



### RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2017-0607

1

RESPONSE TYPE  INTERIM  FINAL

**REQUESTER:**

Julian Tarver

**DATE:**

07/31/2017

**DESCRIPTION OF REQUESTED RECORDS:**

Internal and external communication (email) of FOIA-2017-0534

#### 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

#### NO FEES

AMOUNT\*

\*See Comments for details

- You will be billed by NRC for the amount listed.
- You will receive a refund for the amount listed.
- Fees waived.

- Minimum fee threshold not met.
- Due to our delayed response, you will not be charged fees.

#### 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)

Signature - Freedom of Information Act Officer or Designee

*Stephan [Signature]*



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

May 22, 2017

FOIA/PA-2017-00534

Julian Tarver



Dear Mr. Tarver:

We received your Freedom of Information Act (FOIA) request on May 19, 2017.

Your request, which seeks access to incident reports from 2009-current that are in regards to a assigned escort who has lost subject they were escorting, has been assigned the following reference number that you should use in any future communications with us about your request: FOIA/PA-2017-00534.

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 June 19, 2017.

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 simple 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: Non-Exempted. If applicable, you will be charged appropriate fees for: Search and Duplication of Records.

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.**

You requested that fees be waived for your request and I have determined that your request for a waiver of fees does not meet the criteria required under 10 CFR 9.41 (copy enclosed) for the following reason(s): you did not address any of the required factors. You may appeal this determination. Any such appeal must be made in writing within 90 calendar days by addressing the appeal to the Executive Director for Operations.

The following person is the Government Information Specialist who has been assigned responsibility for your request: Lezlie Colbert at 301-415-5966 or [Lezlie.Colbert@nrc.gov](mailto:Lezlie.Colbert@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,

*Stephanie A. Blaney /s/*

Stephanie A. Blaney  
FOIA Officer  
Office of the Chief Information Officer

Enclosures:

Explanation of Fees

Fee Waiver Justification Requirements

## 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 &amp; 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.

## SECTION 9.41- REQUESTS FOR WAIVER OR REDUCTION OF FEES

### (a) FOIA Fee Waivers

(1) The NRC shall collect fees for searching for, reviewing, and duplicating agency records, unless a requester submits a request in writing for a waiver or reduction of fees. To assure that there will be no delay in the processing of Freedom of Information Act requests, the request for a waiver or reduction of fees should be included in the initial Freedom of Information Act request letter.

(2) Each request for a waiver or reduction of fees must be addressed to the Freedom of Information Act and Privacy Act (FOIA/PA) Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

### (b) A person requesting the NRC to waive or reduce search, review, or duplication fees shall:

(1) Describe the purpose for which the requester intends to use the requested information;

(2) Explain the extent to which the requester will extract and analyze the substantive content of the agency record;

(3) Describe the nature of the specific activity or research in which the agency records will be used and the specific qualifications the requester possesses to utilize information for the intended use in such a way that it will contribute to public understanding;

(4) Describe the likely impact on the public's understanding of the subject as compared to the level of understanding of the subject existing prior to disclosure;

(5) Describe the size and nature of the public to whose understanding a contribution will be made;

(6) Describe the intended means of dissemination to the general public;

(7) Indicate if public access to information will be provided free of charge or provided for an access fee or publication fee; and

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

(c) The NRC will waive or reduce fees, without further specific information from the requester if, from information provided with the request for agency records, it can determine that disclosure of the information in the agency records 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.

(d) In making a determination regarding a request for a waiver or reduction of fees, the NRC shall consider the following factors:

(1) How the subject of the requested agency records concerns the operations or activities of the Government;

(2) How the disclosure of the information is likely to contribute to an understanding of Government operations or activities;

(3) If disclosure of the requested information is likely to contribute to public understanding;

(4) If disclosure is likely to contribute significantly to public understanding of Government operations or activities;

(5) If, and the extent to which, the requester has a commercial interest that would be furthered by the disclosure of the requested agency records; and

(6) If the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

(e) Within 10 working days after receipt of a request for access to agency records for which the NRC agrees to waive fees, the NRC shall respond to the request.

(f) If the written request for a waiver or reduction of fees does not meet the requirements of this section, the NRC will inform the requester that the request for waiver or reduction of fees is being denied. The requester will be informed of the right to appeal a denial of a request to waive or reduce fees to the Secretary of the Commission within 30 days from the date of the denial.



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

May 22, 2017

FOIA/PA-2017-00534

Julian Tarver



Dear Mr. Tarver:

We received your Freedom of Information Act (FOIA) request on May 19, 2017.

Your request, which seeks access to Incident reports from 2009-current that are in regards to a assigned escort who has lost subject they were escorting, has been assigned the following reference number that you should use in any future communications with us about your request: FOIA/PA-2017-00534.

