



2016-0510

1

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

RESPONSE TYPE INTERIM FINAL

REQUESTER:

Julian Tarver

DATE:

NOV 16 2016

DESCRIPTION OF REQUESTED RECORDS:

Copies of all FOIA referrals to NRC from other agencies from 2014 through current date

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)

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.

Your FOIA response was delayed because we had to wait on responses from outside agencies.

SIGNATURE - FREEDOM OF INFORMATION ACT OFFICER

Nina Argent, Acting FOIA Officer



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2016-0510

DATE:
NOV 16 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 of 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
Nina Argent	Acting FOIA Officer/OCIO		<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."

FOI/PA REQUEST

Case No.: CGN-2014-0002

Date Recd: 9/15/14

Specialist: SC

Related Case: _____

Morris, Alexander

From: WEBMASTER, DOE
Sent: Tuesday, March 12, 2013 3:12 PM
To: FOIA-Contact
Subject: Form submission from DOE Headquarters FOIA Request Form

Submitted on Tue, 03/12/2013 - 15:12
Submitted by anonymous user: [REDACTED] Submitted values are:

--Contact information--
Name: Sam Knight
Organization: Freelance Journalist
Address:
[REDACTED]
Fax number: N/A
Phone number:
Email address:

44 13 2013 BS
FOIA REQUEST / 2013 03/12

--Reasonably Describe Records--

Description:
Dear Freedom of Information Act Officer,

This is a request filed under the Freedom of Information Act (FOIA). I hereby request copies of all records containing the following releasable information:

[Any and all written correspondence to, from, and within the Loan Programs Office between November 1, 2012 and March 12, 2013 about Southern Co's plan to build and operate two nuclear reactors at its Vogtle power plant near Waynesboro, Georgia.]

[Any and all written correspondence to, from and within the Office of the Secretary between November 1, 2012 and March 12, 2013 about Southern Co's plan to build and operate two nuclear reactors at its Vogtle power plant near Waynesboro, Georgia.]

As the FOIA requires, please release all reasonably segregable nonexempt portions of documents. I request that the Nuclear Regulatory Commission uses discretion when considering whether or not any part of the information is exempt from disclosure under FOIA. It is in the public interest that the above information is made available because it is likely to contribute significantly to public understanding of the operations or activities of the government.

In order to help to determine my status to assess fees, you should know that I am a freelance journalist, and this request is made as part of news gathering activity and not for commercial use.

I am willing to pay fees for this request up to a maximum of \$150. If you estimate that the fees will exceed this limit, please inform me before processing my request.

44-2013-00710-F

If you have any questions regarding this request, please contact me at [REDACTED], or email me at [REDACTED]. I look forward to receiving your response within the twenty day statutory time period.

Thank you for your consideration.

Sincerely,

Sam Knight

Specify preferred form or format: PDF, attached to an email

--Type of requestor--

Select a description of yourself and the purpose of the request to help determine your category for assessing fees: A representative of the news media and the request is made as part of news gathering and not for commercial use.

Affiliation: Freelance Journalist

Type of media: Magazine

--Fees and waivers--

Please select the statement that applies: I agree to pay up to a specified amount for fees.

Maximum fee amount: \$150.00

--Expedited processing--

Justification:

Please provide your specific justification for expedited processing:

The results of this submission may be viewed at:
<http://www.irs.gov/efile/2003/efile/submission/6776>

FREEDOM OF INFORMATION / PRIVACY ACT RECORD REQUEST FORM

Form Approved OMB No. 3294-0299

Instructions: Use of this form is optional. You may use any written format for a Freedom of Information (FOIA) or Privacy Act (PA) Request as long as it contains a description of the information you are requesting and sufficient personally identifying data when required. Failure to provide the required information may result in no action being taken on the request. Completed forms should be submitted via fax, mail or e-mail as outlined in attachments. If submitting via e-mail, you should ensure that the security of your e-mail system is adequate for transmitting sensitive information before choosing to transmit your request which contains your personally identifiable information. Mail: OPIA-Federal Investigative Services; ATTN: FOIPA office, 1137 Searcyton Road, P.O. Box 618, Bayars, PA 18918. Fax: (724) 794-4390. e-Mail: FOIPA@fisc.dhs.gov

1. Type of Request - (This section must be completed.)

FOIPA Request

- I request my own records. (Requester must complete sections 2, 3, 4, and 6.)

