

Phelps, Steven

From: FOIA Resource
Sent: Tuesday, November 19, 2013 10:09 AM
To: Graff, Mark
Subject: Case Assignment (FOIA/PA-2014-00048)

Details:

Request Type : FOIA/PA
Requested By : Smathers, Jason
Requested Date : 11/18/2013
Primary User : Graff, Mark

Comments:

Phelps, Steven

From: Graff, Mark
Sent: Friday, December 20, 2013 10:27 AM
To: '6675-71221927@requests.muckrock.com'
Subject: RE: FOIA-2014-0048

Dear Mr. Smathers,

In follow up to my email below, the last program office has asked for a clarification regarding the scope of your request. Specifically, they have asked what the timeframe is for their search for the MOU/MOA's in question. If you could give a date range for the records being sought, that would help expedite the search significantly. Thank you very much, and please let me know if you need anything going forward.

Mark H. Graff
FOIA Specialist
Office of Information Services
U.S. Nuclear Regulatory Commission
Mark.Graff@nrc.gov
(301)-415-8154

From: Graff, Mark
Sent: Thursday, December 19, 2013 8:54 AM
To: '6675-71221927@requests.muckrock.com'
Subject: FOIA-2014-0048

Dear Mr. Smathers,

In follow up to your status inquiry on the above-referenced case, I wanted to let you know that, of the three Program Offices that have been tasked, two have completed their search. Neither of those two offices had responsive records, so we will wait for the third Program Office to respond, and hopefully they will locate the current MOU/MOA's that you have requested. Please feel free to reach out to me directly if you have any further questions or concerns regarding this case as it progresses. Best regards,

Mark H. Graff
FOIA Specialist
Office of Information Services
U.S. Nuclear Regulatory Commission
Mark.Graff@nrc.gov
(301)-415-8154

Phelps, Steven

From: Graff, Mark
Sent: Wednesday, January 08, 2014 1:41 PM
To: Blaney, Stephanie
Subject: RE: Freedom of Information Request #2014-0048

Got it. I'll pass this on to the program offices.

-----Original Message-----

From: Blaney, Stephanie
Sent: Wednesday, January 08, 2014 1:09 PM
To: Graff, Mark
Subject: FW: Freedom of Information Request #2014-0048

This came in this morning and is regarding your request.

Stephanie

-----Original Message-----

From: 6675-71221927@requests.muckrock.com [<mailto:6675-71221927@requests.muckrock.com>]
Sent: Wednesday, January 08, 2014 2:15 AM
To: Blaney, Stephanie
Subject: RE: Freedom of Information Request #2014-0048

January 8, 2014
Nuclear Regulatory Commission
U.S. Nuclear Regulatory Commission
FOIA/Privacy Officer
Mailstop: T-5 F09
Washington, DC 20555-0001

This is a follow up to request number 2014-0048:

You may limit the search to records created between 1/20/2009 and the date this request is processed.

On Dec. 20, 2013:

Dear Mr. Smathers,

In follow up to my email below, the last program office has asked for a clarification regarding the scope of your request. Specifically, they have asked what the timeframe is for their search for the MOU/MOA's in question. If you could give a date range for the records being sought, that would help expedite the search significantly. Thank you very much, and please let me know if you need anything going forward.

Mark H. Graff
FOIA Specialist

Office of Information Services
U.S. Nuclear Regulatory Commission
Mark.Graff@nrc.gov<<mailto:Mark.Graff@nrc.gov>>
(301)-415-8154

On Dec. 19, 2013:

Dear Mr. Smathers,

In follow up to your status inquiry on the above-referenced case, I wanted to let you know that, of the three Program Offices that have been tasked, two have completed their search. Neither of those two offices had responsive records, so we will wait for the third Program Office to respond, and hopefully they will locate the current MOU/MOA's that you have requested. Please feel free to reach out to me directly if you have any further questions or concerns regarding this case as it progresses. Best regards.

Mark H. Graff
FOIA Specialist
Office of Information Services
U.S. Nuclear Regulatory Commission
Mark.Graff@nrc.gov<<mailto:Mark.Graff@nrc.gov>>
(301)-415-8154

On Dec. 19, 2013:

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information request, copied below, and originally submitted on Nov. 18, 2013. Please let me know when I can expect to receive a response, or if further clarification is needed. You had assigned it reference number #2014-0048.

