

Dear FOIA Requester:

The FOIA Improvement Act of 2016, which was enacted on June 30, 2016, made several changes to the Freedom of Information Act (FOIA). Federal agencies must revise their FOIA regulations to reflect those changes by December 27, 2016. In addition to revising our regulations, we intend to update the Form 464, which we use to respond to FOIA requests.

In the interim, please see the comment box in Part I.C of the attached Form 464. The comment box includes information related to the recent changes to FOIA that is applicable to your FOIA request, including an updated time period for filing an administrative appeal with the NRC.

Sincerely yours,

Stephanie Blaney /S/

Stephanie Blaney
FOIA Officer (Acting)



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2016-0680

1

RESPONSE TYPE INTERIM FINAL

REQUESTER:

Julian Tarver

DATE:

SEP 20 2016

DESCRIPTION OF REQUESTED RECORDS:

All internal and external communication in FOIA cases and FOIA appeals: 2016-0506, 2016-0507, 2016-0113A and 2016-0116A

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*

\$

0.00

- 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.

*See Comments for details

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)

In conformance with the FOIA Improvement Act of 2016, the NRC is informing you that: (1) you have the right to seek assistance from the NRC's FOIA Public Liaison; (2) you have the right to seek dispute resolution services from the NRC's FOIA Public Liaison or the Office of Government Information Services; and (3) notwithstanding the language in Parts I.B and II.B of this form, you may appeal this final determination within 90 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."

SIGNATURE - FREEDOM OF INFORMATION ACT OFFICER

Stephanie Blaney, Acting *[Signature]*



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2016-0680

DATE:

SEP 20 2016

PART II.A -- APPLICABLE EXEMPTIONS

Records subject to the request are being withheld in their entirety or in part under the FOIA exemption(s) as indicated below (5 U.S.C. 552(b)).

- Exemption 1: The withheld information is properly classified pursuant to an Executive Order protecting national security information.
- Exemption 2: The withheld information relates solely to the internal personnel rules and practices of NRC.
- Exemption 3: The withheld information is specifically exempted from public disclosure by the statute indicated.
 - Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
 - Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
 - 41 U.S.C. 4702(b), which prohibits the disclosure of contractor proposals, except when incorporated into the contract between the agency and the submitter of the proposal.
- Exemption 4: The withheld information is a trade secret or confidential commercial or financial information that is being withheld for the reason(s) indicated.
 - The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.390(d)(1).
 - The information is considered to be another type or confidential business (proprietary) information.
 - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
- Exemption 5: The withheld information consists of interagency or intraagency records that are normally privileged in civil litigation.
 - Deliberative process privilege.
 - Attorney work product privilege.
 - Attorney-client privilege.
- Exemption 6: The withheld information from a personnel, medical, or similar file, is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
 - (A) Disclosure could reasonably be expected to interfere with an open enforcement proceeding.
 - (C) Disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.
 - (D) The information consists of names and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
 - (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
 - (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- Other

PART II.B -- DENYING OFFICIALS

In accordance with 10 CFR 9.25(g) and 9.25(h) of the U.S. Nuclear Regulatory Commission regulations, the official(s) listed below have made the determination to withhold certain information responsive to your request.

| DENYING OFFICIAL | TITLE/OFFICE | RECORDS DENIED | APPELLATE OFFICIAL | |
|------------------|--------------------------|----------------|-------------------------------------|--------------------------|
| | | | EDO | SECY |
| Stephanie Blaney | Acting FOIA Officer/OCIO | Emails | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> |

Appeals must be made in writing 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."

From: [Davidson, Cynthia](#)
To: [FOIA Resource](#)
Cc: [Blaney, Stephanie](#); [Ennis, Tina](#)
Subject: FW: FOIA/PA-2016-00506 Action Item/Instructions Non-Exempted Requester Fee Estimate Required
Date: Thursday, June 23, 2016 3:12:57 PM
Attachments: [2016-0506-r.pdf](#)

Stephanie,

Please close FOIA 2016-0506 for OGC. "No Responsive Records".