FOIA Request

- I am making a request for records about someone or something other than myself. (Requester must complete sections 2, 3, and 7.)

PA Amendment Request

- I wish to amend my own records. In accordance with 5 C.F.R. § 287.201, the burden of proof rests with the record subject to demonstrate how his/her record is not accurate, timely, relevant, or complete. Requesters should attach additional material to this form. (Requester must complete sections 2, 4, and 6.)

FOIPA REQUEST

Case No.: CON-2015-0001

Date Rec'd: 1/29/15

Specials: _____

Related Cases: _____

2. Requester Information - (This section must be completed.)

Form fields for requester information including Full Name, Street Address, City, State, Zip Code, Country, Telephone Number, and e-Mail Address. All fields are redacted with (b)(6) or (b)(8).

3. Records Requested

- Standard Form Only (SFOS, SIP, or BR)
All Investigations and Standard Forms
Most Recent Investigation, including Standard Forms
Other (Specify in the box below) - Attach a separate page if you need more space than provided below.

Large empty rectangular box for specifying records requested.

4. Requester's Identifying Information - (Complete this section only if you are making a request for records about yourself.)

Social Security Number: (b)(6)

Date of Birth (MM/DD/YYYY): (b)(6)

City of Birth: (b)(6)

State of Birth: (b)(6)

Country of Birth: (b)(6)

5. Optional: Authorization to Release Information to a Third Party.

By completing this section, you authorize information relating to you to be released to another person, such as a family member or legal counsel. Pursuant to 5 U.S.C. § 552(a)(6), I authorize the United States Office of Personnel Management's, Federal Investigative Services to release my records (defined above) to:

Full Name: [Redacted]

Mailing Address: [Redacted]

6. Verification of Requester's Identity - (Complete this section only if you are making a request for records about yourself.) I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and I am the person named in Section 2. I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. § 1001 by a fine of not more than \$10,000, or by imprisonment for not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. § 552(a)(3) by a fine of not more than \$5,000.

Signature: (b)(6)

Date: 12/16/2014

7. Complete this section only if you are requesting records about someone or something other than yourself. In the box below, you may wish to provide information about yourself and the purpose of your request to help us determine your fee category. Furthermore, this information is subject to the provisions of a request, from any governmental agency, on the release of the information or purpose of the request. Please note that providing information to this category may be subject to oversight with certain regulations at 5 C.F.R. § 263.100. If you are asking for a review or redaction of this, you can also use this space to provide an explanation. Attach a separate page if you need more space than provided below.

[Redacted]

- I agree to pay all applicable fees. I agree to pay up to a specific amount for fees. (Specify the Amount: [Redacted])
- I request a waiver or reduction of fees because I am subject to all options listed below that apply:
 - Affiliated with an educational or noncommercial scientific institution and this request is not for commercial use
 - A representative of the news media and this request is part of a news dissemination function and not for commercial use
 - Requesting the information in order to contribute significantly to the public understanding of the operations or activities of the government and I do not presently have a commercial interest in the information.





CONF-9116-0004

United States Department of State
Washington, D.C. 20520

~~SECRET~~
(UNCLASSIFIED WHEN SEPARATED FROM ATTACHMENT)

Case No. O-2015-08632

TO: Mark A. Satorius, Executive Director of Operations and
Chief FOIA Officer
U.S. Nuclear Regulatory Commission

FROM: John F. Hackett, Director
Office of Information Programs and Services

SUBJECT: Freedom of Information Act (FOIA) Referral for
Consultation-LITIGATION

The attached Department of State material requested in the above FOIA case appears also to be of interest to your agency. Before we take final action, we ask that you review this material, and return it to us with your recommendations.

The documents consist of emails sent to and/or from former Secretary of State Clinton on her private email account. It is our intention to post all released material on the State Department's FOIA website.