In processing your request the program offices have reached out for clarification on this request. Please narrow the scope of your request by **defining the location**, as it relates to your request. Your request will be place on hold, please submit your clarification by **Friday June 2, 2017**. If we do not receive your response by June 2, 2017, we will administratively close your request.

Sincerely,

*Lezlie Colbert /s/*

Lezlie Colbert  
FOIA Analyst  
Office of the Chief Information Officer

**Holt, Dennis**

---

**From:** Holt, Dennis  
**Sent:** Monday, May 22, 2017 11:28 AM  
**To:** Barkley, Richard; McKenzie, Kieta; Pinkham, Laurie  
**Cc:** Manning, Louis  
**Subject:** Estimates for FOIA 2017-0534 due by COB 05/24/2017  
**Attachments:** Estimates Request - 2017-0534 .pdf; 2017-0534-r.pdf

**Importance:** High

<b>Tracking:</b>	<b>Recipient</b>	<b>Read</b>
	Barkley, Richard	Read: 05/22/2017 1:26 PM
	McKenzie, Kieta	
	Pinkham, Laurie	Read: 05/22/2017 11:43 AM
	Manning, Louis	

Good Day,

Please provide estimates for the attached FOIA. The estimates are due by COB **05/24/2017**. The FOIA request should be processed in accordance with "How to Respond to an Initial FOIA Request" at [M L060590485](#). Also, please complete the attached estimates sheet, ensuring that estimated search and review time is recorded, and confirm receipt of this FOIA. Thank you.

I spoke with rich Barkley this morning, and he indicated that he may have information on an incident related to the FOIA.

**Offices Assigned Action on May 22, 2017:**

**ADM;NSIR;RI;RII;RII;RIV**

The Government Information Specialist for this request is **Lezlie Colbert**, who can be reached at **301-415-5966** or [ezlie.Colbert@nrc.gov](mailto:ezlie.Colbert@nrc.gov).

Regards,

Dennis Holt  
Region I Help Desk/FOIA  
610.337.5050

FOIA ESTIMATE REQUEST FORM

SENT TO:

ORA/OI FOIA POC	<input type="checkbox"/>
DRP FOIA POC	<input checked="" type="checkbox"/>
DRS FOIA POC	<input type="checkbox"/>
DNMS FOIA POC	<input type="checkbox"/>
DRM FOIA POC	<input type="checkbox"/>

DATE: 05/22/2017

SUBJECT: ESTIMATES FOR FOIA REQUEST 2017 - 0534 DUE DATE: 05/24/2017

**READ ALL NOTES ON THE ATTACHED FOIA BRANCH COVER MEMO**

Have staff members who are involved in the FOIA search provide time and page estimates where indicated below. Expedite this document and return it to the FOIA coordinator by the due date (only one copy should be returned to the regional FOIA coordinator by each division).

Staff Category	Estimated SEARCH Time	Estimated REVIEW Time	Estimated Number of Pages
Clerical (GG-5/11)			
Professional (GG-11/15)			
Sr. Executive Service			

**TAKE NO FURTHER ACTION ON THIS FOIA REQUEST AT THIS TIME!!!**

FOIA COORDINATOR, Select or Fill In, Use Keyboard Arrows to see Choices....

**FOIA COORDINATOR ONLY**

**STATUS OF THIS FOIA REQUEST:**

HOLD DATE: \_\_\_\_\_

ADMIN. CLOSURE DATE: \_\_\_\_\_



**Holt, Dennis**

---

**From:** Pinkham, Laurie  
**To:** Holt, Dennis  
**Sent** Monday, May 22, 2017 11:44 AM  
**Subject:** Read: Estimates for FOIA 2017-0534 due by COB 05/24/2017

Your message

To: Pinkham, Laurie  
Subject: Estimates for FOIA 2017-0534 due by COB 05/24/2017  
Sent: Monday, May 22, 2017 11:27:55 AM (UTC-05:00) Eastern Time (US & Canada)

was read on Monday, May 22, 2017 11:42:39 AM (UTC-05:00) Eastern Time (US & Canada).

**Holt, Dennis**

---

**From:** Barkley, Richard  
**Sent:** Monday, May 22, 2017 1:23 PM  
**To:** Holt, Dennis; McKenzie, Kieta; Pinkham, Laurie  
**Cc:** Manning, Louis  
**Subject:** RE: FOIA/PA-2017-0534

Got it — Thanks!

**From:** Holt, Dennis  
**Sent:** Monday, May 22, 2017 12:25 PM  
**To:** Barkley, Richard <Richard.Barkley@nrc.gov>; McKenzie, Kieta <Kieta.McKenzie@nrc.gov>; Pinkham, Laurie <Laurie.Pinkham@nrc.gov>  
**Cc:** Manning, Louis <Louis.Manning@nrc.gov>  
**Subject:** FW: FOIA/PA-2017-0534  
**Importance:** High

Please suspend work on this FOIA until we receive further clarification.

