FOIA/PA REQUEST
Case No.: 2015-0034A
Date Rec'd. 5/18/2015
Specialist
Related 2015-0260

FOIA Resource

From: Lawrence Criscione (b) (6)
Sent: Friday, May 15, 2015 2:29 PM
To: Vietti-Cook, Annette; Ash, Darren; Satorius, Mark
Cc: Argent, Nina; Andoh, Roger; FOIA Resource; Dave Lochbaum; Tom Devine
Subject: Appeal for FOIA/PA-2015-0260
Attachments: 2015-0260-Final Response.pdf; Email is on Page 4.pdf

Mark/Darren/Annette,

This email is an appeal of the response to FOIA/PA 2015-0260.

On May 4, 2015 I requested a 2012-09-19 email written by Phillip Niedzielski-Eichner. This request was assigned tracking number 2015-0260.

Attached is the NRC's final response to FOIA/PA 2015-0260 in which Roger Andoh states:

> *Upon tasking of this request, SECY conducted a search for records that included previous FOIA requests, the Chairman's e-mail and the Chairman's office files (archived records). No records were located during SECY's search. Because Mr. Nedzielski-Eichner is no longer employed at the NRC, we no longer have access to his e-mails.*

Also attached to this email is the agency's 2014-10-24 response to FOIA 2014-0335 & 0354. The email I seek is on page 4 of that response and is marked as Out of Scope.

Although the time window in which to administratively appeal FOIA 2014-0335 & 0354 has past, the time frame in which I can sue the agency under the Freedom of Information Act has not yet past and it is incumbent upon the agency to retain the records gathered for FOIA 2014-0335 & 0354. That being the case, I find it difficult to believe that the email I seek is no longer in the agency's possession.

Please either inform me that the agency does not follow federal laws with regard to record retentions or provide me the record I am seeking under Privacy Act request 2015-0260.

Thank you,
Larry
Lawrence S. Criscione
(b) (6)