The Department is currently in litigation concerning this material and is required to make monthly releases of documents. We would therefore appreciate expedited handling and suggest that you consult with your office of general counsel. In light of the litigation and in view of the strong public interest in this matter, we would appreciate your reply no later than December 22nd, 2015.

Our preliminary determinations are noted on each document. Portions for withholding (if any) are as indicated, and the exemptions are noted in the margin. Where we have requested concurrent review by other agencies, the names of those agencies are also shown on each document.

~~SECRET~~
(UNCLASSIFIED WHEN SEPARATED FROM ATTACHMENT)

~~SECRET~~
(UNCLASSIFIED WHEN SEPERATED FROM ATTACHMENT)

In your reply, please reference both the case and segment numbers shown above. If you would like us to change our treatment of any document, please provide a copy of the document showing the desired changes, or alternatively provide the document number (shown in the upper left corner of each document) along with a clear description of the desired changes.

If you wish to speak to someone about this request, you may contact GodanIB@state.gov.

Should you receive any inquiries about this collection, please refer them directly to us for response. Additionally, do not hesitate to contact us with any questions.

~~SECRET~~
(UNCLASSIFIED WHEN SEPERATED FROM ATTACHMENT)

FUMPHAN *JULST

Case No. DN-2016-0005

Date Rec'd 12/22/15

Ennis, Tina

~~Specialist~~

From: Kelley, Teresa A. (AU) <TERESA.KELLEY@hq.doe.gov> **Related Case:** _____
Sent: Monday, December 21, 2015 3:21 PM
To: FOIA Resource
Subject: [External_Sender] Privacy Act Request HQ-2015-00511 from (b)(6)
Attachments: Documents.pdf

Hello Ms. Ennis:

It was very nice speaking with you this afternoon. As a follow up to our conversation, during a review of (b)(6) personnel security file, we located one document that originated at the NRC. Our General Counsel's office would like your agency to review the document to make sure your agency is okay with us releasing NRC's information. Please see the attached document.

If you have any questions, please feel to contact me at the number below. Thank you for your assistance.

Teresa A. Kelley
Office of Headquarters Personnel
Security Operations, AU-43
Office of Security Operations
office number: 301-903-4161
fax number: 301-903-4816



Office Of The Secretary

DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

Fulbright-JULIST

Case No: CON-2016-0006
Date Rec'd: 1/27/16
Specialist: _____
Related Case: _____

27 January 2016

MEMORANDUM FOR UNITED STATES NUCLEAR REGULATORY COMMISSION
FOIA/Privacy Officer
Mailstop: T-5 F09
Washington, DC 20555-0001

FROM: SAF/AAII (FOIA)
1000 Air Force Pentagon
Washington DC 20330-1000

SUBJECT: Freedom of Information Act Request Consultation - Case 2016-00023-A

1. Please review the attached record in accordance with DoD 5400-7/AFMAN 33-302. The Air Force request NRC to review the bracketed Sec. 1.4(a) to determine if this information (Radioactive Material Permit No.'s) requires redaction.
2. If you determine that parts or all of the records should be withheld, prepare a response to this office citing the specific exemption(s) from DoD 5400.7/AFMAN 33-302
3. Please return your reply to our office with a copy of all responsive documents, electronically via tracy.a.broady.civ@mail.mil.
4. Please refer your questions to the undersigned at (703) 692-9979.

\\Signed\\
TRACY A. BROADY
Government Information Specialist



PLANNING - JUST
Case No: CON-2016-0007
Date Rec'd 2/1/16
Specialist Blaney
Related Case CON-2016-0004

United States Department of State
Washington, D.C. 20520
JAN 21 2016

~~SECRET~~
(UNCLASSIFIED WHEN SEPARATED FROM ATTACHMENTS)

Case No. F-2014-20439

TO: Mark A. Satorius, Executive Director of Operations and
Chief FOIA Officer
U.S. Nuclear Regulatory Commission

FROM: John F. Hackett, Director
Office of Information Programs and Services

SUBJECT: Freedom of Information Act (FOIA) Referral for Consultation-
LITIGATION

The attached Department of State material requested in the above FOIA cases appears also to be of interest to your agency. Before we take final action, we ask that you review this material, and return it to us with your recommendations.

