



# RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2018-000417

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RESPONSE TYPE

INTERIM

FINAL

**REQUESTER:**

Clay Keys

**DATE:**

03/15/2018

**DESCRIPTION OF REQUESTED RECORDS:**

Copies of previously issued FOIA/PA cases: 2011-0164, 2012-0181 and 2013-0244

### 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](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)

Please note:

Since you did not provide the required fee waiver justifications, your request for waiver or reduction of fees is being denied.

( comments continued on next page)

Signature - Freedom of Information Act Officer or Designee

**Stephanie A. Blaney**

Digitally signed by Stephanie A. Blaney  
Date: 2018.03.15 09:03:16 -04'00'

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

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**PART I.C COMMENTS (Continued)**

The responsive records to FOIA 2011-0164, FOIA/PA 2012-0181 and FOIA/PA 2013-0244 you are seeking are already publicly available.

Responsive records to both FOIA 2011-0164 and FOIA/PA 2012-0181 exceed 100 pages for each request.

Since you stated that you do not agree to pay any fees, and you were denied a fee waiver, you are entitled to 2 hours search time free of charge as well as 100 pages free of charge as a non-excepted requester without incurring any fees. Please note that the scope of your request as written exceeds the 2 hours search free of charge and the 100 pages free of charge.

You stated that you request the first 100 pages free of charge if your fee waiver is denied. Please note that you need to specify the first 100 pages of which of the three FOIA cases you are requesting.

It is incumbent upon you, as the requester, to fashion a request that asks for records within the 2 -hour search time and 100 pages free of charge threshold for which no fee would be owed if you are unwilling to pay fees. Your request, as written, is not considered "perfected" and we will therefore administratively close our file on this matter.