NRC FORM 464 Part I
(01-2015)

U.S. NUCLEAR REGULATORY COMMISSION

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

FOIA/PA	RESPONSE NUMBER
2016-0030	1

RESPONSE TYPE ☐ INTERIM ☑ FINAL

REQUESTER: Julian Tarver

DATE: NOV 20 2015

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.
- ☐ GROUP ____ Agency records subject to the request that are identified in the specified group are already available in public ADAMS or on microfiche in the NRC Public Document Room.
- ☐ GROUP ____ Agency records subject to the request that are contained in the specified group are being made available in public ADAMS.
- ☐ GROUP ____ 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*
$ 737.40
* See comments for details

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

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

- ☐ We did not locate any agency records responsive to your request. *Note:* Congress allowed agencies to treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). *See* 5 U.S.C. 552(c). This is a standard notification that we give to all requesters; it should not be taken as an indication that any of these excluded records do, or do not, exist.
- ☐ We have withheld certain information in the records from disclosure pursuant to the FOIA exemptions described, and for the reasons stated, in Part II.
- ☐ Because this is an interim response to your request, you may not appeal this determination at this time. We will notify you of your right to appeal any of the responses we have issued in response to your request when we issue our final determination on your request.
- ☑ You may appeal this final determination within 30 calendar days of the date of this response, by writing to the FOIA Officer, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001 . Please be sure to mark your letter/envelope or email that it is a "FOIA Appeal."

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

This is in response to your 2016-0030 FOIA requesting contracts, MOU and MOA from DOE date range January 1, 2010, to the present. Under the NRC's FOIA regulations, at 10 CFR 9.40(e), unless a requester agrees to pay the fees estimated to be due, the NRC may not begin to process the request. Because these documents exceed the 100-page threshold at which you would be responsible for duplication fees and search criteria, you have clearly stated that you do not agree to a fee payment, your request is not considered "perfected" under the statute. Accordingly, we cannot process this request. It is incumbent upon you, as the requester, to fashion a request that asks for records within the 100-page threshold for which no duplication or search fees would be owed if you are unwilling to pay fees. Your fee waiver is denied because you failed to provide justification for a fee waiver.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Roger Andoh