



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2017-0519

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RESPONSE TYPE INTERIM FINAL

REQUESTER:

Lucas Hixon

DATE:

SEP 01 2017

DESCRIPTION OF REQUESTED RECORDS:

All records related to employees of the NRC, or the employees of licensees, and the following terms: felony, murder, suicide, robbery, abduction, arson and crime, between 01/01/1986 and 05/03/2017

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*

\$0.00

*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. 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)

Please note:

The NRC regrets to inform you that your FOIA/PA request has been administratively closed. Please refer to the attached letter, signed by FOIA/PA Officer Stephanie Blaney.

Signature Freedom of Information Act Officer or Designee



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

SEP 01 2017

Lucas W Hixson
Enformable
P.O.Box 273
Bath, MI 48808

Dear Mr. Hixson,

We received your Freedom of Information Act (FOIA) request on May 4, 2017, seeking access to information regarding felonies, murder, suicide, robberies, abduction, arson and crime relating to employees of the NRC or employees of licensees, and specific additional keywords you provided, from 1986-2017. On May 5, 2017, we contacted you to discuss the broad scope of your request. You provided recommendations on how the NRC, when processing your request, could prioritize certain aspects of your request relative to others; however, you declined to narrow the scope of your request.

The NRC's FOIA Office has discussed the scope of your request with multiple NRC program offices and requested their estimates for the potential volume of responsive records and processing time involved. To date, we have received estimates from 6 of the NRC's 29 offices. These estimates add up to several million pages of records, with associated search and review time estimates totaling several years' worth of employee time (even assuming that employees searching for and reviewing the material perform no other work during the search and review period).

Given the breadth of the request's date range and subject matter, offices other than those that have provided estimates so far will almost certainly have responsive records themselves. At a minimum, these offices would need to conduct wide-ranging searches involving most or all of their personnel to attempt to find those instances, going back over 30 years, where "crime," or any of the numerous other crime-related terms listed in your FOIA request—which the request indicates is not even an exhaustive search-term list—is used in some way that is "related to employees of the NRC, or the employees of licensees." Further, these searches would need to cover not only electronic records in databases that may be searchable by keyword, but also hardcopy records and other electronically stored records (for example, microfiche) that can only be searched manually.

Given the search-and-review burden estimates the FOIA Office has received thus far, as well as the exceptionally broad subject-matter description in the request, which you have declined to narrow, I regret to inform you that your request is being denied as unreasonably burdensome. See 5 U.S.C. 552(a)(3)(A) (requiring agencies to make responsive records available only where the FOIA request "reasonably describes" the records being requested); *Hainey v. U.S. Dept. of the Interior*, 925 F. Supp. 2d 34, 44 (D.D.C. 2013) (explaining that "it is well established that an agency need not honor a [FOIA] request that requires an unreasonably burdensome search,"

and that "it is the requester's responsibility to frame requests with sufficient particularity to ensure that searches are not unreasonably burdensome" (internal quotation marks omitted). Processing and responding to your request, absent considerable narrowing of its scope (something to which you have not consented), would impose an unreasonable burden on the NRC.

We regret any inconvenience this decision may have caused.

Please refer to the enclosed NRC form 464 for additional details. 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. 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>

Sincerely,

for Nina Agent
Stephanie Blaney
FOIA/PA Officer
Office of the Chief Information Officer

Enclosures as stated