Thank you for your help.

On Nov. 19, 2013:

Acknowledgment letter signed by Donna L. Sealing, FOIA/Privacy Act Officer, with attachments. No hard copy to follow.

If you are unable to open either document, please let us know by return email (FOIA.Resource@nrc.gov) or call 301-415-7169.

On Nov. 18, 2013:

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

All current interagency Memoranda of Understanding (MOU) or Memoranda of Agreement (MOA) between your agency and any other agency or department.

I also request that, if appropriate, fees be waived as I believe this request is in the public interest. The requested documents will be made available to the general public free of charge as part of the public information service at MuckRock.com, processed by a representative of the news media/press and is made in the process of news gathering and not for commercial usage.

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Jason Smathers

Filed via MuckRock.com
E-mail (Preferred): 6675-71221927@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 6675
PO Box 55819
Boston, MA 02205-5819

PLEASE NOTE the new address as well as the fact that improperly addressed (i.e., with the requester's name rather than MuckRock News) requests might be returned by the USPS as undeliverable.

FOIA/PA REQUEST

Case No.: 2014-0048
Date Rec'd: 11/9/13
Specialist: Graff
Related Case: _____

Date : Nov 18, 2013 17:12 GMT
To : 13014155130
From : fax@requests.muckrock.com
Subject: Freedom of Information Request: MOU and MOA (Nuclear Regulatory

November 18, 2013
Nuclear Regulatory Commission
U.S. Nuclear Regulatory Commission
FOIA/Privacy Officer
Mailstop: T-5 F09
Washington, DC 20555-0001

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

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Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Jason Smathers

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E mail (Preferred): 6675-71221927@requests.muckrock.com

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 19, 2013

FOIA/PA-2014-00048

**Jason Smathers
MuckRock News
DEPT MR 6675
Boston, MA 02205-5819**

Dear Requester:

We received your Freedom of Information Act/Privacy Act (FOIA/PA) request on November 19, 2013.

Your request has been assigned the following reference number that you should use in any future communications with us about your request: **FOIA/PA-2014-00048**

To ensure the most equitable treatment possible of all requesters, the NRC processes requests on a first-in, first-out basis, using a multiple track system based upon the estimated time it will take to process the request. Based on your description of the records you are seeking, we estimate completion of your request will take more than 20 working days. We will advise you of any change in the estimated time to complete your request.

Due to the unexpected events in Japan in March 2011, the NRC is processing a larger than normal volume of FOIA requests including some that have qualified for expedited processing and have therefore been placed at the front of the queue. We are doing our best to process all requests in a timely manner but our response times are being affected. We appreciate your understanding.

For purposes of assessing fees in accordance with our regulations (10 CFR 9.33), we have placed your request in the following category: **News Media Representative**. If applicable, you will be charged appropriate fees for: **Duplication Only**. Since you are not likely to incur duplication fees, your request for a fee waiver is moot.

The following person is the FOIA/PA Specialist who has been assigned responsibility for your request: **Mark Graff at 301-415-8154**.

If you have questions on any matters concerning your FOIA/PA request please feel free to contact the assigned FOIA/PA Specialist or me at (301) 415-7169.

Sincerely,

/S/

Donna L. Sealing
FOIA/Privacy Act Officer
Office of Information Services

Enclosures:
Incoming Request

Date : Dec 19, 2013 9:04 GMT
To : 13014155130
From : Jason Smathers, EMail fax@requests.muckrock.com
Subject: RE: Freedom of Information Request #2014-0048

December 19, 2013
Nuclear Regulatory Commission
U.S. Nuclear Regulatory Commission
FOIA/Privacy Officer
Mailstop: T-5 F09
Washington, DC 20555-0001

This is a follow up to request number 2014-0048:

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information request, copied below, and originally submitted on Nov. 18, 2013. Please let me know when I can expect to receive a response, or if further clarification is needed. You had assigned it reference number #2014-0048.

Thank you for your help.

On Nov. 19, 2013:

Acknowledgment letter signed by Donna L. Sealing, FOIA/Privacy Act Officer, with attachments. No hard copy to follow.
If you are unable to open either document, please let us know by return email (FOIA.Resource@nrc.gov) or call 301-415-7169.

