



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

APR 10 2017

FOIA/PA-2017-0143A
FOIA/PA-2017-0416

Andrew DeSalvo
Post Office Box 1515
Santa Fe, NM 87504

Dear Mr. DeSalvo,

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your March 24, 2017 letter to the Freedom of Information Act/Privacy Act Officer, which the agency received on March 24, 2017. You appealed the agency's decision related to your Freedom of Information Act/Privacy Act (FOIA/PA) request FOIA/PA 2017-0416, seeking records related to Severity level assigned for Turkey Point Nuclear Reactor 3 & 4 Action for Technical Specification (TS) 3.7.4, Ultimate Heat Sink (UHS) Notice of Enforcement Discretion (NOED), and, 0-ONOP-.011.1 (Intake Canal Low Level or High Temperature), in year 2014

Specifically, you appealed the adequacy of search.

Acting on your appeal, I have reviewed the records for this case and have determined that, as stated in our response to FOIA/PA 2017-0416, the NRC is unable to provide additional responsive records to you. Your FOIA/PA request 2017-0416 is related to FOIA/PA 2017-0190, submitted December 05, 2016, and the NRC provided all responsive records to FOIA/PA 2017-0190 to you we had at that time. FOIA/PA 2017-0416 is seeking additional information regarding the same subject and another search yields no additional responsive records. Therefore, I have denied your appeal.

Furthermore, you provided a copy of the publicly available NRC record ML16187A399 together with your appeal, citing email exchanges you had with NRC, Region II, and Catherine Haney. Please note that this record was created in 2016, whereas your FOIA/PA request 2017-0416 asked for responsive records for 2014.

This is the NRC's final decision concerning your appeal of the denial of information. As set forth in the FOIA (5 U.S.C. 552(a)(4)(B)), you may obtain judicial review of this decision in a district court of the United States in the district in which you reside or have your principal place of business. You may also seek judicial review in the district in which the agency's records are situated or in the District of Columbia.

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a nonexclusive alternative to litigation. In other words, using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740
E-mail: ogis@nara.gov
Telephone: 202-741-5770
Facsimile: 202-741-5769
Toll-free telephone: 1-877-684-6448

Sincerely,

A handwritten signature in black ink, appearing to read "David Nelson", written in a cursive style.

David Nelson
Chief Information Officer
Office of the Chief Information Officer