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UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10

11 MICHAEL J. AGUIRRE,  
12 Plaintiff,

13 v.

14 UNITED STATES NUCLEAR  
REGULATORY COMMISSION, and  
15 DOES 1 to 10, inclusive,

16 Defendants.

Case No. '19CV1102 W MSB

**COMPLAINT FOR DECLARATORY  
JUDGMENT; PRODUCTION OF  
FREEDOM OF INFORMATION  
(FOIA) RECORDS**

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**INTRODUCTION**

1  
2 Plaintiff MICHAEL J. AGUIRRE, for his complaint against Defendant  
3 UNITED STATES NUCLEAR REGULATORY COMMISSION (NRC), alleges as  
4 follows:

5 1. This is an action under the Freedom of Information Act (FOIA), 5  
6 U.S.C. § 552, to compel production of Plaintiff’s FOIA requests to the NRC.  
7 Specifically, this action challenges the NRC and its contractors’ decision to  
8 postpone and deny production of the FOIA records sought by Plaintiff. The NRC  
9 improperly empowered the nuclear waste owner it is charged with regulating to  
10 make the decision as to what records, if any, will be produced by the NRC in  
11 response to Plaintiff’s FOIA requests.

12 2. The NRC is a federal agency charged with the duty to continuously  
13 inspect nuclear power plants and enforce safety regulations to ensure people and the  
14 environment are adequately protected from uses of radioactive material. As a  
15 federal agency, the NRC is also charged with the duty to comply with record  
16 production laws under FOIA.

17 3. One nuclear site the NRC is charged with overseeing is a site that  
18 stores 3.6 million pounds of nuclear waste on a beach in San Diego, California.  
19 That site is the location of a decommissioned nuclear power plant, San Onofre  
20 Nuclear Generating Station (San Onofre), owned and operated by an investor-  
21 owned electric utility.

22 4. There is a legitimate public concern that coastal flooding and erosion  
23 hazards will degrade the containers holding the spent nuclear fuel, making them  
24 unsafe to transport to a safer location. At this site, there are 2,668 spent fuel  
25 assemblies loaded into storage canisters being transferred from spent fuel pools to a  
26 bunker buried on the edge of the Pacific Ocean in San Onofre:

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Nuclear Fuel Assemblies



Nuclear Fuel Pool



Nuclear Waste Site

5. The NRC’s repeated failure to address the nuclear waste owner’s clear pattern of safety violations shows the NRC, the purported independent federal agency charged with enforcing safety regulations and informing the public, has been captured by the nuclear waste it is supposed to regulate.

6. There is a profound public interest in learning whether the NRC is abdicating its FOIA responsibilities by transferring to a nuclear waste owner within its regulatory jurisdiction the control to decide what records, if any, should be produced under the FOIA to the Plaintiff, as detailed in this operative complaint.

**JURISDICTION AND VENUE**

7. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 because this action arises under the laws of the United States: 5 U.S.C. § 552.

8. This Court also enjoys jurisdiction pursuant to 5 U.S.C. § 552(a)(4)(B), under which, “the district court of the United States in the district in which the complainant resides, or has his principal place of business... has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant” because, among other things, Plaintiff lives in this District.

9. Venue is proper in this District pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1931 because, among other things, Plaintiff’s principal place of business is in this District.

**PARTIES**

10. Plaintiff MICHAEL AGUIRRE is a resident of this District and is an attorney at the law firm AGUIRRE & SEVERSON, LLP, which is his principal

1 place of business at 501 West Broadway, Suite 1050, San Diego, California 92101.  
2 Plaintiff brings this action in his personal capacity as a certified fraud examiner and  
3 former elected official with a strong personal interest in open government that  
4 operates transparently as to its conduct and records.

5 11. Defendant United States Nuclear Regulatory Commission (NRC) has  
6 the records Plaintiff requested.

7 **STANDARD OF JUDICIAL REVIEW IN FOIA CASES**

8 12. FOIA provides a statutory basis for citizens to request documents from  
9 the federal governments and its various departments, agencies and/or officers. *See*  
10 *generally* 5 U.S.C. § 552 *et seq.*

11 13. The Supreme Court has explained: “Without question, the Act is  
12 broadly conceived. It seeks to permit access to official information long-shielded  
13 unnecessarily from public view and attempts to create a judicially enforceable  
14 public right to secure such information from possibly unwilling official hands.”  
15 *EPA v. Mink*, 410 U.S. 73, 80 (1973); *See also U.S. Dep’t of Justice v. Reports*  
16 *Comm. for Freedom of the Press*, 489 U.S. 749, 754 (1989) (FOIA embodies “a  
17 general philosophy of full agency disclosure.”).