On Nov. 18, 2013:

To Whom It May Concern:

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I also request that, if appropriate, fees be waived as I believe this request is in the public interest. The requested documents will be made available to the general public free of charge as part of the public information service at MuckRock.com, processed by a representative of the news media/press and is made in the process of news gathering and not for commercial usage.

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Jason Smathers

Filed via MuckRock.com

E-mail (Preferred): 6675-712019078requests@muckrock.com

For mailed responses, please address (see note):

MuckRock News

DEPT MR 6675

PO Box 55819

Boston, MA 02205-5819

PLEASE NOTE the new address as well as the fact that improperly addressed mail, with the requester's name rather than MuckRock News, requests might be returned by the USPS as undeliverable.

Graff, Mark

From: FOIAPASECY Resource
Sent: Wednesday, November 20, 2013 12:32 PM
To: FOIA Resource
Cc: Graff, Mark; Bates, Andrew; Mike, Linda; Lewis, Antoinette
Subject: RE: FOIA/PA-2014-00048 Action Item/Instructions

Hi Mark,

Please close SECY's action for this FOIA. We think it should be assigned to OIP and EDO. All of the MOA's & MOU's are worked out by the staff even if signed by the Chairman – Staff tracks them, we don't.

Thanks,

Kristy

*Kristy Remsburg
Office of the Secretary
U.S. Nuclear Regulatory Commission
Office: 301-415-1667*

From: Admin, Admin [mailto:foia.resource@nrc.gov]
Sent: Tuesday, November 19, 2013 11:23 AM
To: RidsEdoMailCenter Resource; FOIAPASECY Resource
Cc: FOIA Resource; Graff, Mark; OPA Resource
Subject: FOIA/PA-2014-00048 Action Item/Instructions

You have been assigned action on the incoming FOIA request available at:

ADAMS ACCESSION # ML13323A474

Offices Assigned Action on November 19, 2013
EDO;SECY

Media requester, no fee estimate needed. Please begin processing immediately.

The OIS FOIA/PA Specialist for this request is indicated in the "cc" to this e-mail.

The FOIA/PA request should be processed in accordance with the standard instructions (How to Respond to an Initial FOIA Request) at ML060590485. You are encouraged to ask for a scoping discussion with the requester when you believe it will be beneficial. You are encouraged to ask for assistance in performing adequate ADAMS searches if you are having difficulty doing a search. Your initial estimate of search and review time and the volume of records is required within four (4) working-days from the date of this transmittal e-mail. NRC Form 496, "Report of Staff Resources for Processing FOIA/PA Requests" is now available on Informs for your use.

Graff, Mark

From: Boyer, Rachel
Sent: Wednesday, December 18, 2013 6:46 AM
To: Graff, Mark
Cc: Kreuter, Jane; Remsburg, Kristy
Subject: RE: FOIA/PA-2014-00048 Inquiry

Thanks Mark. I will instruct Barbara to close out our internal files based on your response. Thanks for following up.

Rachel

From: Graff, Mark
Sent: Tuesday, December 17, 2013 5:23 PM
To: Boyer, Rachel
Cc: Kreuter, Jane; Remsburg, Kristy
Subject: RE: FOIA/PA-2014-00048 Inquiry

Good Evening Rachel,

As we discussed, and as I mentioned to Jane, we will considering this a "no records" response from EDO and close this tasking to EDO as of the date of the email below considering the request seems to narrow the scope to only seek the current MOU's themselves. If there are any other offices other than EDO and SECY that would have the current MOU's themselves, please let me know and we will include them on the tasking. Very best regards.

Mark H. Graff, Esq.
FOIA Specialist
Office of Information Services
U.S. Nuclear Regulatory Commission
Mark.Graff@nrc.gov
(301)-415-8154

From: RidsEdoMailCenter Resource
Sent: Tuesday, November 26, 2013 9:43 AM
To: Graff, Mark
Cc: King, Barbara; RidsEdoMailCenter Resource
Subject: RE: FOIA/PA-2014-00048 Inquiry
Importance: High

Hi Mark,

Barbara and I have performed a preliminary search and found over 100 records pertaining to MOU's. Is it possible for the requestor to narrow the scope of their request? OEDO would only have ticket actions for these items, not the MOUs themselves. Any clarification would be greatly appreciated. Thanks.

