



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2017-288

1

RESPONSE TYPE INTERIM FINAL

REQUESTER:

Julian Tarver

DATE:

02/02/2017

DESCRIPTION OF REQUESTED RECORDS:

Copies of the 16 listed FOIA requests and appeals

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: (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 *[Signature]*



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2017-0288

DATE:

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	FOIA Officer/OCIO	Personal Identifiable Information	<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."

FOIA REQUEST

Case No: 2016-072A

Date Rec'd 3/8/16

FOIA Resource

From: (b)(6)
 Sent: Monday, March 07, 2016 9:27 PM
 To: FOIA Resource; McCree, Victor; Andoh, Roger
 Cc: Tom Devine; Scott Hodes
 Subject: [External_Sender] Lack of Response Appeal for FOIA/PA 2016-0137

Specialist _____
 Related Case _____

Mr. McCree,

On Dec. 9, 2015 under both the Freedom of Information Act and the Privacy Act I requested all records pertaining to me contained in the NRC's Privacy Act System of Records NRC-23, Office of Investigations Indices, Files, and Associated Records--NRC.

On Dec. 10, 2015 the NRC assigned my request the tracking number FOIA/PA 2016-0137 and estimated the records would be received by January 8, 2016.

On January 6, 2016 an NRC FOIA contractor informed me my records would not be received until January 22, 2017--267 working days after the receipt of the FOIA/PA request by the agency.

Under the Freedom of Information Act, you had 30 working days to provide me the requested records; it has thus far been 60 working days.

10 CFR 9.65(a) states, in part:

The Freedom of Information Act and Privacy Act Officer shall notify the requesting individual in person or in writing of the determination. Unless the request presents unusual difficulties or involves extensive numbers of records, individuals shall be notified of determinations to grant or deny access within 30 working days after receipt of the request.

I believe that taking 267 working days to answer my Privacy Act request is excessive and is an abuse of 10 CFR 9.65.

Under the Freedom of Information Act and 10 CFR 9.35(j) I am appealing the Lack of Response to FOIA/PA request 2016-0137.

FOIA case law recognizes that there are times when the volume of records requested might exceed the ability of the agency to process the request within the time limits specified by the FOIA. Under such circumstances, case law demands that the agency make regular responses to the requester as records become available. I do not believe the volume of records requested by me under FOIA/PA 2016-0137 is so excessive that my request could not be answered within 30 working days. It has been 60 working days and I have yet to receive a single record. This indicates to me that no effort whatsoever has been put into answering my response. If records have been located and processed, you should provide them to me immediately as a partial response.

V/r,

(b)(6)

From: [redacted] (b)(6)
To: foia.resource@nrc.gov
CC: dlochbaum@ucsusa.org; jriccio@greenpeace.org
Subject: Privacy Act/FOIA request for Privacy Act System of Records NRC-23
Date: Wed, 9 Dec 2015 21:07:02 -0500

Per the Privacy Act and the Freedom of Information Act, please provide me all records pertaining to me contained in the NRC's Privacy Act System of Records NRC-23, Office of Investigations Indices, Files, and Associated Records—NRC. Please provide me the requested records either via ADAMS, by email or on a CD or DVD disk which I can pick up at the FOIA desk in Two White Flint.

Please provide me all OI Investigative records for which I am either the subject (or one of the subjects) of investigation or the source (or one of the sources) of the allegation that led to the investigation.

I made a similar Privacy Act request on September 18, 2014 that was assigned tracking number FOIA/PA 2014-0490 but only received an index of the allegations in the file and not the actual records. Please provide me the actual records. I particularly seek all records associated with OI Case 4-2007-049.

I currently live in [redacted] (b)(6) but work in [redacted] (b)(6). I am often away from home. Please send all communications to me electronically at [redacted] (b)(6). If there is any communication you cannot send electronically, please notify me via email and I will come to the FOIA desk in Two White Flint to pick it up.

I do not intend to pay any money for the requested records as I expect there to be minimal search time and, as requested above, I expect to get the records electronically and avoid any printing fees.

Thank you,

[redacted] (b)(6)

~~FLUORIDE-QUEST~~

FOIA Resource

Case No: 2016-0073A
Date Rec'd: 3/9/16
Specialist: _____
Related Case: _____

From: (b)(6)
Sent: Wednesday, March 09, 2016 9:10 AM
To: FOIA Resource
Subject: [External_Sender] Re: FOIA/PA-2016-0253 Final Response

FOIA Appeal

On January 17, 2016, I requested, under the provisions of FOIA, a copy of the results and conclusions of an investigation conducted by Special Agent Tim Pikas, of the Inspector General's Office. My request was acknowledged by a letter dated January 17th, addressed to (b)(6) and assigned a tracking number of FOIA/PA-2016-00253. On February 23rd, the NRC responded with a report that was heavily redacted, supposedly to protect certain individuals' privacy. All the principals' names were removed. Even the pronouns were removed.