18 14. Therefore, FOIA serves to “pierce the veil of administrative secrecy  
19 and to open agency action to the light of public scrutiny.” *Dep’t of the Air Force v.*  
20 *Rose*, 425 U.S. 352, 361 (1976). The policy embodied by FOIA “is to ensure an  
21 informed citizenry, vital to the functioning of a democratic society, needed to check  
22 against corruption and to hold the governors accountable to the governed.” *NLRB v.*  
23 *Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978).

24 15. A district court’s review of a government agency’s decision to  
25 withhold documents requested under FOIA is *de novo*, and the burden is on the  
26 agency to justify its actions of nondisclosure. *See* 5 U.S.C. § 552(a)(4)(B);  
27 *Kreindler v. Department of Navy*, 363 F. Supp. 611, 613 (D.C.N.Y. 1973).

28 ///





1 provisions of the FOIA, the NRC must determine whether the records,  
2 or any portions of the records, should be withheld from public  
disclosure.

3 The NRC must determine which portion(s) of the records, if any,  
4 should be withheld from public disclosure under exemption 4 of the  
5 FOIA, 5 U.S.C. § 552(b)(4), and 10 CFR 9.17(a)(4), because they  
6 contain trade secret or confidential commercial or financial  
information ("proprietary information"). We need information from  
you to assist us in determining whether any information contained in  
these records falls within FOIA exemption 4.

7 In addition, as the records originated with you, we are soliciting your  
8 comments on whether any portions of these records should be  
9 considered critical energy/electric infrastructure information (CEII).  
10 The NRC and the Federal Energy Regulatory Commission (FERC)  
11 have entered into a Memorandum of Understanding (MOU) regarding  
12 the treatment of CEII (<https://www.nrc.gov/docs/ML1816/ML18164A182.pdf>). Any information designated by FERC as CEII would  
be exempt from disclosure under exemption 3 of the FOIA, 5 U.S.C. §  
552(b)(3), pursuant to Section 215A of Part II of the Federal Power  
Act, 16 U.S.C. § 8240-1.

13 You may either "mark" electronically (by using Adobe's highlight or  
14 comment functionality), or provide a separate narrative identifying any  
15 portions that your company believes should be withheld (e.g., by  
16 page, section, or paragraph). However, please make sure that you  
17 clearly identify which portions your company treats as proprietary, and  
which portions you believe should be considered CEII. Please return to  
me your marked copy, or narrative, along with the answers to the  
following questions in sufficient explanatory detail to permit the NRC  
to make a determination. If you do not object to the disclosure of the  
records, you need not answer the questions below.

18 If you believe any of the information in the enclosed records should be  
19 treated as proprietary, please answer the following questions:

20 1. Was the information transmitted to, and received by, the NRG in  
21 confidence? Please give details as to the circumstances in which the  
NRG obtained this information.

22 2. To the best of your knowledge, is the information currently  
available in any public sources?

23 3. Does your company customarily treat this information, or this type  
24 of information, as confidential? Please explain why.

25 4. Would public disclosure of this information be likely to cause  
26 substantial harm to the competitive position of your company? If so,  
how?

27 5. Since this information was transmitted to the NRG, have any events  
28 altered the proprietary character of the information? If so, please  
explain.



1 If you believe any of the information in the enclosed records should be  
2 considered CEII, please answer the following two questions:

- 3 1. Why do you believe the information should be considered CEII?  
4 2. How long do you believe the information should be considered  
5 CEII?

6 We will consider carefully the response you provide to us. If the NRG  
7 determines that any information that your company identified in  
8 response to this letter should be disclosed, we will notify you of our  
9 determination, including a description of the information to be  
10 disclosed, the reason(s) for the NRC's determination, and the date by  
11 which the information will be made available to the public. 10 CFR  
12 9.28(c).

