


NRC FORM 464 Part I (03-2017) 	U.S. NUCLEAR REGULATORY COMMISSION	FOIA 2017-0469	RESPONSE NUMBER 1
	<b>RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST</b>	RESPONSE TYPE <input type="checkbox"/> INTERIM <input checked="" type="checkbox"/> FINAL	

REQUESTER: Julian Tarver	DATE: 05/03/2017
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**DESCRIPTION OF REQUESTED RECORDS:**  
 All internal communication and response letters related to FOIA 2014-0005

**PART I. -- INFORMATION RELEASED**

- You have the right to seek assistance from the NRC's FOIA Public Liaison. Contact information for the NRC's FOIA Public Liaison is available at <https://www.nrc.gov/reading-rm/foia/contact-foia.html>
- Agency records subject to the request are already available on the Public NRC Website, 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* <div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>\$0.00</b> </div>	<input type="checkbox"/> You will be billed by NRC for the amount listed. <input type="checkbox"/> You will receive a refund for the amount listed. <input type="checkbox"/> Fees waived.	<b>NO FEES</b> <input checked="" type="checkbox"/> Minimum fee threshold not met. <input type="checkbox"/> Due to our delayed response, you will not be charged fees.
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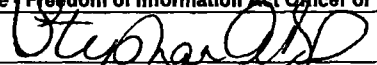
\*See Comments for details

**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 90 calendar days of the date of this response by sending a letter or e-mail to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or [FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov). Please be sure to include on your letter or email that it is a "FOIA Appeal." You have the right to seek dispute resolution services from the NRC's Public Liaison, or the Office of Government Information Services (OGIS). Contact information for OGIS is available at <https://ogis.archives.gov/about-ogis/contact-information.htm>

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

We have interpreted your request for "response letters" to mean the NRC form 464, and have included them in this final response. In the event that your request for "response letters" meant the released records, the total number of pages of released records exceeds the 100 pages free threshold in which you are entitled.

Signature, Freedom of Information Act Officer or Designee  


**Ennis, Tina**

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**Subject:** 2014-0005 "Code Blue Procedures"  
**Location:** HQ-TWFN-3C01-15p

**Start:** Fri 11/15/2013 2:00 PM  
**End:** Fri 11/15/2013 3:00 PM

**Recurrence:** (none)

**Meeting Status:** Meeting organizer

**Organizer:** Ennis, Tina

**Required Attendees:** Ennis, Tina; McMillan, Joseph; Cardenas, Daniel; Brown, Shannon; Warner, Deanna; Graff, Mark; Sealing, Donna

**Optional Attendees:** Byrd, Calvin

**Resources:** HQ-TWFN-3C01-15p

## Email Details

Page 1 of 1

### Email Details Information

From Email : foia.resource@nrc.gov  
To Email : FOIAPAADM.Resource@nrc.gov; FOIAPANSIR.Resource@nrc.gov  
Cc Email : Catherine.Raynor@nrc.gov; foia.resource@nrc.gov; Gerald.McClellan@nrc.gov; OPA.Resource@nrc.gov  
Bcc Email :  
Subject : Request Description  
Email Body :

You have been assigned action on the incoming FOIA request available at:  
**ADAMS ACCESSION # ML13281A608**

**Offices Assigned Action on October 8, 2013**  
**ADM;NSIR**

**Media requester, no fee estimate needed. Please begin processing immediately.**

**The OIS FOIA/PA Specialist for this request is indicated in the "cc" to this e-mail.**

The FOIA/PA request should be processed in accordance with the standard instructions (How to Respond to an Initial FOIA Request) at ML060590485. You are encouraged to ask for a scoping discussion with the requester when you believe it will be beneficial. You are encouraged to ask for assistance in performing adequate ADAMS searches if you are having difficulty doing a search. Your initial estimate of search and review time and the volume of records is required within four (4) working-days from the date of this transmittal e-mail. NRC Form 496, "Report of Staff Resources for Processing FOIA/PA Requests" is now available on Informs for your use.

## Email Details

Page 1 of 1

### Email Details Information

From Email : foia.resource@nrc.gov  
To Email : FOIAPAOI.Resource@nrc.gov;FOIAPAOIG.Resource@nrc.gov  
Cc Email : Gerald.McClellan@nrc.gov  
Bcc Email :  
Subject : Request Description  
Email Body :

You have been assigned action on the incoming FOIA request available at:  
**ADAMS ACCESSION # ML13281A608**

**Action assigned at the request of ADM, document due date is 1 November 2013. Media requester, no estimate required.**

**Offices Assigned Action on October 18, 2013**  
**OI;OIG**

**The OIS FOIA/PA Specialist for this request is indicated in the "cc" to this e-mail.**

The FOIA/PA request should be processed in accordance with the standard instructions (How to Respond to an Initial FOIA Request) at ML060590485. You are encouraged to ask for a scoping discussion with the requester when you believe it will be beneficial. You are encouraged to ask for assistance in performing adequate ADAMS searches if you are having difficulty doing a search. Your initial estimate of search and review time and the volume of records is required within four (4) working-days from the date of this transmittal e-mail. NRC Form 496, "Report of Staff Resources for Processing FOIA/PA Requests" is now available on Informs for your use.