Note that, since I'm the complainant in this IG report, I know almost all the people whose names were redacted. I can fill in the blanks myself. So, I don't understand how these individuals' privacy was protected. I also don't understand why the NRC needed two forms of ID, from me, in order to produce this gutted report. I must conclude that this redaction process was largely a waste of the NRC staff's time, resources, and taxpayers' dollars, in general.

I am not at all satisfied with the NRC's response to my FOIA request, since I have no way of knowing that the report I requested is the report I received. I regret that I must appeal this FOIA response. Please resend the report without redaction.

On Tue, Feb 23, 2016 at 11:43 AM, Ennis, Tina <foia_resource@nrc.gov> wrote:

Dear (b)(6)

Please find attached NRC's final response to your FOIA request, FOIA/PA-2016-00253.

Please take a moment to help us improve our FOIA processes, and let us know what your experience has been. Just click on this embedded link: <http://www.nrc.gov/reading-rm/foia/foia-user-survey.html>. Once you have completed the survey, just click the "SUBMIT" button and your survey response will be returned to us.

Thank you,

Freedom of Information, Privacy & Information Collections Branch
Customer Service Division, Office of the Chief Information Officer
Mail Stop: T-5F09
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

FOIA.Resource@nrc.gov Ph: 301-415-7169 Fax: 301-415-5130

FUWPA REQUEST

Case No: 2016-0173

Date Rec'd 12/23/15

FOIA Resource

From: (b)(6)@nrc.gov>
Sent: Tuesday, December 22, 2015 5:14 PM
To: FOIA Resource
Subject: WWW Form Submission

Specialist

Related Case

Below is the result of your feedback form. It was submitted by

(b)(6)@nrc.gov on Tuesday, December 22, 2015 at 17:14:26

through the IP (b)(6)

using the form at http://www.nrc.gov/reading-rm/foia/foia-submittal-form.html

and resulted in this email to foia.resource@nrc.gov

Company/Affiliation: Nuclear Regulatory Commission

Address1: 1600 E. Lamar

Address2:

City: Arlington

State: TX

Zip: 76011

Country: United_States

Country-Other:

Phone: (b)(6) or (b)(6)

Desc: Conclusion of OIG investigation I submitted about ongoing computer abuse during duty hours over a period of time by an (b)(6) in Region IV by the name of (b)(6) was using the NRC computer for personal use to do (b)(6) homework, and study for exams for (b)(6) night courses plus creating and printing color fliers and collages for (b)(6) high school reunion, and using the internet to find pictures for the reunion (i.e., mascot pictures, etc.). Money has been wasted because the employee has been paid a high salary (compared to private industry) as an (b)(6) to do personal work, plus use the government computers, printers, and equipment, along with the manhours and affecting the other employees around (b)(6) who have to do the work that (b)(6) did not or was not able to perform because of (b)(6) personal work. None of the categories below apply because I am a government employee and a taxpayer who sees fraud, waste, and abuse from an employee who works for the government, which is I finally reported it during a conversation with our Division Director. I have to check one below in order to submit the form, though.

FeeCategory: Personal_Noncommercial

MediaType:

MediaType_Other_Description:

Expedite_ImminentThreatText:

Expedite_UrgencyToInformText:

Waiver_Purpose:

Waiver_ExtentToExtractAnalyze:

Waiver_SpecificActivityQuals:

Waiver_ImpactPublicUnderstanding:

Waiver_NatureOfPublic:

Waiver_MeansOfDissemination:

Waiver_FreeToPublicOrFee:

Waiver_PrivateCommericalInterest:

CASE NO: 2016-0473
DATE REC'D: 05/23/16
SPECIALIST:
RELATED CASE:



May 13, 2016

U.S. Nuclear Regulatory Commission
FOIA Officer
Mailstop: T-5 F08
Washington, DC 20555-0001

FOIA Request for Three Allegation Files

To Whom it Concerns:

This is a request filed under the Freedom of Information Act, as amended. Per the applicable law and Nuclear Regulatory Commission regulations, I anticipate a response to this request within 20 days.