13 Please provide your response to **Tina Ennis** no later than **April 10,**  
14 **2019.** If we have not heard from you by this date, you will be  
15 considered to have no objection to disclosure of any of the records. **We**  
16 **realize there are a lot of records to review, and would appreciate it**  
17 **if you would provide partial responses upon completion of your**  
18 **review of a group of records at a time.** If you have any questions  
19 regarding this matter, you may reach **Tina Ennis** at [redacted] or  
20 [Tina.Ennis@nrc.gov](mailto:Tina.Ennis@nrc.gov)

### 21 Nuclear Waste Owner Communication No. 2

22 25. The following email exchange occurred between NRC contractor Tina  
23 Ennis and its regulated nuclear waste owner consultant, Jonathan McGaw:

24 **From:** Ennis, Tina <[TINA.ENNIS@nrc.gov](mailto:TINA.ENNIS@nrc.gov)>  
25 **Sent:** Monday, March 11, 2019 5:06 AM  
26 **To:** Jonathan W. McGaw <[Jonathan.W.McGaw@sdaorg.com](mailto:Jonathan.W.McGaw@sdaorg.com)>  
27 **Cc:** [walkermatthews@SCE.com](mailto:walkermatthews@SCE.com)  
28 **Subject:** Mailing Address

Good morning Mr. McGaw,

I was given your name as the contact person to provide records that are responsive to a FOIA request, regarding the dry cask incident at SONGS. Would you please provide your mailing address, as the file is too large to send via email.

\*\*\*

**From:** Jonathan W. McGaw <[Jonathan.W.McGaw@sdaorg.com](mailto:Jonathan.W.McGaw@sdaorg.com)>  
**Sent:** Monday, March 11, 2019 9:55 AM  
**To:** Ennis, Tina <[TINA.ENNIS@nrc.gov](mailto:TINA.ENNIS@nrc.gov)>  
**Cc:** [walkermatthews@SCE.com](mailto:walkermatthews@SCE.com)  
**Subject:** [External\_Sender] RE: Mailing Address for San Onofre

1 Good morning, Ms. Ennis.

2 My mailing address is:  
3 Jonathan McGaw  
4 c/o Southern California Edison  
5 San Onofre Nuclear Generating Station  
6 P.O. BOX 128, Mail Stop 021  
7 San Clemente, CA 92672  
8 If you have any questions or require additional information, please call  
9 me.

10 **Nuclear Waste Owner Communication No. 3**

11 26. Two days later, on 13 March 2019, the nuclear waste owner  
12 acknowledged receipt of the NRC contractor's CD and the NRC's postponement of  
13 review of the records for almost a month – until 10 April 2019:

14 **From:** Jonathan W. McGaw <[Jonathan.W.McGaw@sdaorg.com](mailto:Jonathan.W.McGaw@sdaorg.com)>  
15 **Sent:** Wednesday, March 13, 2019 1:30 PM  
16 **To:** Ennis, Tina <[TINA.ENNIS@nrc.gov](mailto:TINA.ENNIS@nrc.gov)>  
17 **Cc:** Walker, Matthews <[Walker.Matthews@sce.com](mailto:Walker.Matthews@sce.com)>  
18 **Subject:** [External\_Sender] SONGS FOIA Package Received on  
19 March 13, 2019

20 Good afternoon, Tina.

21 I just wanted to let you know that I received your package today. I am  
22 busy on other items today, but will open the disk and start processing  
23 the requests internally, tomorrow. As you requested, I will work to  
24 send them back to you in partial groups, real-time. I see that you have  
25 requested us to complete our effort no later than April 10, 2019. If I  
26 have any questions, I will let you know.  
27 If you have any questions or require additional information, please  
28 contact me.

**Nuclear Waste Owner Communication No. 4**

29 27. On 14 March 2019, the NRC contractor provided another set of  
30 documents purportedly responsive to Plaintiff's FOIA request to the nuclear waste  
31 owner, and relinquished to it control over whether the documents would be released  
32 to Plaintiff:

33 ///  
34 ///  
35 ///  
36 ///

1 **From:** Ennis, Tina <TINA.ENNIS@nrc.gov>  
2 **Sent:** Thursday, March 14, 2019 7:42 AM  
3 **To:** Jonathan W. McGaw <Jonathan.W.McGaw@sdaorg.com>  
4 **Cc:** Walker Matthews <Walker.Matthews@sce.com>  
5 **Subject:** RE: SONGS FOIA Package Received on March 13, 2019