The documents consist of emails sent to and/or from former Secretary of State Clinton on her private email account. It is our intention to post all released material on the State Department's FOIA website.

The Department is currently in litigation concerning this material and is required to make monthly releases of documents. We would therefore appreciate expedited handling and suggest that you consult with your office of general counsel. In light of the litigation and in view of the strong public interest in this matter, we would appreciate your reply no later than January 27, 2016.

~~SECRET~~
(UNCLASSIFIED WHEN SEPARATED FROM ATTACHMENTS)

~~SECRET~~

(UNCLASSIFIED WHEN SEPARATED FROM ATTACHMENTS)

Our preliminary determinations are noted on each document. Portions for withholding (if any) are as indicated, and the exemptions are noted in the margin. Where we have requested concurrent review by other agencies, the names of those agencies are also shown on each document.

In your reply, please reference both the case and segment numbers shown above. If you would like us to change our treatment of any document, please provide a copy of the document showing the desired changes, or alternatively provide the document number (shown in the upper left corner of each document) along with a clear description of the desired changes.

Please be advised that you may have already seen one or more of the attached documents, but in an abundance of caution, we are referring these documents to ensure each agency has been afforded the opportunity to review any material containing their equities.

If you wish to speak to someone about this request, you may contact us by email at IPS-Email-Review-201@state.sgov.gov (ClassNet) or IPS-Email-Review-201@state.gov (OpenNet), or you may call Behar Godani directly at (202) 261-8343 or John Hackett at 202-261-8300.

Should you receive any inquiries about this collection, please refer them directly to us for response. Additionally, do not hesitate to contact us with any questions.

Attachments – As stated

~~SECRET~~

(UNCLASSIFIED WHEN SEPARATED FROM ATTACHMENTS)



National Nuclear Security Administration
 Sandia Field Office
 P.O. Box 5400
 Albuquerque, NM 87185



JAN 27 2016

PLANNING REQUEST
 Case No: 15-0006-0008
 Date Rec'd: 2/29/16
 Specialist: _____
 Related Case: _____

MEMORANDUM FOR JANE R. SUMMERSON
 DIRECTOR, FOIA/PA AND NEPA SERVICES

FROM: JENNIFER BITSIE *J.Bitsie*
 OFFICE OF THE MANAGER

SUBJECT: Review and Release Recommendation for Freedom
 of Information Request No. 15-0006-SL

This is the final response to the above Freedom of Information Act (FOIA) request seeking a Review and Release Recommendation for a collection of documents provided by National Nuclear Security Administration, Albuquerque Complex, Office of the General Counsel, FOIA Office.

Sandia Corporation (Sandia) Classification Office has reviewed Sandia equity within the provided package and did not identify any information sensitivities. Please see the Classification Completion letter and the Sandia Itemized List of Records/Information Sensitivity Summary sheet for more information.

Sandia notes there is other potentially sensitive information under of the purview of other agencies. It is recommended that the information in the document be reviewed in its entirety under the reviews are complete and the information owners approve the release.

Department of Energy FOIA Requester Service Center 1000 Independence Avenue, SW Washington, DC 20585 Phone: 202-586-5955 Fax: 202-586-0575	Nuclear Regulatory Commission (NRC) FOIA Officer Mailstop: T-5 F08 Washington, D.C. 20555-0001 Fax: 301-415-5130 Email: FOIA.resource@nrc.gov Questions: 301-415-7169
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Sandia Field Office (SFO) Field Counsel, Cynthia Wimberly and SFO Subject Matter Expert, Roy Lybarger, have reviewed the final response and concurs with Sandia's recommendations and did not see issues or concerns.

JAN 27 2016

Jane R. Summerson

-2-

We consider this request complete and closed. If you have questions, please contact me at (505) 845-5305.

