



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

MAY 17 2017

IN RESPONSE REFER TO:
FOIA/PA-2017-00182A
FOIA/PA-2017-00489

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

Dear Mr. Greenewald:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated May 8, 2017, in which you appealed the agency's May 3, 2017 response related to your April 21, 2017 Freedom of Information Act (FOIA) request, FOIA/PA-2017-00489. You appealed the full denial of the "Order of Succession" list, and/or any and all reports that discuss this order.

Acting on your appeal, I have considered the matter and have determined that the withholding of records under exemption 2 was appropriate. Exemption 2 of the FOIA allows for the withholding of records that are related solely to the internal personnel rules and practices of an agency.

The NRC's "order of succession" is included within the agency's Concept of Operations Plan (COOP) and Pandemic Plan documents. A critical strategy of these plans includes the identification of personnel from Headquarters and regional locations who are authorized to serve in NRC leadership positions during times of a severe national emergency. Revealing the location of these designated officials to the public could be advantageous to a potential adversary who might decide to target key Federal government leaders, either for attack or as part of an effort to compromise national security information. In order to fall within exemption 2, the requested records must meet a "3-pronged test": 1) they must concern personnel-related rules and practices; 2) that are "related solely" to such rules and practices; and 3) that are "internal" to the agency. Because both plans satisfy these criteria, I have determined that the NRC's order of succession documentation included within these plans should continue to be withheld in full under Exemption 2. Therefore, I have denied your appeal.

This is the final agency decision. As set forth in the FOIA (5 U.S.C. 552(a)(4)(B)), you may seek judicial review of this decision in the 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.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a nonexclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
732 North Capitol Street, NW
Washington, D.C. 20401
Email: ogis@nara.gov
Telephone: 202-741-5770
Toll-free: 1-877-684-6448
Fax: 202-741-5769

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Nelson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David J. Nelson
Chief Information Officer
Office of the Chief Information Officer