6  
7 Hi Jon,

8 I have a few photos and videos to refer to you as well, for a release  
9 determination. They will be coming soon.

10 **Nuclear Waste Owner Communication No. 5**

11 28. On 14 March 2019, QualX employees again ghostwrote an identical  
12 letter in the name of Stephanie A. Blaney, an NRC FOIA Officer, to Jonathan  
13 McGaw, the nuclear waste owner's consultant, with a new CD of responsive  
14 records:

15 The enclosed CD of records were identified by the U.S. Nuclear  
16 Regulatory Commission (NRC) staff as responsive to the above-  
17 referenced Freedom of Information Act (FOIA) request. Under the  
18 provisions of the FOIA, the NRC must determine whether the records,  
19 or any portions of the records, should be withheld from public  
20 disclosure.

21 The NRC must determine which portion(s) of the records, if any,  
22 should be withheld from public disclosure under exemption 4 of the  
23 FOIA, 5 U.S.C. § 552(b)(4), and 10 CFR 9.17(a)(4), because they  
24 contain trade secret or confidential commercial or financial  
25 information ("proprietary information"). We need information from  
26 you to assist us in determining whether any information contained in  
27 these records falls within FOIA exemption 4.

28 In addition, as the records originated with you, we are soliciting your  
comments on whether any portions of these records should be  
considered critical energy/electric infrastructure information (CEII).  
The NRC and the Federal Energy Regulatory Commission (FERC)  
have entered into a Memorandum of Understanding (MOU) regarding  
the treatment of CEII (<https://www.nrc.gov/docs/ML1816/ML18164A182.pdf>). Any information designated by FERC as CEII would  
be exempt from disclosure under exemption 3 of the FOIA, 5 U.S.C. §  
552(b)(3), pursuant to Section 215A of Part II of the Federal Power  
Act, 16 U.S.C. § 8240-1.

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1 FEDEX) of Holtec documents for your review. Thank you in advance  
2 for your attention to this matter.

3 \*\*\*

4 **From:** Ennis Tina  
5 **To:** MARK MORGAN  
6 **Cc:** Albert Bates  
7 **Subject:** RE: Another FOIA – NRC-2019-000239  
8 **Date:** Wednesday, April 17, 2019 9:37:00 AM  
9 **Attachments:** [Lee Brookhart to SCE c 03042019.pdf](#)  
10 [NRC Response Form 8 – Evaluation of VCT Stability Analysis –](#)  
11 [Final.pdf](#)  
12 [NRC Response Form 11a Clarification of ASME Sect 3 in Licensing](#)  
13 [basis AR 0319-53473-3 FINAL 3-23-19.pdf](#)  
14 [NRC Response Form 11a Clarification of ASME Sect 3 in Licensing](#)  
15 [basis AR 0319-53473-3 FINAL.pdf](#)  
16 [NRC Response Form 11a Clarification of ASME Sect 3 in Licensing](#)  
17 [basis AR 0319-53473-3.pdf](#)  
18 [NRC Review Question 5 – Sling Length – AR0319-61600 Final.pdf](#)  
19 [NRC Review Question 9a Response Form Test Data Relationship to](#)  
20 [Archard Predictions AR0319-53688-2 final.pdf](#)  
21 [NRC Review Question 14 AR0319-10578 Test data from Orvillon](#)  
22 [test report – final.pdf](#)  
23 [NRC Review Question 15 AR0319-39699 Minimum and Maximum](#)  
24 [hardness values for Orvillon test materials – final.pdf](#)  
25 [Image001.png](#)  
26 [Image002.png](#)

27 **Nuclear Waste Owner Communication No. 8**

28 31. On 17 April 2019, the NRC contractor again gave the nuclear waste owner control over whether the NRC should release to Plaintiff responses from one of the nuclear waste owner’s subcontractors.

In addition to the CD of documents that was FEDEX over to you this morning, attached are one email from [redacted under (b)(6)] and SONGS/Holtec responses to NRC questions that also needs to be reviewed for determination of release. Once you receive the FEDEX package, please include these attachments in your response.