Attachments:

1. Silva/Bitsie letter dated 12/24/2015;
2. Pollica/Silva letter dated 09/24/2015;
3. Sandia Cost Sheets;
4. SFO Cost Sheet.

cc w/o attachments:

Christopher Castro, SFO/OOM
SFO Field Counsel

PLANNED REQUEST
Case No: Col-2016-0009
Date Rec'd: 3/24/16
Specialist: _____
Printed Case: _____

Morris, Alexander

From: **Crossman, Shira** (scrossman@nationaljournal.com)
Sent: **Wednesday, February 29, 2012 2:35 PM**
To: **Morris, Alexander**
Subject: **New FOIA Request on Taiwan and Nuclear Energy**

29 February 2012

Chair Morris, FOIA Officer
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585
By e-mail at alexander.morris@hq.doe.gov

FEB 29 2012

Dear Mr. Morris:

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, I hereby request access to and copies of any and all communications, e-mails, meeting documents or notes, phone records, presentations, and other documents between January 1, 2011, and February 29, 2012, regarding U.S. nuclear cooperation or trade with Taiwan (also known as the Republic of China or "ROC"), including the issues of Taiwan's nuclear fuel, post-irradiation experiments, nuclear waste and/or spent-fuel repositories, uranium enrichment, or any matters related to renewing the U.S.-Taiwan Section 123 agreement on nuclear cooperation, which expires in 2014.

This request includes, but is not limited to, e-mails by and to DOE officials, including but not limited to Daniel Posner, Peter Lyons, R. Sherr Johnson, Edward McGinnis, Alan Brownstein, Jay Jones and Gaila Bisconti, and any official(s) representing the government of Taiwan, the American Institute in Taiwan (AIT), and/or the Taipei Economic and Cultural Representative Office (TECRO). The latter two institutions typically handle relations between the United States and Taiwan because there are no formal diplomatic ties due to Taiwan's unique status.

The correspondence sought should include any messages or documents, either physical or electronic, that meet or approximate the content described above.

PROVISION OF DOCUMENTS: Please provide the document(s) to me, preferably in electronic format, as soon as possible at this e-mail address: scrossman@nationaljournal.com

I am requesting these records as a representative of the news media. I request a waiver of fees because my interest in records is not primarily commercial, and disclosure of the information will contribute significantly to public understanding of the operations or activities of the government. The news service for which I report, Global Security Newswire, is published by the highly acclaimed National Journal Group. The newswire is available online at www.globalsecuritynewswire.org.

Please provide requested copies at the earliest possible date, as this is a matter of pressing public interest. The 2014 expiration of the current Section 123 agreement between the United States and Taiwan has necessitated ongoing negotiations aimed at ultimately renewing the bilateral nuclear cooperation pact, according to public comments made on March 29, 2011, by Richard Sturf, the State Department's director of the Office of Nuclear Energy, Safety and Security (see Carnegie Endowment event transcript at this link: <http://carnegieendowment.org/2011/03/29/u.s.-nuclear-cooperation-how-and-with-whom/2nc5>). The public has a strong interest in understanding the issues and conditions surrounding future Taiwan activities in nuclear energy, and U.S. cooperation and assistance toward that end, particularly given the proliferation of nuclear arms

technologies in the region (including North Korea) and nuclear energy safety issues in the wake of the 2011 accident at neighboring Japan's Fukushima facility.

A response must be provided at least within 30 working days as dictated by law. If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

If you have any questions about handling this request, please telephone me at my number, below. Thank you for your prompt attention to this matter.

Sincerely,

Elaine M. Goodman
Reporter, Global Security Newswire
202-256-7348

FOIA REQUEST

Case No: CON-2016-0010

Date Rec'd: 3/29/16

Specialist: _____

Brothers, Karen Related Case _____

From: State Department FOIA <openfoia@state.gov>
Sent: Tuesday, November 26, 2013 9:00 AM
To: FOIA Request
Subject: FOIA Request Letter

Thank you for filing your FOIA request online on 11/26/2013. Here is a review of your request.

