



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2017-0275

1

RESPONSE TYPE

INTERIM

FINAL

REQUESTER:

Julian Tarver

DATE:

FEB 01 2017

DESCRIPTION OF REQUESTED RECORDS:

All letters to and from the NRC from the requester in FOIA/PA 2016-0527. Also requesting a copy of all released records.

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)

Enclosed are all the letters to and from the requester in response to FOIA/PA 2016-0527. There were no records released relating to this FOIA because the request was administratively closed.

(Continued on Page 3)

SIGNATURE - FREEDOM OF INFORMATION ACT OFFICER

Stephanie Blaney Karen Daney

CASE NO: 2016-0527
DATE REC'D: 06/13/16
SPECIALIST:
RELATED CASE:

From: John Greenewald
To: FOIA Resource
Subject: [External_Sender] Mandatory Declassification Review Request
Date: Monday, June 13, 2016 5:25:27 PM

To whom it may concern,

This is a request for a mandatory declassification review (MDR), under the terms of Executive Order 12958, as amended, of the following document(s):

Inquiry into the Testimony of the Executive Director for Operations, Volumes I, II, and III as referenced in the 2010 letter: <http://www.nrc.gov/docs/ML1021/ML102150178.pdf>

If you regard these documents as potentially exempt from disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. Please release all reasonably segregable nonexempt portions of documents.

Thank you for your time, and I look forward to your response!

Sincerely,

John Greenewald, Jr.
8512 Newcastle Ave.
Northridge, Ca. 91325

Sincerely,

John Greenewald, Jr.

The Black Vault

<http://www.theblackvault.com>

Government Secrets

<http://www.governmentsecrets.com>

Phone: (805) 32-VAULT



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2016-0527

1

RESPONSE TYPE INTERIM FINAL

REQUESTER:

John Greenewald, Jr.

DATE:

06/23/2016

DESCRIPTION OF REQUESTED RECORDS:

Requesting a mandatory declassification review (MDR), under the terms of Executive Order 12958, as amended, of the following document(s): Inquiry into the Testimony of the Executive Director for Operations, Volumes I, II, and III.

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*

\$

- You will be billed by NRC for the amount listed.
- None. Minimum fee threshold not met.
- You will receive a refund for the amount listed.
- Fees waived.

*See Comments for details

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- We did not locate any agency records responsive to your request. *Note:* Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). 5 U.S.C. 552(c). This is a standard notification given to all requesters; it should not be taken to mean that any excluded records do, or do not, exist.
- We have withheld certain information pursuant to the FOIA exemptions described, and for the reasons stated, in Part II.
- Because this is an interim response to your request, you may not appeal at this time. We will notify you of your right to appeal any of the responses we have issued in response to your request when we issue our final determination.
- You may appeal this final determination within 30 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal."

PART I.C COMMENTS (Use attached Comments continuation page if required)

This is to notify you that your request for a declassification review was inadvertently logged in as a FOIA request. Your letter/request must be responded to directly by the Nuclear Security and Incident Response, Division of Security Operations, Information Security Branch (ISB). If you have any questions about the status of your request, you can contact Darryl Parsons, Branch Chief, ISB at 301-415-7751, or via email at Darryl.parsons@NRC.gov. We are administratively closing your request.

SIGNATURE - FREEDOM OF INFORMATION ACT OFFICER

Stephanie Blaney, Acting



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

June 15, 2016

FOIA/PA-2016-00527

John Greenewald
The Black Vault
8512 Newcastle Avenue
Northridge, CA 91325

Dear Mr. Greenewald:

We received your Freedom of Information Act (FOIA) request on June 14, 2016.

Your request, which seeks access to an inquiry into the Testimony of the Executive Director for Operations, Volumes I, II, and III as referenced in the 2010 letter: <http://www.nrc.gov/docs/ML1021/ML102150178.pdf>, has been assigned the following reference number that you should use in any future communications with us about your request: FOIA/PA-2016-00527.