**Nuclear Waste Owner Communication No. 9**

32. On 26 April 2019, the NRC again gave the nuclear waste owner control over which additional documents should be produced to Plaintiff under the FOIA:

The enclosed CD of records were identified by the U.S. Nuclear Regulatory Commission (NRC) staff as responsive to the above-referenced Freedom of Information Act (FOIA) request. Under the

1 provisions of the FOIA, the NRC must determine whether the records,  
2 or any portions of the records, should be withheld from public  
disclosure.

3 The NRC must determine which portion(s) of the records, if any,  
4 should be withheld from public disclosure under exemption 4 of the  
5 FOIA, 5 U.S.C. § 552(b)(4), and 10 CFR 9.17(a)(4), because they  
6 contain trade secret or confidential commercial or financial  
information ("proprietary information"). We need information from  
you to assist us in determining whether any information contained in  
these records falls within FOIA exemption 4.

7 In addition, as the records originated with you, we are soliciting your  
8 comments on whether any portions of these records should be  
9 considered critical energy/electric infrastructure information (CEII).  
10 The NRC and the Federal Energy Regulatory Commission (FERC)  
11 have entered into a Memorandum of Understanding (MOU) regarding  
12 the treatment of CEII (<https://www.nrc.gov/docs/ML1816/ML18164A182.pdf>). Any information designated by FERC as CEII would  
be exempt from disclosure under exemption 3 of the FOIA, 5 U.S.C. §  
552(b)(3), pursuant to Section 215A of Part II of the Federal Power  
Act, 16 U.S.C. § 8240-1.

### 13 Nuclear Waste Owner Communication No. 10

14 33. On 25 April 2019, the NRC contractor and the nuclear waste owner  
15 consultant engaged in an email exchange, further delaying the required production  
16 of records to Plaintiff.

17 **From:** Jeffrey S. Summy <Jeff.Summy@sdaorg.com>  
18 **Sent:** Thursday, April 25, 2019 5:43 PM  
19 **To:** Ennis, Tina <TINA.ENNIS@nrc.gov>  
20 **Cc:** William W. Strom <William.Strom@sdaorg.com>; MARK  
MORGAN <mark.morgan@sce.-com>;  
ALBERT BATES <al.bates@sce.com>  
21 **Subject:** [External\_Sender] Another FOIA - NRC-2019-000239

22 Mark received an email on April 17th indicating we would be  
23 receiving another CD. As of today we have not received the FedEx  
package. I wonder if you could provide the FedEx tracking number so  
we can find out where the package might be. Thanks in advance for  
your help.

24 \*\*\*

25 **From:** [Ennis, Tina](#)  
26 **To:** [Jeffrey S. Summy](#)  
**Cc:** [William W. Strom](#); [MARK MORGAN](#);  
[ALBERT BATES](#)  
27 **Subject:** RE: Another FOIA • NRC-2019-000239  
28 **Date:** Friday, April 26, 2019 8:38:00 AM  
**Attachments:** [image001.png](#)

1 Our mailroom has no record of sending it; therefore, I resent today via  
2 USPS priority express mail. The tracking number is EE 246 186 151  
3 US.

4 **Nuclear Waste Owner Communication No. 11**

5 34. On 8 May 2019, the NRC contractor and the nuclear waste owner  
6 consultant had another exchange regarding the production of documents responsive  
7 to Plaintiff's requests for records under the FOIA; the NRC refused to produce the  
8 documents, citing the deliberative process privilege.

9 **B. Public Interest in Disclosure of Documents Requested Under FOIA**

10 35. The duty of the NRC is to produce records under FOIA unless they are  
11 expressly exempted. The NRC cannot allow the companies that it is supposed to be  
12 regulating to determine what records the public is entitled to obtain under the  
13 FOIA.

14 36. The information requested under FOIA by Plaintiff in this case would  
15 inform the public about the extent to which the NRC is allowing the nuclear waste  
16 owner to determine what records will be produced to Plaintiff under the FOIA  
17 related to any NRC violations of public trust. Those violations involve the threat to  
18 public health and safety and the general welfare of over eight million people living  
19 in and around the nuclear waste stored at the San Diego beach site. There is an  
20 obvious public interest in a full and thorough airing of serious abuses that did in  
21 fact occur at the San Diego nuclear waste site, in the hope that such abuses will not  
22 occur in the future.