Cynthia Davidson
OGC's FOIA Coordinator
Office of the General Counsel
MS:O-16F03
Cynthia.Davidson@nrc.gov
Ph.: 301-415-3196

From: Davidson, Cynthia
Sent: Monday, June 20, 2016 3:13 PM
To: Ammon, Bernice <Bernice.Ammon@nrc.gov>; Clark, Michael <Michael.Clark@nrc.gov>
Cc: Averbach, Andrew <Andrew.Averbach@nrc.gov>
Subject: FW: FOIA/PA-2016-00506 Action Item/Instructions Non-Exempted Requester Fee Estimate Required

Bernice/Mike,

I am placing LC's folder in your mailbox. Andrew let me know if you need to be included on this tasking. Also Mike let me know if other OGC offices should be included on the ticket.

Cynthia Davidson
OGC's FOIA Coordinator
Office of the General Counsel
MS:O-16F03
Cynthia.Davidson@nrc.gov
Ph.: 301-415-3196

From: OGC_FOIA_COORDINATOR Resource

Sent: Monday, June 20, 2016 2:24 PM

To: Davidson, Cynthia <Cynthia.Davidson@nrc.gov>

Subject: FW: FOIA/PA-2016-00506 Action Item/Instructions Non-Excepted Requester Fee Estimate Required

From: Blaney, Stephanie

Sent: Monday, June 20, 2016 2:24:26 PM (UTC-05:00) Eastern Time (US & Canada)

To: OGC_FOIA_COORDINATOR Resource; FOIAPARES Resource

Cc: Kardaras, Tom; FOIA Resource; Blaney, Stephanie

Subject: FOIA/PA-2016-00506 Action Item/Instructions Non-Excepted Requester Fee Estimate Required

Offices Assigned Action on June 20, 2016:

(b)(5)

OGC;RES

(b)(5)

Please verify

whether your office has anything responsive to this request)

This requester has been placed in the "**non-excepted**" fee category, being responsible only for search fees in excess of two (2) hours and duplication costs after receiving 100 pages free of charge. Therefore, your initial fee estimate of **search fees and duplication costs** is required on or before **June 23, 2016**, which is four (4) working days from the date of this e-mail.

If there are no responsive records, please respond with "No Records".

The Government Information Specialist for this request is **Stephanie Blaney**, who can be reached at **301-415-6975** or Stephanie.Blaney@nrc.gov.

The FOIA request should be processed in accordance with the standard instructions (How to Respond to an Initial FOIA Request) at ML060590485. To ensure that **search time** is calculated appropriately and consistently, **search** is the time spent by any staff member looking for material subject to a request, either manually or by automated means, including time spent in page-by-page or line-by-line identification of responsive material within records. Searches should identify all paper and electronic records maintained by your office, including records in any file centers or other remote locations, all versions in ADAMS, Sharepoint, or other shared drives, as well as individual staff members' Outlook, Office, and other computer files, audio and video tapes, and any other media.

If you believe another office (that is not copied on this e-mail) may have records responsive to this request, please let the Government Information Specialist know.

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 have any difficulty doing a search.

NRC Form 496, "Report of Staff Resources for Processing FOIA/PA Requests" is available in the NRC Forms Library for your use.

When you respond, please make sure that you are sending your response to FOIA.Resource@nrc.gov, as well as the assigned specialist.

Thank you.

From: [Warner, Deanna](#)
To: [Blaney, Stephanie](#)
Subject: RE: Inquiry: FOIA-2016-00506 - Internal and External Communications re CON-2011-0003
Date: Thursday, June 23, 2016 2:21:33 PM

Thank you ☺

From: Blaney, Stephanie
Sent: Thursday, June 23, 2016 1:22 PM
To: Warner, Deanna <Deanna.Warner@nrc.gov>
Subject: RE: Inquiry: FOIA-2016-00506 - Internal and External Communications re CON-2011-0003

Perfect. I'll close you out as no records.

Thank you.

From: Warner, Deanna
Sent: Thursday, June 23, 2016 1:21 PM
To: Blaney, Stephanie <Stephanie.Blaney@nrc.gov>
Subject: RE: Inquiry: FOIA-2016-00506 - Internal and External Communications re CON-2011-0003

I was hoping you were going to say that and I agree.