This request is being filed on behalf of Savannah River Site Watch (SRS Watch), a corporation duly registered with the State of South Carolina and a duly registered 501c(3) non-profit organization. While now working for SRS Watch, I have filed many FOIA requests, including with the NRC, on behalf of other non-profit organizations, including Friends of the Earth, the Alliance for Nuclear Accountability, Greenpeace and the Nuclear Control Institute.

I request that any fees that may be associated with this request be waived. The information obtained due to this request will be used solely for non-profit purposes in Georgia, South Carolina and in the United States. The information will contribute to the public's understanding of the manner in which NRC conducts its business and will specifically be used to inform the public about the NRC's regulation of new nuclear reactor construction and its efforts to investigate possible waste, fraud, abuse and mismanagement associated with such projects.

The information obtained via this request will be provided to not only the public but also the media and regulatory authorities in the states of Georgia and South Carolina. Over the years, I have demonstrated an ability to use information gathered via FOIA requests in a manner so as to educate the public about NRC and issues under its oversight. I request that the fee-waiver standard that has been applied to my requests in the past be applied to this request.

If any claim is made that any portion of any located documents are sensitive in nature or meet FOIA exclusions, I request that redacted copies of such documents be provided to me and that a full explanation be provided as to the reasons for any redactions.



I request that the documents and individual files on the requested allegations be provided to me as they become available and not be withheld until all pertinent documents are obtained.

I hereby request:

NRC Allegation Report Numbers:

R11-2015-A-0046

R11-2015-A-0165

R11-2015-A-0193

All contents of the above-named allegation files, including all forms of documents, memos, internal and external communication and transcripts.

Any attachments to the above-named allegations.

Any NRC reports related to the above-named allegations.

Thank you for processing this request in the time period mandated by law and regulation. If you have any questions about this request, please contact me at telephone 803-834-3084 or email tomclements329@cs.com.

Sincerely,



Tom Clements
Director, SRS Watch



**Judicial
Watch®**
*Because no one
is above the law!*

CASE NO: 2016-0530
DATE REC'D: 06/17/16
SPECIALIST:
RELATED CASE:

June 3, 2016

VIA CERTIFIED MAIL

U.S. Nuclear Regulatory Commission
FOIA Officer
Mailstop: T-5 F08
Washington, DC 20555-0001

Re: Freedom of Information Act Request

Dear Freedom of Information Officer:

Judicial Watch, Inc. ("Judicial Watch") hereby requests that the Nuclear Regulatory Commission ("NRC") produce the following records pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"):

1. Any and all documentation of NRC adjustments and/or concessions from the year 2010 to the present made to Southern Co./Georgia Power regarding licensing and quality control requirements for two nuclear plant construction projects, plant Vogtle in Georgia and VC Summer in North Carolina.

2. Any and all documentation including audio and video, including but not limited to that involving (b)(6) and (b)(6) (b)(6) referencing investigations that were initiated and/or completed between June 2015 and May 2016 focusing on complaints/concerns about the buying and selling of weapons, as well as intimidation of Chicago Bridge & Iron ("CB&I") inspectors.

Please determine whether to comply with this request within the time period required by FOIA and notify us immediately of your determination, the reasons therefor, and the right to appeal any adverse determination to the head of the agency or his or her designee. 5 U.S.C. § 552(a)(6)(i). Please also produce all responsive records in an electronic format ("pdf" is preferred), if convenient. We also are willing to accept a "rolling production" of responsive records if it will facilitate a more timely production.

Judicial Watch also hereby requests a waiver of both search and duplication fees. We are entitled to a waiver of search fees because we are a "representative of the news media." See 5 U.S.C. § 552(a)(4)(A)(ii)(II); see also *Cause of Action v. Federal Trade Comm.*, 799 F.3d 1108 (D.C. Cir. 2015); *Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381 (D.C. Cir. 1989). For more than twenty years, Judicial Watch has used FOIA