23 37. There is a deep public interest in finding out the extent to which the  
24 NRC is allowing the nuclear waste owner to control production of pertinent records  
25 under the FOIA. Plaintiff has raised substantial questions about the extent to which  
26 the NRC is colluding with the nuclear waste owner, thereby placing the health and  
27 safety of the people in the San Diego region at risk.

28 38. The information sought will show the extent to which the NRC and the  
utility it is supposed to regulate colluded to prevent the disclosure of ongoing safety

1 violations, and whether the NRC failed to take the necessary steps to enforce safety  
2 regulations at the San Diego nuclear site. It will shine light on whether the NRC's  
3 actions are failing to protect public health, safety, and welfare.

#### 4 **C. Exhaustion of Administrative Remedy is Futile**

5 39. The NRC summarily denied Plaintiff's request for expedited  
6 processing. Although the NRC has lodged Plaintiff's objections as an "appeal  
7 [from] the denial of expedited processing and challenging the Commercial fee  
8 category," the NRC has demonstrated no clear intention to produce the records of  
9 communication between the NRC and the nuclear waste owner it purports to  
10 regulate. Worse, it appears to have abdicated its responsibilities under the FOIA to  
11 a contractor and the utility it is charged with regulating.

12 40. The NRC's actions illustrate collusion with the nuclear waste owner  
13 operating the San Diego nuclear waste site. During the 9 August 2018 CEP  
14 meeting, the NRC willingly allowed utility officials to repeatedly misrepresent the  
15 facts to the public relating to the seriousness of the misalignment incident that took  
16 place at the nuclear site. The NRC then allowed the nuclear waste owner to delay  
17 formal reporting for another six weeks after the meeting. This collusive effort to  
18 cover up the safety violations occurring at the San Diego nuclear waste site  
19 evidence the NRC has been captured by the nuclear waste owner it is supposed to  
20 regulate; therefore, any exhaustion of administrative remedies would be futile.

21 41. Moreover, Plaintiff has made several FOIA requests to the NRC over  
22 the last three months; however, the NRC has failed to produce the vast majority of  
23 records requested. In addition to a number of other pretexts, the NRC contractor  
24 and the NRC are now using the need to obtain the nuclear waste owners'  
25 permission before the records can be produced. In doing so, it is putting in the  
26 hands of the privately owned utility it is charged with regulating the decision as to  
27 whether Plaintiff should obtain records under FOIA – public records that may  
28 indeed show collusion between the two.



1           42.     Instead, the NRC merely lodges Plaintiff's objections as "appeals" in  
2 what seems an agency-instituted means to prolong the process and delay  
3 production, while the NRC never really intends to grant the request in the first  
4 place. The NRC provides mere lip-service to the laws under FOIA, but its actions  
5 demonstrate no intention of actually producing the records Plaintiff has requested,  
6 and show a transfer of authority to a private company to make the FOIA decisions.

7           43.     The NRC has only exposed itself to the public through vehicles created  
8 by the nuclear waste owner it is supposed to regulate: the Community Engagement  
9 Panel. However, the duties of the NRC are not those of a mere participant, but as a  
10 regulator that must hold independent meetings to inform the public of the NRC's  
11 enforcement actions to ensure the storage of nuclear waste in San Diego is done  
12 transparently and safely. The NRC has acted as a mere appendage to the nuclear  
13 waste owner it is charged with regulating. This collusive behavior and evasive  
14 tactics to avoid producing the requested records demonstrate the NRC's lack of  
15 intention to produce the records.

16           44.     Therefore, based on the NRC's history of failing to produce records,  
17 summary denials, and dilatory tactics, Plaintiff has exhausted all administrative  
18 remedies under 5 U.S.C. § 552(a)(6)(A)(ii).

19           45.     Further, any other exhaustion of administrative remedies would be  
20 inadequate and futile. Time is of the essence because the millions of people living  
21 in the cities and counties surrounding the site must be aware of the relationship  
22 between NRC and the utilities it is supposed to regulate.

23           46.     The NRC has already identified ongoing safety violations at the San  
24 Diego nuclear waste site but has failed to produce the necessary records for the  
25 public to understand exactly what happened. The failure to produce records is just  
26 another example of what appears to be a collusive effort between the NRC and the  
27 nuclear waste owner it purports to regulate and suggests a cover-up of safety failure  
28 issues.