The records I request can be described as follows:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Cause of Action hereby requests records reflecting communications between (1) The Office of White House Counsel and the U.S. Department of State (DOS) Office of Information Programs and Services, and (2) The Office of White House Counsel and the DOS Office of the Legal Advisor, concerning the Office of White House Counsel's review of agency records. The time period for this request is January 1, 2012 to the present.

Please note that we do not seek access to the actual records that were forwarded to the Office of White House Counsel for review, but only to records that reflect that such communications occurred (for example, cover e-mails).

The time period of my request is from 01/01/2012 to present

I am affiliated with an educational or noncommercial scientific institution seeking information for a scholarly or scientific purpose and not for commercial use.
Additional documentation will be required.

I am willing to pay \$25 for my request.

I request a waiver of all fees for this request.

Reason: Cause of Action requests a waiver of any and all applicable fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). This provision provides that requested records shall be furnished without or at reduced charge if "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." The requested records would unquestionably shed light on the "operations or activities of the government," namely DOS's policies and procedures with respect to records involving White House equities. Moreover, disclosure would "contribute significantly" to the public's understanding of DOS operations. To date, DOS has not disclosed to the public—either through its regulations or policy memoranda—how it processes agency records that are deemed to contain White House equities. Cause of Action has both the intent and ability to make the results of this request available to a reasonably broad public audience through various media. Our staff members have a wealth of experience and expertise in government oversight, investigative reporting, and federal public interest litigation. These professionals will analyze the information responsive to this request, use their editorial skills to turn raw materials into a distinct work, and share the resulting analysis with the public, whether through Cause of Action's regularly published online newsletter, memoranda, reports, or press releases.

Further, Cause of Action, a non-profit organization as defined under Section 501(c)(3) of the Internal Revenue

Code, does not have a commercial interest in making this request. The requested information will be used solely to educate the general public regarding DOS's hitherto undisclosed FOIA policy and procedures for processing records with White House equities.

For the purposes, Cause of Action also qualifies as a "representative of the news media" under 5 U.S.C. § 552(a)(4)(A)(ii)(II). Cause of Action is organized and operated, among other things, to publish and broadcast news, i.e., information that is about current events or that would be of current interest to the public. Cause of Action gives the information that it regularly publishes from a wide variety of sources and methods, including whistleblowers/leakers, government agencies, universities, scholarly works, and FOIA requests. Cause of Action routinely and systematically disseminates information acquired from such sources to the public through various media. For example, Cause of Action disseminates articles, blog posts, published reports, and newsletters about current events of interest to the general public through its website, which has been viewed just under 120,000 times in the past year alone. Cause of Action also disseminates news to the public via Twitter and Facebook, and it provides news updates to subscribers via e-mail. As a result of these activities, federal agencies have continually recognized Cause of Action's news media status in connection with its FOIA requests.

My additional comments are as follows:

In an effort to facilitate record production, please provide the responsive records in electronic format (e.g., e-mail, .pdf). If a certain set of responsive records can be produced more readily, we respectfully request that those records be produced first and that the remaining records be produced on a rolling basis as circumstances permit.

If you have any questions about this request, please contact me by e-mail at

(b)(6) or by telephone at (b)(6). Thank you for your attention to this matter.

Contact Information

(b)(6)

(b)(6)

F: N/A

(b)(6)

CON 2016-0012

REC'D DATE: 5/3/16

SPECIALIST:

RELATED CASE:

FREEDOM OF INFORMATION ACT RECORD REQUEST FORM

Form Approved
OMB No. 3298-0209

Instructions: Use of this form is optional. You may use this form to request a Freedom of Information (FOIA) or Privacy Act (PA) Request as long as it contains sufficient personally identifying data when required. No action being taken on the request. Submit complete request by mail, or e-mail as scanned attachments. If submitting via e-mail, you should ensure that the e-mail system is adequate for transmitting sensitive information before choosing to transmit information. Also: OPM-Federal Management System, 1137 Branchton Road, P.O. Box 618, Boyers, PA 16018. Fax: (724) 794-4884. e-Mail: [redacted]