NRC/FOIA Request
June 3, 2016
Page 2 of 3

and other investigative tools to gather information about the operations and activities of government, a subject of undisputed public interest. We submit over 400 FOIA requests annually. Our personnel, which includes experienced journalists and professional writers on staff and under contract, use their editorial skills to turn this raw information into distinct works that are disseminated to the public via our monthly newsletter, which has a circulation of over 300,000, weekly email update, which has over 600,000 subscribers, investigative bulletins, special reports, www.judicialwatch.org website, *Corruption Chronicles* blog, and social media, including Facebook and Twitter, among other distribution channels. We have authored several books, including *Corruption Chronicles* by Tom Fitton (Threshold Editions, July 24, 2012), and another book, *Clean House* by Tom Fitton (Threshold Editions, Aug. 30, 2016), is forthcoming. In 2012, we produced a documentary film, "District of Corruption," directed by Stephen K. Bannon. Our "news media" status has been confirmed in court rulings. See, e.g., *Judicial Watch, Inc. v. U.S. Dep't of Defense*, 2006 U.S. Dist. LEXIS 44003, *1 (D.D.C. June 28, 2006); *Judicial Watch, Inc. v. U.S. Dep't of Justice*, 133 F. Supp.2d 52 (D.D.C. 2000). As a tax exempt, 501(c)(3) non-profit corporation, we have no commercial interests and do not seek the requested records for any commercial use. Rather, we intend to use the requested records as part of our on-going investigative journalism and public education efforts to promote integrity, transparency, and accountability in government and fidelity to the rule of law.

Judicial Watch also is entitled to a waiver of both search fees and duplication fees because "disclosure of the information is in the public interest." 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure of the requested records undoubtedly will shed light on "the operations or activities of the government." *Cause of Action*, 799 F.3d at 1115 (quoting 5 U.S.C. § 552(a)(4)(A)(iii)). Disclosure also is "likely to contribute significantly to the public understanding" of those operations or activities because, among other reasons, Judicial Watch intends to disseminate both the records and its findings to "a reasonably broad audience of persons interested in the subject" via its newsletter, email updates, investigative bulletins, website, blog, and its other, regular distribution channels. *Cause of Action*, 799 F.3d at 1116 (quoting *Carney v. U.S. Dep't of Justice*, 19 F.3d 807, 815 (2d Cir. 1994)). Again, Judicial Watch does not seek the requested records for any commercial benefit or for its own "primary" benefit, but instead seeks them as part of its ongoing investigative journalism and public education efforts to promote integrity, transparency, and accountability in government and fidelity to the rule of law.

In the event our request for a waiver of search and/or duplication costs is denied, Judicial Watch agrees to pay up to \$300.00 in search and/or duplication costs. Judicial Watch requests that it be contacted before any such costs are incurred, in order to prioritize search and duplication efforts.

If you do not understand this request or any portion thereof, or if you feel you require clarification of this request or any portion thereof, please contact us immediately at 202-646-5172 or bmarshall@judicialwatch.org.

Thank you for your cooperation.

NRC/FOIA Request
June 3, 2016
Page 3 of 3

Very respectfully,

A handwritten signature in black ink, appearing to read "William F. Marshall". The signature is written in a cursive style with a large initial "W".

William F. Marshall
Judicial Watch, Inc.



Donn C. Meindertsma | Partner
p 202.887.0465 | f 202.887.6999 | DMeindertsma@cwlaw.com

Conner & Winters, LLP
1850 M Street, N.W., Suite 600 | Washington, D.C. 20036
p (202) 887-5711 | f (202) 887-6999 | cwlaw.com

FOIA REQUEST

Case No: 2016-0419
Date Rec'd: 4/5/16
Specialist: _____
Related Case: _____

March 29, 2016

United States Nuclear Regulatory Commission
FOIA/Privacy Officer
245 Peachtree Center Avenue NE, Suite 1200
Atlanta, GA 30303-1257

Re: **Freedom of Information Act Request**
NRC Office of Investigations Case No. 2-2015-011

Dear FOIA/Privacy Officer:

Pursuant to the Freedom of Information Act (5 U.S.C. §552), we hereby request copies of all documents in whatever form, written or otherwise, relating to the Nuclear Regulatory Commission's Office of Investigations Case No. 2-2015-011. This request is for all documents obtained or compiled during the investigation and any subsequent NRC consideration, including but not limited to witness testimony and the Report of Investigation. The request includes materials in the possession of the Office of Investigations, the Office of Enforcement, and any other office or division of the NRC.

For any item (or portion thereof) that you withhold pursuant to a Freedom of Information Act exemption, please provide an index itemizing and describing the items withheld and individually disclosing the specific basis for the withholding. We agree to pay whatever expenses may be associated with this request, up to a maximum of \$100. If estimated costs exceed that amount, please contact me in advance. For any fees or expenses incurred pursuant to this request, please forward an invoice, along with the requested records and information, to my attention at the above address.

For your reference, we are enclosing a copy of an NRC letter pertaining to the referenced OI case, dated October 26, 2015. If you have any questions regarding this request, please feel free to contact me at (202) 887-0465.