From: Blaney, Stephanie
Sent: Thursday, June 23, 2016 1:17 PM
To: Warner, Deanna <Deanna.Warner@nrc.gov>
Subject: RE: Inquiry: FOIA-2016-00506 - Internal and External Communications re CON-2011-0003

It looks like all of these emails are related to the subject and not the Consultation. In my opinion these are not responsive, unless he were to request internal/external communications related to FOIA/PA-2010-0336.

So I am saying none of these are responsive. If this is all that was located then I would say you guys probably have no records. Does this work for you?

Stephanie

From: Warner, Deanna
Sent: Thursday, June 23, 2016 10:59 AM
To: Blaney, Stephanie <Stephanie.Blaney@nrc.gov>
Subject: Inquiry: FOIA-2016-00506 - Internal and External Communications re CON-2011-0003

Hi Stephanie,

I'm hoping you can help. Staff provided me with the attached records, but without the history associated with prior requests. I'm unsure if they are responsive to the subject FOIA. The attached records are communications between staff on FOIA-2010-00336

which appears to be staff communications that occurred prior to the agency receiving CON-2011-0003 – I would assume that the CON # is a referral from another agency requesting that the NRC provide a disclosure determination.

The records do not appear to be communications directly related to the CON, but are records discussing the release of the MOU, which offices are involved, contacting DOE on releasing the MOU, etc. of a previous FOIA request.

Any advice you can provide is greatly appreciated.

Thanks.
Deanna

From: Armstrong, Kenneth
Sent: Thursday, June 23, 2016 10:18 AM
To: Warner, Deanna <Deanna.Warner@nrc.gov>
Cc: Basu, Sudhamay <Sudhamay.Basu@nrc.gov>
Subject: FW: DOE MOU FOIA

Deanna,

These each appear to be responsive to the request. However, as you were notice staff on some of these correspondence have now moved to other offices (e.g., OCHCO, NRR, NRO, RI). So, I am not sure what to recommend for assignment past RES.

Thanks!

From: Basu, Sudhamay
Sent: Wednesday, June 22, 2016 9:19 AM
To: Armstrong, Kenneth <Kenneth.Armstrong@nrc.gov>
Subject: DOE MOU FOIA

Ken – see attached.

From: FOIAPAADM Resource
To: FOIAPAADM Resource; FOIA Resource; Blaney, Stephanie
Subject: FW: FOIA/PA-2016-00507 Action: Fee Estimate Required
Date: Tuesday, June 21, 2016 1:54:54 PM
Attachments: 2016-0507-r.pdf

ADM has No Records. Please consider this ADM's final response. Thank you!

From: Heilig, Christoph
Sent: Tuesday, June 21, 2016 1:29 PM
To: FOIAPAADM Resource <FOIAPAADM.Resource@nrc.gov>; Kerben, Valerie <Valerie.Kerben@nrc.gov>
Cc: Lownik, Lissette <Lissette.Lownik@nrc.gov>
Subject: RE: FOIA/PA-2016-00507 Action: Fee Estimate Required

The Personnel Security Branch has no records related to this request.

Chris Heilig
Team Leader, U.S. NRC PERSEC Branch
Tel: (301) 415-7731 | Fax: (301) 415-0245
cxh4@nrc.gov

From: Blaney, Stephanie [<mailto:foia.resource@nrc.gov>]
Sent: Monday, June 20, 2016 2:27 PM
To: FOIAPAADM Resource <FOIAPAADM.Resource@nrc.gov>
Cc: FOIA Resource <FOIA.Resource@nrc.gov>; Blaney, Stephanie <Stephanie.Blaney@nrc.gov>
Subject: FOIA/PA-2016-00507 Action Item/Instructions Non-Excepted Requester Fee Estimate Required

Offices Assigned Action on June 20, 2016:

(b)(5)

ADM [REDACTED]

(b)(5)

[REDACTED] Please verify if your office has anything responsive)

From: Davidson, Cynthia
Sent: 21 Jul 2016 10:36:17 -0400
To: FOIA Resource
Cc: Blaney, Stephanie;Ennis, Tina
Subject: FOIA-2016-0113A

The above FOIA is available for pick up from the OGC mailroom located at O-16F03.

