



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST

2012-0267

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RESPONSE TYPE

FINAL

PARTIAL

REQUESTER

Randy Herschaft

DATE

NOV 28 2012

PART I. -- INFORMATION RELEASED

- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments section.
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| APPENDICES A |
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 Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
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| APPENDICES |
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 Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD 20852-2738.
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| APPENDICES |
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 Agency records subject to the request are enclosed.
- Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Comments.

PART I.A -- FEES

AMOUNT*

\$

* See comments for details

- You will be billed by NRC for the amount listed.
- None. Minimum fee threshold not met.
- You will receive a refund for the amount listed.
- Fees waived.

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- No agency records subject to the request have been located. For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.
- Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

PART I.C COMMENTS (Use attached Comments continuation page if required)

The incoming FOIA request will be available in ADAMS at ML12173A175.

Records with an ML accession number are available in the NRC Library at www.nrc.gov/reading-rm/adams.html. For assistance in obtaining any public records, please contact the NRC's Public Document Room (PDR) at 1-800-397-4209 or by e-mail at PDR.Resource@nrc.gov

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing

APPENDIX A
RECORDS ALREADY PUBLICLY AVAILABLE

| <u>NO.</u> | <u>DATE</u> | <u>ACCESSION NUMBER</u> | <u>DESCRIPTION/ (PAGE COUNT)</u> |
|------------|-------------|-----------------------------|--|
| 1. | 09/02/05 | ML052500457 | Letter to Governors of Agreement States from Nils J. Diaz, NRC/Chairman, Subject: NRC has approved increased controls for radioactive material licensees possessing radioactive sources containing quantities of concern (4 pages) |
| 2. | 08/18/06 | ML062360516 | Letter to Governors of Agreement States from Dale E. Klein, NRC/Chairman, Subject: requests information regarding the plans for the regulation of certain radioactive materials (8 pages) |
| 3. | 08/28/06 | ML062340047 | Letter to Michael Chertoff, DHS from Dale E. Klein, NRC/Chairman, Subject: concerns the fifth observance of the 9/11 terrorist attack and provides NRC's perspective on security improvements made over that period (21 pages) |