Respectfully submitted,

Donn C. Meindertsma

Encl.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
245 PEACHTREE CENTER AVENUE NE, SUITE 1200
ATLANTA, GEORGIA 30303-1257

October 26, 2015

Gary J. Laughlin, Chief Nuclear Officer
and Head of Operations
URENCO USA
P.O. Box 1789
Eunice, NM 88231

SUBJECT: URENCO USA – OFFICE OF INVESTIGATIONS CASE NUMBER 2-2015-011

Dear Mr. Laughlin:

The Nuclear Regulatory Commission (NRC) Office of Investigations (OI) has completed the investigation for URENCO USA regarding an individual generating a document away from the site that potentially contained classified matter and providing that document to a third party. The NRC plans no further action with regard to this specific matter. However, additional associated information may be captured in future inspection reports. Should you have any questions concerning this letter, please contact us.

In accordance with 10 CFR 2.390 of NRC's "Rules of Practice and Procedure," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

A handwritten signature in black ink, appearing to read "Marvin D. Sykes".

Marvin D. Sykes, Chief
Projects Branch 1
Region II Division of Fuel Facility Inspection

Docket No. 70-3103
License No. SNM-2010

cc: (See page 2)

G. Laughlin

2

cc:

**Butch Tongate, Deputy Secretary
Office of the Secretary
New Mexico Environment
Department
1190 St. Francis Drive
Suite 4050N
Santa Fe, NM 87505**

**Santiago Rodriguez, Acting Chief
Radiation Control Bureau
New Mexico Environment
Department
1190 St. Francis Drive
Room S 2100
Santa Fe, NM 87502**

**Matt White
Mayor of Eunice
P.O. Box 147
Eunice, NM 88231**

**Dave Sexton
President and Chief Executive
Officer
P.O. Box 1789
Eunice, NM 88231
Dave.Sexton@Urenco.com**

**Sam Cobb
Mayor of Hobbs
100 East Broadway
Hobbs, NM 88240**

**Clint Williamson
Vice President of Community and
External Relations
P.O. Box 1789
Eunice, NM 88231
Clint.Williamson@urengo.com**

**Cheryl Chance
Mayor of Jal
P.O. Drawer 340
Jal, NM 88252**

**Perry Robinson
Outside General Counsel
P.O. Box 1789
Eunice, NM 88231**

**Commissioner Gregory H. Fuffer
Chairman
Lea County Board of County
Commissioners
Lea County Courthouse
100 North Main, Suite 4
Lovington, NM 88260**

**Richard A. Ratliff, PE, LMP
Agreement State Director
Bureau of Radiation Control
1100 West 49th Street
Austin, TX 78756-3189**

**Daniel F. Stenger
Hogan Lovells US LLP
555 Thirteenth Street, NW
Washington, DC 20004**

FOIA/PA REQUEST

Case No.: 2016-0248

Date Rec'd: 1/19/2016

FOIA Resource

From: (b)(6)
Sent: Tuesday, January 19, 2016 10:42 PM
To: FOIA Resource
Subject: WWW Form Submission

Specialist _____
Related Case _____

Below is the result of your feedback form. It was submitted by

(b)(6) on Tuesday, January 19, 2016 at 22:42:09

through the IP (b)(6)

using the form at <http://www.nrc.gov/reading-rm/foia/foia-submittal-form.html>

and resulted in this email to foia.resource@nrc.gov

Company/Affiliation:

Address1: (b)(6)

Address2:

City: (b)(6)

State: (b)(6)

Zip: (b)(6)

Country: United_States

Country-Other:

Phone: (b)(6)

Desc: Any and all records involving NTEU and (b)(6) including a memorandum from Randy Sullivan, NTEU Steward, to Jim Wiggins, Director of NSIR, around October or November 2014. These records would be in the possession of OCHCO and the Inspector General as well as the NTEU.

FeeCategory: Personal_Noncommercial

MediaType:

MediaType_Other_Description:

Expedite_ImminentThreatText:

Expedite_UrgencyToInformText:

Waiver_Purpose:

Waiver_ExtentToExtractAnalyze:

Waiver_SpecificActivityQuals:

Waiver_ImpactPublicUnderstanding:

Waiver_NatureOfPublic:

Waiver_MeansOfDissemination:

Waiver_FreeToPublicOrFee:

Waiver_PrivateCommericalInterest:

FOIA/PA REQUEST

Case No.: 2015-04570
Date Rec'd: 8/26/2015
Specialist: _____
Related Cases: _____

August 25, 2015

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

Re: Freedom of Information Act Request

Dear FOIA officer:

I am making this request under the Freedom Of Information Act ("FOIA"), 5 U.S.C. 552. Please provide records that are maintained by the U.S. Nuclear Regulatory Commission or for the agency by a government contractor in any format, including an electronic format. Please provide:

1. Any and all correspondence, memoranda, e-mails, reports, facsimiles, etc., regarding tornado emergency protocols at licensed nuclear power facilities.
2. Any and all correspondence, memoranda, e-mails, reports, facsimiles, etc., regarding the wind speeds and tornado conditions licensed nuclear power facilities are required to withstand.