## Email Details Information

From Email : foia.resource@nrc.gov  
To Email : R1FOIAPA.Resource@nrc.gov;FOIAPAR2.Resource@nrc.gov;RIIIFOIAPA.Resource@nrc.gov;FOIAPA  
R4.Resource@nrc.gov  
Cc Email : Gerald.McClellan@nrc.gov  
Bcc Email :  
Subject : Request Description  
Email Body :

You have been assigned action on the incoming FOIA request available at:  
**ADAMS ACCESSION # ML13281A608**

**Offices Assigned Action on October 22, 2013 at Request of Office of Administration (ADM)**  
**RI;RII;RIII;RIV**

**The OIS FOIA/PA Specialist for this request is indicated in the "cc" to this e-mail.**

The FOIA/PA request should be processed in accordance with the standard instructions (How to Respond to an Initial FOIA Request) at ML060590485. You are encouraged to ask for a scoping discussion with the requester when you believe it will be beneficial. You are encouraged to ask for assistance in performing adequate ADAMS searches if you are having difficulty doing a search. Your initial estimate of search and review time and the volume of records is required within four (4) working-days from the date of this transmittal e-mail. NRC Form 496, "Report of Staff Resources for Processing FOIA/PA Requests" is now available on Informs for your use.

## Email Details

Page 1 of 1

### Email Details Information

From Email : foia.resource@nrc.gov  
To Email : FOIAPAOE.Resource@nrc.gov  
Cc Email : Gerald.McClellan@nrc.gov  
Bcc Email :  
Subject : Request Description  
Email Body :

You have been assigned action on the incoming FOIA request available at:

**ADAMS ACCESSION # ML13281A608**

**Offices Assigned Action on October 23, 2013 -----No estimate needed as requester is media representative.**

**OE**

**The OIS FOIA/PA Specialist for this request is indicated in the "cc" to this e-mail.**

The FOIA/PA request should be processed in accordance with the standard instructions (How to Respond to an Initial FOIA Request) at ML060590485. You are encouraged to ask for a scoping discussion with the requester when you believe it will be beneficial. You are encouraged to ask for assistance in performing adequate ADAMS searches if you are having difficulty doing a search. Your initial estimate of search and review time and the volume of records is required within four (4) working-days from the date of this transmittal e-mail. NRC Form 496, "Report of Staff Resources for Processing FOIA/PA Requests" is now available on Informs for your use.

**RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) / PRIVACY  
ACT (PA) REQUEST**

2014-0005

1

RESPONSE TYPE  FINAL  PARTIAL

REQUESTER  
Jack Gillum

DATE  
NOV 14 2014

**PART I. - INFORMATION RELEASED**

- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments section.
- |            |
|------------|
| GROUP<br>A |
|------------|

 Agency records subject to the request that are identified in the specified group are already available for public inspection and copying at the NRC Public Document Room.
- |       |
|-------|
| GROUP |
|-------|

 Agency records subject to the request that are contained in the specified group are being made available for public inspection and copying at the NRC Public Document Room.
- |       |
|-------|
| GROUP |
|-------|

 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**

- No agency records subject to the request have been located. For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.
- Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

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

As discussed, this interim response is partially responsive to items 2-4. No records responsive to item #3 of your request were located. Additionally, 263 pages of records have been referred to Dept. of Homeland Security for continued processing in response to items 2-4 of your request and will be produced in the next interim response.

The enclosed Information Notice 89-05 is also available at <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1989/in89005.html>

The enclosed Federal Register Vol. 74, No. 58 is available at <http://www.gpo.gov/fdsys/pkg/FR-2009-03-27/pdf/E9-6102.pdf>.

The incoming FOIA request will be available in ADAMS at ML13281A608.

Records with an ML accession number are available in the NRC Library at [www.nrc.gov/reading-rm/adams.html](http://www.nrc.gov/reading-rm/adams.html). For assistance in obtaining any public records, please contact the NRC's Public Document Room (PDR) at 1-800-397-4209 or by e-mail at PDR.Resource@nrc.gov.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing *Donna L. Sealing*

**RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) / PRIVACY  
ACT (PA) REQUEST**

2014-0005

2

RESPONSE TYPE  FINAL  PARTIAL

REQUESTER  
Jack Gillum

DATE  
NOV 26 2013

**PART I. -- INFORMATION RELEASED**

- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments section.
- GROUP  Agency records subject to the request that are identified in the specified group are already available for public inspection and copying at the NRC Public Document Room.
- GROUP D, E Agency records subject to the request that are contained in the specified group are being made available for public inspection and copying at the NRC Public Document Room.
- GROUP  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**

- No agency records subject to the request have been located. For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.
- Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

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

This is the final release of the remaining records responsive to your request.

The incoming FOIA request will be available in ADAMS at ML13281A608.

Records with an ML accession number are available in the NRC Library at [www.nrc.gov/reading-rm/adams.html](http://www.nrc.gov/reading-rm/adams.html). For assistance in obtaining any public records, please contact the NRC's Public Document Room (PDR) at 1-800-397-4209 or by e-mail at [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

*Donna L. Sealing*  
Donna L. Sealing





**RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST**

DATE

NOV 26 2014

**PART II.A -- APPLICABLE EXEMPTIONS**

GROUP  
B, D

Records subject to the request that are contained in the specified group are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)).

- Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958.
- 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 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., Section 4702(b), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), 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 commercial or financial information that is being withheld for the reason(s) indicated.
  - The information is considered to be confidential business (proprietary) information.
  - 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 was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
  - Disclosure will harm an identifiable private or governmental interest.
- Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Applicable privileges:
  - Deliberative process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
  - Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation)
  - Attorney-client privilege. (Confidential communications between an attorney and his/her client)
- Exemption 6: The withheld information 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 enforcement proceeding (e.g., it would reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrong doing or a violation of NRC requirements from investigators).
  - (C) Disclosure could constitute an unwarranted invasion of personal privacy.
  - (D) The information consists of names of individuals 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 (Specify)

**PART II.B -- DENYING OFFICIALS**

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
James T. Wiggins	Director, NSIR	Group D	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cynthia A. Carpenter	Director, ADM	Group B	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arthur T. Howell III	RJV Regional Administrator	Group D	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."