1. Type of Request - (This section must be completed)

FOIA Request

I request my own records. (Requester must complete sections 2, 3, 4, 5, 6, 7, and 8)

FOIA Request

I am making a request for records about someone or something. (Requester must complete sections 2, 3, 4, 5, 6, 7, and 8)

PA Amendment Request

I wish to amend my own records. In accordance with 5 C.F.R. 92.116, you must attach a copy of your original request with the request for amendment. (Requester must complete sections 2, 3, 4, 5, 6, 7, and 8)

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FOIA

2. Requester Information - (This section must be completed)

Full Name:

(b)(6)

Street Address:

[redacted]

City:

[redacted]

Zip Code:

[redacted]

Country:

Preferred Delivery Method:

Direct e-Mail

Delivery Mail

Optional: Telephone Number:

[redacted]

*A secure e-mail system that the information belongs to you is required for the request. Many widely used e-mail providers accept this use of file. If your e-mail provider prohibits secure e-mail use, you will not be able to use the e-mail system. Please contact your e-mail provider for more information. This information must be submitted with the request.

3. Records Requested (Select One)

Standard Form Only (SF-50, SF-52, or SF-58)

All Records Available

Copy Standard Form

All Inactive Files and Standard Forms

Other (Specify in the provided field)

Attach a separate page if you need more space than provided below.

[Large empty rectangular box for additional information]

4. Requester's Identifying Information - (Complete this section if you are making a request for records about yourself.)

Social Security Number: [Redacted] Date of Birth (MM/DD/YYYY): [Redacted]
City of Birth: [Redacted] State of Birth: [Redacted]
Country of Birth: [Redacted]

5. Identity Source Documents - (Copies of your identity source documents must be submitted along with this form.)

Examples of acceptable identity source documents are provided on the back of this form. For more information, see the Privacy Act of 1974, 5 U.S.C. 552a, and the Freedom of Information Act, 5 U.S.C. 552.

Copies of your identity source documents are attached.

6. Optional: Authorization to Release Information - (Complete this section if you are making a request for records about yourself.)

By completing this section, you authorize information relating to your request to be shared with other persons, such as a family member or legal counsel. Please note, if you choose to have your records withheld from release, you must be furnished a written copy. Pursuant to 5 U.S.C. 552(a)(7)(C), I authorize the release of my records to the following person(s) (Please print name and address):

Full Name: [Redacted]
Mailing Address: [Redacted]

7. Verification of Requester's Identity - (Complete this section if you are making a request for records about yourself.)
I declare under the penalty of perjury under the laws of the United States of America that the information provided in this request is true and correct, and I am the person named in Section 2. I understand that any falsification of this information is prohibited under the provisions of 18 U.S.C. 1001 by a fine of not more than \$10,000, or by imprisonment for not more than five years or both, or by any combination of these penalties, and I understand that any falsification of this information is prohibited under the provisions of 18 U.S.C. 1001 by a fine of not more than \$10,000, or by imprisonment for not more than five years or both, or by any combination of these penalties.

Handwritten Signature: [Redacted] Date: Feb 3, 2016

8. Complete this section only if you are requesting records about someone or something other than yourself.
In the box below, you may wish to provide information about your request to help us determine your fee category. While FOIA does not require a requester to state the purpose of the request, this may be helpful based on the nature of the request or purpose of the request. Fees for searching, copying, and reviewing records in this category may be waived in accordance with FOIA's regulations at 5 C.F.R. 5.204(a)(4). If you are willing to disclose the information, you are also able to provide an explanation. Attach a separate page if you need more space than provided.

[Redacted Box]

- I agree to pay all applicable fees. I agree to pay up to a specific amount. Specify the amount: [Redacted]
- I request a waiver or reduction of the amount I am asked to pay for the following reasons:
 - All fees will be waived because the information requested is not in the commercial interest of the requester and not for commercial use.
 - A representative of the requester has filed a request in good faith and the requester is not for commercial use.
 - Reporting the information to either to question significantly the safety of the operation or activities of the government and I do not primarily have a commercial interest.

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,

Nina Argent /S/

Nina Argent
FOIA Officer (Acting)