To ensure the most equitable treatment possible of all requesters, the NRC processes requests on a first-in, first-out basis, using a multiple track system based upon the estimated time it will take to process a request. Based on your description of the records you are seeking, we estimate completion of your request will be on or before July 27, 2016. Please note that we are estimating that completion will take more than 20 working days because we expect that we will have to:

- search for, collect, and appropriately examine a voluminous amount of records
- consult with multiple program and/or regional offices within the NRC
- consult with other Federal agencies having equities in the records
- refer records to a licensee, or other business submitter
- undertake a declassification review of classified records; or
- retrieve records from Federal Records Centers or other off-site facilities.

Please know that this date roughly estimates how long it will take us to close requests ahead of yours in the respective track and complete work on your request. The actual date of completion might be before or after this estimate, based on the complexity of all of the requests in the complex track. We will advise you of any change in the estimated time to complete your request. In an effort to process your request promptly, you may wish to narrow the scope of your request to limit the volume of potentially responsive records.

For purposes of assessing fees in accordance with our regulations (10 CFR 9.33), we have placed your request in the following category: News Media Representative. If applicable, you will be charged appropriate fees for: Duplication (unless you wish to receive the information electronically).

A sheet has been enclosed that explains in detail the fee charges that may be applicable. **Please do not submit any payment unless we notify you to do so.**

The following person is the Government Information Specialist who has been assigned responsibility for your request: Nina Argent at 301-415-5295 or nina.argent@nrc.gov.

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

Sincerely,

Roger D. Andoh /s/

Roger D. Andoh
FOIA Officer
Office of the Chief Information Officer

Enclosures:
Explanation of Fees

EXPLANATION OF FEES

Requester Fee Categories

Commercial: Fees are charged for document search, duplication, and review, when records are requested for commercial purposes. Fees (above the minimum fee charge) cannot be waived for this category of requester.

Educational, Non-Commercial Scientific, News Media and Privacy Act: Fees may be charged only for document duplication when records are not sought for commercial use and the request is made by an Educational or Non-Commercial Scientific Institution, whose purpose is scholarly or scientific research; or a Representative of the News Media; or a person requesting his/her own records that are in a Privacy Act system of records. No fee is charged for the first one hundred pages of duplication for this category of requester.

Non-Excepted: For any request not described above (Non-Excepted), fees may be charged for document search and duplication. No fee is charged for the first two hours of search time or for the first one hundred pages of duplication for this category of requester.

Fee Schedules

Fee schedules provide only for the recovery of the direct costs of search, duplication, or review. Review costs include only the costs for initial examination of a document to determine whether it must be disclosed and to determine whether to withhold portions that are exempt from disclosure. The fee schedule is as follows:

| <u>Search & Review Conducted By</u> | <u>Rate</u> | |
|---|-----------------|-----------------|
| ! SES/COMMISSIONER | \$90.53/hour | (ES-maximum) |
| ! PROFESSIONAL | \$56.36/hour | (GG-13, Step 6) |
| ! CLERICAL | \$25.16/hour | (GG-7, Step 7) |
| <u>Duplication Charges</u> | \$.20 per page | |

Fees for non-standard search or duplication will be charged at the actual cost (e.g. providing copying of audio tapes or conducting computer searches).

Minimum Fee: No fee will be charged unless the fee is equal to or greater than \$25.00.

When to Pay Fees

If we estimate that fees will not exceed \$25.00 or you have stated in your request a higher amount that you are willing to pay, we assume your willingness to pay up to \$25 or the amount stipulated and you will be billed after we have completed your request.

If we estimate that fees will exceed \$25.00 or any amount that has been stated by you in your request, we will not proceed with your request until we have notified you and obtained your agreement to pay the estimated fees.

If we estimate fees will exceed \$250, you will be required to pay the estimated fees in advance before we proceed further with your request. If, while processing your request, we find that the actual fees exceed the estimated fee, we will obtain your consent to pay the additional fees before continuing to process your request. If the actual fees to process your request are less than any advance payment you have made, you will be refunded the overpayment amount.

Fee Waivers

A waiver or reduction of fees may be granted for furnishing documents if a requester, by fully addressing the eight factors in 10 CFR 9.41, clearly demonstrates that 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.

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