Regards,

Dennis Holt  
Region I Help Desk/FOIA  
610.337.5050

**From:** R1FOIAPA RESOURCE  
**Sent:** Monday, May 22, 2017 12:23 PM  
**To:** Dean, Michael <Michael.Dean@nrc.gov>; Manning, Louis <Louis.Manning@nrc.gov> Holt, Dennis <Dennis.Holt@nrc.gov>; Montoya, Brenda <Brenda.Montoya@nrc.gov>  
**Subject:** FW: FOIA/PA-2017-0534

---

**From:** Colbert, Lezlie  
**Sent:** Monday, May 22, 2017 12:23:03 PM (UTC-05:00) Eastern Time (US & Canada)  
**To:** FOIAPAADM Resource; FOIAPANSIR Resource; R1FOIAPA RESOURCE; FOIAPAR2 Resource; RIIIFOIAPA Resource; FOIAPAR4 Resource  
**Cc:** Warner, Deanna; Clay, Earnestine  
**Subject:** FOIA/PA-2017-0534

Please suspend the search for records related to FOIA/PA-2017-0534. This request is being placed on hold while we solicit a clarification (to add a location) from the requester. No further action is required at this time.

Lezlie J Colbert  
FOIA Analyst (Contractor)  
OCIO/GIMS/USFPB  
U.S. Nuclear Regulatory Commission  
11545 Rockville Pike, Mail Stop T-2F15  
Rockville, Maryland 20855

301-415-5966

1-2

2

==

Holt, Dennis

---

**From:** Barkley, Richard  
**To:** Holt, Dennis  
**Sent:** Monday, May 22, 2017 1:27 PM  
**Subject:** Read: Estimates for FOIA 2017-0534 due by COB 05/24/2017

Your message

To: Barkley, Richard  
Subject: Estimates for FOIA 2017-0534 due by COB 05/24/2017  
Sent: Monday, May 22, 2017 11:27:55 AM (UTC-05:00) Eastern Time (US & Canada)

was read on Monday, May 22, 2017 1:25:58 PM (UTC-05:00) Eastern Time (US & Canada).

**Holt, Dennis**

---

**From:** Holt, Dennis  
**Sent:** Monday, May 22, 2017 12:25 PM  
**To:** Barkley, Richard; McKenzie, Kieta; Pinkham, Laurie  
**Cc:** Manning, Louis  
**Subject:** FW: FOIA/PA-2017-0534

**Importance:** High

Please suspend work on this FOIA until we receive further clarification.

Regards,

Dennis Holt  
Region I Help Desk/FOIA  
610.337.5050

**From:** R1FOIAPA RESOURCE  
**Sent:** Monday, May 22, 2017 12:23 PM  
**To:** Dean, Michael <Michael.Dean@nrc.gov>; Manning, Louis <Louis.Manning@nrc.gov>; Holt, Dennis <Dennis.Holt@nrc.gov>; Montoya, Brenda <Brenda.Montoya@nrc.gov>  
**Subject:** FW: FOIA/PA-2017-0534

**From:** Colbert, Lezlie  
**Sent:** Monday, May 22, 2017 12:23:03 PM (UTC-05:00) Eastern Time (US & Canada)  
**To:** FOIAPAADM Resource; FOIAPANSIR Resource; R1FOIAPA RESOURCE; FOIAPAR2 Resource; RIIIFOIAPA Resource; FOIAPAR4 Resource  
**Cc:** Warner, Deanna; Clay, Earnestine  
**Subject:** FOIA/PA-2017-0534

Please suspend the search for records related to FOIA/PA-2017-0534. This request is being placed on hold while we solicit a clarification (to add a location) from the requester. No further action is required at this time.

Lezlie J Colbert  
FOIA Analyst (Contractor)  
OCIO/GIMS/USFPB  
U.S. Nuclear Regulatory Commission  
11545 Rockville Pike, Mail Stop T-2F15  
Rockville, Maryland 20855  
301-415-5966



**RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST**

2017-0534

1

RESPONSE TYPE  INTERIM  FINAL

**REQUESTER:**

Julian Tarver

**DATE:**

06/05/2017

**DESCRIPTION OF REQUESTED RECORDS:**

Incident reports from 2009-current that are in regards to an assigned escort who has lost subject they were escorting.

**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**

**NO FEES**

AMOUNT\*

\*See Comments for details

- You will be billed by NRC for the amount listed.
- You will receive a refund for the amount listed.
- Fees waived.
- Minimum fee threshold not met.
- Due to our delayed response, you will not be charged fees.

**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)**

The request is being closed administratively due to your failure to submit the requested clarification by June 2, 2017.

Signature - Freedom of Information Act Officer or Designee

**Karen Danoff**

Digitally signed by Karen Danoff  
DN: cn=U.S. Nuclear Regulatory Commission, ou=NRC-SW, o=Karen Danoff, d=923471920030010011+20000264  
Date: 2017.06.05 09:36:17 -0400