



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2016-0291

1

RESPONSE TYPE INTERIM FINAL

REQUESTER:

Julian Tarver

DATE:

02/22/2016

DESCRIPTION OF REQUESTED RECORDS:

All released records in NRC FOIA/PA-2011-0254:

PART I. -- INFORMATION RELEASED

- Agency records subject to the request are already available in public ADAMS or on microfiche in the NRC Public Document Room.
- 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

- We did not locate any agency records responsive to your request. *Note:* Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). 5 U.S.C. 552(c). This is a standard notification given to all requesters; it should not be taken to mean that any excluded records do, or do not, exist.
- We have withheld certain information 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 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.
- You may appeal this final determination within 30 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal."

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

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 reports exceed the 100-page threshold at which you would be responsible for duplication fees, and 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 fees would be owed if you are unwilling to pay fees. The total number of released records in FOIA/PA-2011-0254 is 280 pages.

SIGNATURE - FREEDOM OF INFORMATION ACT OFFICER

Roger Andoh