Cynthia Davidson
Team Leader
Office of the General Counsel
MS:O-16F03
Cynthia.Davidson@nrc.gov
Ph.: 301-415-3196

From: Davidson, Cynthia
Sent: 19 Jul 2016 15:01:14 -0400
To: FOIA Resource
Cc: Francis, Lezlie;Ennis, Tina;Chidichimo, Gabriele;Ennis, Tina;Blaney, Stephanie
Subject: FOIA/PA-2016-0113A; [REDACTED] 2016-0113A

Outside of
Scope

The above FOIA are available for pick up from the OGC mailroom located at O-16F03. They are in one envelope.



Cynthia Davidson
OGC's FOIA Coordinator
Office of the General Counsel
MS:O-16F03
Cynthia.Davidson@nrc.gov
Ph.: 301-415-3196

From: Ennis, Tina
Sent: 14 Jul 2016 09:04:32 -0400
To: Blaney, Stephanie
Subject: RE: Appeals 113A & 116A

Sure.

That will be fine. I can't think of anything else.

Tina Ennis

FOIA Analyst (Contractor)
OCIO/CSD/FPIB
U.S. Nuclear Regulatory Commission
Location: T-5F18 | Mailstop: T-5F09
 301-415-5616 |  Tina.Ennis@nrc.gov

From: Blaney, Stephanie
Sent: Thursday, July 14, 2016 9:02 AM
To: Ennis, Tina <TINA.ENNIS@nrc.gov>
Subject: RE: Appeals 113A & 116A



Ohhh good catch. I'll fix it and update the ADAMS file. Will you be able to package it up for me?

Do you want everything emailed as attachments to copy to a CD for me? I would send the appeal response, the 2 appeal incomings, the 2 incomings for the original requests and their corresponding responses. Anything else?

From: Ennis, Tina
Sent: Thursday, July 14, 2016 9:00 AM
To: Blaney, Stephanie <Stephanie.Blaney@nrc.gov>
Subject: RE: Appeals 113A & 116A

Looks good to me. Just be sure that the fonts match (11), some of it is 10.5.

Tina Ennis

FOIA Analyst (Contractor)
OCIO/CSD/FPIB
U.S. Nuclear Regulatory Commission
Location: T-5F18 | Mailstop: T-5F09
 301-415-5616 |  Tina.Ennis@nrc.gov

From: Blaney, Stephanie
Sent: Thursday, July 14, 2016 8:46 AM
To: Ennis, Tina <TINA.ENNIS@nrc.gov>
Subject: Appeals 113A & 116A

Let me know what you think. If looks ok we should just be able to put together and send to OGC, what do you think?

Stephanie

From: Ennis, Tina
Sent: 18 Jul 2016 14:52:37 -0400
To: Blaney, Stephanie
Subject: RE: FOIA/PA-2016-0113A

I'll take care of it.

Tina Ennis

FOIA Analyst (Contractor)
OCIO/CSD/FPIB
U.S. Nuclear Regulatory Commission
Location: T-5F18 | Mailstop: T-5F09
☎ 301-415-5616 | ✉ Tina.Ennis@nrc.gov

From: Blaney, Stephanie
Sent: Monday, July 18, 2016 2:37 PM
To: Clark, Michael <Michael.Clark@nrc.gov>
Cc: Ennis, Tina <TINA.ENNIS@nrc.gov>
Subject: Re: FOIA/PA-2016-0113A

Thanks, I've copied Tina Ennis so she can get someone to make the changes for me and keep it moving.

I'll return on Monday.

Stephanie

From: Clark, Michael
Sent: Friday, July 15, 2016 5:38:05 PM
To: Blaney, Stephanie
Subject: FOIA/PA-2016-0113A

Stephanie,

(b)(5)



Mike Clark
Deputy Assistant General Counsel for Legal Counsel, Legislation, and Special Projects
Office of the General Counsel

U.S. Nuclear Regulatory Commission
Rockville, Maryland
(301) 287-9182