Rachel

From: Admin, Admin [mailto:foia_resource@nrc.gov]
Sent: Tuesday, November 19, 2013 11:23 AM
To: RidsEdoMailCenter Resource; FOIAPASECY Resource
Cc: FOIA Resource; Graff, Mark; OPA Resource
Subject: FOIA/PA-2014-00048 Action Item/Instructions

You have been assigned action on the incoming FOIA request available at:

ADAMS ACCESSION # ML13323A474

Offices Assigned Action on November 19, 2013
EDO;SECY

Media requester, no fee estimate needed: Please begin processing immediately.

The OIS FOIA/PA Specialist for this request is indicated in the "cc" to this e-mail.

The FOIA/PA request should be processed in accordance with the standard instructions (How to Respond to an Initial FOIA Request) at ML060590485. You are encouraged to ask for a scoping discussion with the requester when you believe it will be beneficial. You are encouraged to ask for assistance in performing adequate ADAMS searches if you are having difficulty doing a search. Your initial estimate of search and review time and the volume of records is required within four (4) working-days from the date of this transmittal e-mail. NRC Form 496, "Report of Staff Resources for Processing FOIA/PA Requests" is now available on Informs for your use.

Graff, Mark

From: Mitchell, Linda
Sent: Friday, January 24, 2014 8:52 AM
To: Graff, Mark
Subject: FOIA 2014-00048

Follow Up Flag: Follow Up
Flag Status: Flagged

The Office of International Programs have no records for this FOIA request.

Linda Mitchell
International Programs Officer
301-415-1200

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

2014-0048

1

RESPONSE TYPE FINAL PARTIAL

REQUESTER
Jason Smathers

DATE
JAN 28 2014

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 for public inspection and copying at the NRC Public Document Room.
- GROUP Agency records subject to the request that are contained in the specified group are being made available for public inspection and copying at the NRC Public Document Room.
- 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*
- \$
- * 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 ML13323A474.

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

Mark Graff (Acting)

Remsburg, Kristy

From: FOIAPASECY Resource
Sent: Wednesday, November 20, 2013 10:40 AM
To: Bates, Andrew
Cc: Mike, Linda; Lewis, Antoinette
Subject: FW: FOIA/PA-2014-00048 Action Item/Instructions
Attachments: 2014-0048.pdf

Andy,

I'm not really sure if we should have this request. I talked to Linda and the Chairman does sign some (not often) MOA & MOU's but the staff are the ones who write them and would know if they are still current. Linda said that we can pull the Corr log and check. I checked thru 2009 – 2012. I found one –

S-0042 - Letter to Michael Binder, President, CNSC, Canada, responds to letter concerning the MOU for the Exchange of Classified Information between NRC and CNSC ~~(OUO)~~

Should I keep the assignment and action the Commission too or respond back with no records and request OIP, etc. also be actioned?

Kristy

*Kristy Remsburg
Office of the Secretary
U.S. Nuclear Regulatory Commission
Office: 301-415-1667*

From: Admin, Admin [mailto:foia.resource@nrc.gov]
Sent: Tuesday, November 19, 2013 11:23 AM
To: RidsEdoMailCenter Resource; FOIAPASECY Resource
Cc: FOIA Resource; Graff, Mark; OPA Resource
Subject: FOIA/PA-2014-00048 Action Item/Instructions

You have been assigned action on the incoming FOIA request available at:

ADAMS ACCESSION # ML13323A474

Offices Assigned Action on November 19, 2013
EDO;SECY

Media requester, no fee estimate needed. Please begin processing immediately.

The OIS FOIA/PA Specialist for this request is indicated in the "cc" to this e-mail.

The FOIA/PA request should be processed in accordance with the standard instructions (How to Respond to an Initial FOIA Request) at ML060590485. You are encouraged to ask for a scoping discussion with the requester when you believe it will be beneficial. You are encouraged to ask for assistance in performing adequate ADAMS searches if you are having difficulty doing a search. Your initial estimate of search and review time and the volume of records is required within four (4) working-days from the date of this transmittal e-mail. NRC Form 496, "Report of Staff Resources for Processing FOIA/PA Requests" is now available on Informs for your use.