I request a waiver of all costs associated with fulfilling this submission pursuant to 5 U.S.C. 552(a)(4)(A)(iii). Disclosure of the requested records will contribute significantly to public's understanding of the operations or activities of the government and would not be primarily in the commercial interest of POGO. Specifically, POGO intends to use the requested records to highlight for the public the potential of a nuclear incident in which a category 4 or 5 tornado directly hits a nuclear reactor.

I have included this FOIA Fee Waiver Supplement to provide a detailed account of POGO's planned use of the requested information and to fully respond to NRC's fee waiver criteria.

1. The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government."

The NRC regulates 61 commercial power plants in the U.S. totaling 99 nuclear reactors. Some of these plants are in areas that are prone to frequent, strong tornados including many plants in Texas, Kansas, Missouri, Indiana, Arkansas, and Iowa. The meltdown at the Fukushima Daiichi plant in Japan in 2011 forced the evacuation of hundreds of square miles and highlighted the potential danger of natural disasters striking nuclear power facilities. POGO has long been committed to ensuring the safety and security of commercial and defense nuclear facilities. POGO is also focused on increasing the public understanding of the operations or activities of the government with regards to effective management at nuclear facilities.

2. The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities.

POGO provides a valuable public service by taking an independent look at how the government spends taxpayer dollars and what can be done to make the system more effective, efficient, accountable, and honest. POGO will likely release a publication analyzing the efficacy of the NRC's tornado safety standards. The publication will build on POGO's previous publications that seek to inform the public about management at major domestic and military nuclear facilities. All POGO publications include government reports, documents, and other resources to allow the public to better understand how the federal government operates.

POGO has established a niche in informing the general public, either through its own publications and web site or through media outlets, about the issue of nuclear facilities management. POGO has issued reports and offered public comments on this issue, frequently urging Congress and various agencies to embrace efficient nuclear infrastructure management.

3. The contribution to an understanding by the general public of the subject likely to result from the disclosure, taking into account your ability and intent to disseminate the information to the public in a form that can further understanding of the subject matter.

POGO investigates, exposes, and seeks to remedy systemic abuses of power, mismanagement, and subservience by the federal government to powerful special interests. Founded in 1981, POGO is a politically independent, nonprofit watchdog that promotes a government that is accountable to the citizenry. POGO disseminates information about its activities to thousands of concerned citizens, policymakers, and the media via email, direct mail, and its web site <http://www.pogo.org>, the organization's primary vehicle for disseminating information to concerned citizens and other targeted constituencies. The site receives approximately one million hits and 100,000 unique visitors monthly. In addition, the "POGO Blog" has developed its own readership, averaging roughly 20,000 visitors monthly, allowing us to reach new readers in the blogosphere. The documents provided will be used for the following activities: publication by email, on our website, in reports, and newsletters issued by POGO and disseminated to POGO supporters, the public, the media, nonprofit organizations, Congress, Executive Branch officials, and other policymakers.

4. The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities.

POGO concludes that these documents will be of interest to the general public. Our hope is that the report will allow us to inform the public about U.S. nuclear power plants, the

performance of those sites, their efforts to prepare for natural disasters, and plans to make such facilities safer, more efficient, and effective.

5. Describe any commercial or private interest the requester or any other party has in the agency records sought.

POGO does not charge for access to its web site, reports, newsletters, or other publications. Additionally, POGO does not have a financial or commercial interest in the report sought by the attached FOIA request.

If this request is denied in full or in part, please cite each exemptions pursuant to 5 U.S.C. ' 552(b) that justifies each denial. If an exemption applies, however, please consider exercising the agency's discretionary release powers to disclose the records. Any such action supports the presumption of "openness" on which FOIA is based upon. Additionally, please release all reasonably segregable portions of the records that do not meet an exemption. 5 U.S.C. ' 552(b).

I look forward to your response, including an individualized tracking number, within 20 days of the receipt of this request, unless, in the case of "unusual circumstances," the time limitation is "extended by written notice." 5 U.S.C. ' 552(a)(6)(B). I am aware that all fees will be waived if specified time limits are not met. 5 U.S.C. ' 552(a)(4)(A)(viii). I have a right to appeal if this request is wholly or partially denied or if the agency fails to respond within 20 days, and that, if successful, a federal district court may assess "reasonable attorney fees and other litigation costs." 5 U.S.C. ' 552(a)(4)(E).

