeast and to preserve its natural resources. SACE intends to use the requested information in furtherance of its goal in educating the public on the risks associated with nuclear energy and DOE processes employed to determine awards of loan guarantees. SACE will disseminate the disclosed information to the public through its website—www.cleanenergy.org—media campaign, educational programs, and events through the community.

SACE requests a waiver of all fees for locating and duplicating the requested records. If, however, a waiver is not granted, then please advise SACE of the amount of any proposed search, review, and reproduction charges before those activities are carried out. SACE expects a response within ten (10) working days, as provided by 10 C.F.R. § 1004.5(d). If you have any questions regarding this request, please contact Rick Kincheloe or Mindy Goldstein at magolds@emory.edu or (404)727-3432.

Sincerely,


Mindy Goldstein


Rick Kincheloe