Rensburg, Kristy

From: FOIAPASECY Resource
Sent: Wednesday, November 20, 2013 10:59 AM
To: Bates, Andrew
Subject: RE: FOIA/PA-2014-00048 Action Item/Instructions

Thank you!

Kristy

*Kristy Rensburg
Office of the Secretary
U.S. Nuclear Regulatory Commission
Office: 301-415-1667*

From: Bates, Andrew
Sent: Wednesday, November 20, 2013 10:47 AM
To: FOIAPASECY Resource
Cc: Mike, Linda; Lewis, Antoinette
Subject: RE: FOIA/PA-2014-00048 Action Item/Instructions

I think it should be assigned to OIP and EDO. All of the MOU's are worked out by the staff even if signed by Chairman – Staff tracks them, we don't.

Andy

From: FOIAPASECY Resource
Sent: Wednesday, November 20, 2013 10:40 AM
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Cc: Mike, Linda; Lewis, Antoinette
Subject: FW: FOIA/PA-2014-00048 Action Item/Instructions

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S-0042 - Letter to Michael Binder, President, CNSC, Canada, responds to letter concerning the MOU for the Exchange of Classified Information between NRC and CNSC (OO)

Should I keep the assignment and action the Commission too or respond back with no records and request OIP, etc. also be actioned?

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Kristy Rensburg

Office of the Secretary
U.S. Nuclear Regulatory Commission
Office: 301-415-1667

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EDO;SECY

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Remsburg, Kristy

From: Graff, Mark
Sent: Thursday, January 09, 2014 4:07 PM
To: Mitchell, Linda; Remsburg, Kristy; Boyer, Rachel
Cc: Blaney, Stephanie
Subject: FOIA-2014-0048
Attachments: FW: Freedom of Information Request #2014-0048

All:

The requester has responded to our request for clarification narrowing the timeframe for the search on his request. If you still have a tasking to your office, the request is now no longer tolled and a search for records should now resume using the time-frame specified by the requester (attached). If you have already responded to the tasking, no further action needs to be taken. Thanks—

Mark H. Graff, Esq.
FOIA Officer (Acting)
Office of Information Services
U.S. Nuclear Regulatory Commission
Mark.Graff@nrc.gov
(301)-415-8154

Remsburg, Kristy

From: Remsburg, Kristy
Sent: Thursday, January 09, 2014 4:26 PM
To: Graff, Mark
Subject: RE: FOIA-2014-0048
Attachments: RE: FOIA/PA-2014-00048 Action Item/Instructions

Hi Mark,

Our office should be closed, right? See attached.

Kristy

*Kristy Remsburg
Office of the Secretary
U.S. Nuclear Regulatory Commission
Office: 301-415-1667*

From: Graff, Mark
Sent: Thursday, January 09, 2014 4:07 PM
To: Mitchell, Linda; Remsburg, Kristy; Boyer, Rachel
Cc: Blaney, Stephanie
Subject: FOIA-2014-0048

All:

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Mark H. Graff, Esq.
FOIA Officer (Acting)
Office of Information Services
U.S. Nuclear Regulatory Commission
Mark.Graff@nrc.gov
(301)-415-8154

Remsburg, Kristy

From: Graff, Mark
Sent: Thursday, January 09, 2014 4:27 PM
To: Remsburg, Kristy
Subject: RE: FOIA-2014-0048

Yes, yours is closed.

From: Remsburg, Kristy
Sent: Thursday, January 09, 2014 4:26 PM
To: Graff, Mark
Subject: RE: FOIA-2014-0048

Hi Mark,

Our office should be closed, right? See attached.

Kristy

*Kristy Remsburg
Office of the Secretary
U.S. Nuclear Regulatory Commission
Office: 301-415-1667*

From: Graff, Mark
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To: Mitchell, Linda; Remsburg, Kristy; Boyer, Rachel
Cc: Blaney, Stephanie
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FOIA Officer (Acting)
Office of Information Services
U.S. Nuclear Regulatory Commission
Mark.Graff@nrc.gov
(301)-415-8154