Please contact me if this request requires further clarification. Thank you for your prompt attention to this matter.

Sincerely,

Jacob Marx
Researcher, Project on Government Oversight
jmarx@pogo.org

FOIA Resource

From: David Lochbaum <dlochbaum@ucsusa.org>
Sent: Friday, August 21, 2015 9:46 AM
To: FOIA Resource
Subject: WWW Form Submission

Below is the result of your feedback form. It was submitted by

David Lochbaum (dlochbaum@ucsusa.org) on Friday, August 21, 2015 at 09:46:14

through the IP 63.141.200.13

using the form at <http://www.nrc.gov/reading-rm/foia/foia-submittal-form.html>

and resulted in this email to foia.resource@nrc.gov

Company/Affiliation: Union of Concerned Scientists

Address1: PO Box 15316

Address2:

City: Chattanooga

State: TN

Zip: 37415

Country: United_States

Country-Other:

Phone: 423-468-9272

FOIA/PA REQUEST
Case No.: 2015 - 0451
Date Rec'd. 8/21/2015
Scientist.
1 Case

Desc: 1) The letter dated December 18, 2012, from Senator Joseph Lieberman to NRC Inspector General Hubert Bell.

2) All responses to this 12/18/2012 letter from the NRC Inspector General, NRC Chairman and/or Commission, and NRC staff to Senator Lieberman or the Senate Committee on Homeland Security and Government Affairs.

3) All records (reports, memoranda, interview notes, interview summaries, interview transcripts, etc.) from investigations conducted by the NRC as a result of this 12/18/2012 letter.

4) All records (reports, memoranda, interview notes, interview summaries, interview transcripts, etc.) reviewed by the NRC Office of Inspector General staff regarding the adequacy of the Jocassee Dam for sabotage and/or acts of terrorism.

FeeCategory: Educational

MediaType:

MediaType_Other_Description:

Expedite_ImminentThreatText:

Expedite_UrgencyToInformText:

Waiver_Purpose: UCS was surprised to read in OIG Audit Report OIG-15-A-18 (ML15230A563) that OIG found no evidence that political appointees had improperly interfered in the NRC's FOIA process. The handling of our own FOIA request (FOIA/PA-2013-00008) strongly suggests otherwise. UCS seeks the requested records because they relate to the records and issues initially requested by FOIA/PA-2013-00008. It took the NRC over 11 months to provide the 19-page letter requested in FOIA/PA-2013-00008. UCS seeks the requested records to more fully understand why the response was so protracted and who was involved in the delay.

Waiver_ExtentToExtractAnalyze: UCS will review the requested records in hopes of filling in the timeline of who knew what when regarding the Jocassee Dam issues. Senator Lieberman referred to OIG an inquiry he'd received. OIG may have opened an investigation or inquiry in response to the Senator's letter. If so, OIG's records likely contain information that will supplement our understanding from other records extracted from the NRC via FOIAs about the agency's efforts to address safety issues affecting Oconee.

Waiver_SpecificActivityQuals: UCS has been actively engaged on two aspects of this matter: (1) the technical aspect involving the flooding hazard at Oconee from the Jocassee Dam, and (2) the access to information aspect involving the NRC's withholding of its June 2010 Confirmatory Action Letter to Duke and its delay in providing a 19-page letter in response to our FOIA/PA-2013-00008. The records we request in this FOIA will likely speak most to this second aspect. Our prior extension engagement in the Oconee flood protection and information access issues will enable UCS to review the requested records to better understand the fuller context, which will enhance our ability to communicate that context to various audiences: Congress, the NRC, the media, and the public.

Waiver_ImpactPublicUnderstanding: Audit OIG-15-A-18 was conducted in response to a request from the U.S. Congress. The NRC is a federal agency tasked with protecting the public. The Senate's request is illustrative of the public's interest in and concern whether federal agencies like the NRC are properly providing public access to information. To UCS, the OIG audit report seems to provide a distorted picture of the situation. UCS seeks the requested records to better understand how the OIG audit reached its conclusions. Whether the requested records show foundation or not, UCS will communicate our assessment to various audiences: Congress, the NRC, the media, and the public. Our efforts will reach wider audiences than the OIG audit report reached.

