

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

2016-0722

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RESPONSE TYPE  INTERIM  FINAL

**REQUESTER:**

Adam Israel

**DATE:**

08/31/2016

**DESCRIPTION OF REQUESTED RECORDS:**

Requesting the Notation Vote Sheet for Chairman Shirley Ann Jackson on SECY-98-260, relating to the NRC's FY 1999 Revision of Fee Schedules.

#### 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](mailto: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)

Enclosed is the record that you are seeking.

In conformance with the FOIA Improvement Act of 2016, the NRC is informing you that you have the right to seek assistance from the NRC's FOIA Public Liaison.

**SIGNATURE - FREEDOM OF INFORMATION ACT OFFICER**

*for Stephanie Blaney, Acting Karen Daney*

NOTATION VOTE

RESPONSE SHEET

TO: John C. Hoyle, Secretary  
FROM: CHAIRMAN JACKSON  
SUBJECT: SECY-98-260 - FY 1999 FEE RULEMAKING

Approved  in <sup>6</sup> part Disapproved  in part Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS:

SEE ATTACHED COMMENTS

  
\_\_\_\_\_  
SIGNATURE

December 22, 1998  
\_\_\_\_\_  
DATE

Entered on "AS" Yes \_\_\_\_\_ No \_\_\_\_\_

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OTHER WISE  
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## CHAIRMAN JACKSON'S COMMENTS ON SECY-98-260- FY 1999 FEE RULE

I approve staff's proposals for the development of the FY 1999 Fee Rule, with the following exceptions. I do not believe that the costs associated with plant performance reviews (PPR's) should be recovered under the Part 170. Although specific plants are discussed, it is within the context of planning and scheduling NRC work. Therefore, it would be more appropriate to continue to assess these costs to the class of licensees rather than the specific licensees. I support charging the full costs for projects managers time to individual licensees, except for generic activities. However, it is unclear what activities would fall under the part 170 fee category. I recommend that the fee rule include a more complete description of the activities that would be recovered under Part 170, and those that would be considered generic activities and included in the annual fee.

I do not support soliciting public comments on whether the NRC should recover costs for allegations and investigations under Part 170 in the FY 2000 fee rule. The staff has made the determination that costs associated with 2.206 petitions should remain under the annual fee because they are filed by members of the public requesting NRC action regarding a licensee. Allegations and investigations are analogous to 2.206 in that they are done at the request of an individual, not a licensee. Further, many allegations are not directly related to licensee performance. Particularly for small licensees, it could be unfair to charge specific licensees for investigations or inspection of unsubstantiated allegations.

The staff should further evaluate whether legislation should be sought to recover NRC's dry spent fuel storage activities from the Nuclear Waste Fund as a part of the legislative proposal that will be submitted to the Commission in late January 1999.