Waiver_NatureOfPublic: UCS posted materials to our website, www.ucsusa.org, and blog, allthingsnuclear.org. Our materials about Oconee's flood protection issues and about NRC's information access issues have been among the most viewed of our nuclear safety postings over the past three years (topped by Fukushima, but not by too many other topics). UCS expects above average interest in our commentary about this subject.

Waiver_MeansOfDissemination: UCS prepares fact sheets, blog commentaries, presentations, reports, and issue briefs that are submitted to Congress and the NRC or posted to our website or blog. UCS expects to use one or more of these communication tools to convey the results from our review and assessment of the requested records.

Waiver_FreeToPublicOrFee: Materials posted to the UCS website and blog are available for viewing/downloading free of charge.

Waiver_PrivateCommericalInterest: None.



702 H Street, NW, Suite 300, Washington, DC 20001
Tel: 202-462-1177 • Fax: 202-462-4507
www.greenpeace.org

FOI/PA REQUEST
Class No.: 2015-0348
Date Rec'd: 6/9/2015
Specialist:
Related Case:

June 9, 2015

FOIA / Privacy Act Officer
U.S. Nuclear Regulatory Commission
Mail Stop T-6 D8
Washington, DC 20555-0001

FREEDOM OF INFORMATION ACT REQUEST

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. 522, as amended and 10 C.F.R 9.8 of the Commission's regulations Greenpeace requests that the Nuclear Regulatory Commission provide us with any and all documents associate with the Summer Special Inspection that was initiated on February 23, 2015.

(NRC Begins Special Inspection at Summer Nuclear Plant Unit 2 Construction Site
<http://pbadupws.nrc.gov/docs/ML1505/ML15054A152.pdf>)

Please consider "documents" to include reports, studies, test results, correspondence memoranda, meeting notes, meeting minutes, working papers, graphs, charts, diagrams, notes from drop-in visits and summaries of conversations and interviews, computer records, e-mail and any other form of written communications including internal NRC memoranda.

Pursuant to and in compliance with 10 C.F.R. 9.41 of the Commission's regulations governing requests for fee waivers, Greenpeace provides the following information.

Greenpeace seeks the requested information solely to contribute to and help shape the public debate concerning NRC's role in the regulation of the nuclear industry. The information provided by the NRC will be analyzed and used in our on-going work with public interest groups and the media tracking NRC's ITAAC process for new construction and the supposed nuclear "renaissance."

Greenpeace is a nationally known non-profit public interest organization founded in 1971. We will use these documents in preparation of our analysis of the delays and cost overruns which still plague the nuclear industry's new construction projects in Georgia, South Carolina and Tennessee.

The requested information and Greenpeace's analysis will greatly contribute to the public's understanding of the Commission's role in regulating the nuclear industry. Some three months after the Special Inspection was instigated not even the Special Inspection Team Charter has found its way into NRC ADAMS. The Special Inspection is well past the 45 day deadline which NRC mentioned in its press release (above) and there is yet no explanation in the public domain as to why this is the case. I have been told by NRC staff that the scope of the Special Inspection has been broadened but there is nothing available from NRC that would indicate that is the case.

We plan to broadly disseminate the information contained in our analysis to the press and the general public. For several years now our publications, comments and press releases have been made available free of charge on our web site. The requested information will significantly increase the public understanding of the issue and the NRC's role in regulating the nuclear industry.

Our past publications have attracted attention in the local, national and trade media. Copies of the reports have been distributed to members of the public, the nuclear industry, citizen groups, federal & state governments and members of Congress.

Greenpeace has no commercial or private interest in the agency records sought.

Since "disclosure of the information is in the public interest because it is likely to contribute significantly to the public understanding of the operation or activities of the government and is not primarily in the commercial interest of the requester" (5 U.S.C. 552 (a)(4)(A) (iii)), we request a complete waiver of any processing or duplicating costs you might incur in providing these records to us. If you rule otherwise, please notify us before filling the request.

If all or any parts of this request are denied, please cite the specific exemptions on which you rely in refusing to release the documents.

Further, since the Freedom of Information Act provides that the remainder of a file must be released if only portions are exempt from disclosure, we request that we be provided with all non-exempt portions that are reasonably segregable. Of course, we reserve our right to appeal the withholding or deletion of any information.

As provided in the Freedom of Information Act Amendments, we will expect to receive the requested records or a final determination within twenty working days. If your office is unable to fully respond to this request in that time, please send us a written estimate of when the request will be completed.

If you have any questions about this request, please contact me at 202-319-2487. Thank you for your attention to this request.

Sincerely,

Jim Riccio
Nuclear Policy Analyst
Greenpeace
702 H Street NW, Suite 300
Washington, DC 20001

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