



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

NRC 2018 000064

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RESPONSE TYPE

INTERIM

FINAL

REQUESTER:

Julian Tarver

DATE:

06/12/2018

DESCRIPTION OF REQUESTED RECORDS:

First 100 released pages of FOIA 2017-0429

#### PART I. -- INFORMATION RELEASED

- The NRC has made some, or all, of the requested records publicly available through one or more of the following means: (1) <https://www.nrc.gov>; (2) public ADAMS, <https://www.nrc.gov/reading-rm/adams.html>; (3) microfiche available in the NRC Public Document Room; or FOIA Online, <https://foiaonline.regulations.gov/foia/action/public/home>.
- 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 Part I.D -- Comments) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Part I.D -- Comments.

#### PART I.A -- FEES

AMOUNT
<b>\$0.00</b>

- You will be billed by NRC for the amount indicated.
- You will receive a refund for the amount indicated.
- Fees waived.
- Since the minimum fee threshold was not met, you will not be charged fees.
- 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"). See 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. If you submit an appeal by mail, address it to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Mail Stop T-2 F43, Washington, D.C. 20555-0001. You may submit an appeal by e-mail to [FOIA.resource@nrc.gov](mailto:FOIA.resource@nrc.gov). You may fax an appeal to (301) 415-5130. Or you may submit an appeal through FOIA Online, <https://foiaonline.regulations.gov/foia/action/public/home>. Please be sure to include on your submission that it is a "FOIA Appeal."

#### PART I.C -- REFERENCES AND POINTS OF CONTACT

You have the right to seek assistance from the NRC's FOIA Public Liaison by submitting your inquiry at <https://www.nrc.gov/reading-rm/foia/contact-foia.html>, or by calling the FOIA Public Liaison at (301) 415-1276.

If we have denied your request, you have the right to seek dispute resolution services from the NRC's Public Liaison or the Office of Government Information Services (OGIS). To seek dispute resolution services from OGIS, you may e-mail OGIS at [ogis@nara.gov](mailto:ogis@nara.gov), send a fax to (202) 741-5789, or send a letter to: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. For additional information about OGIS, please visit the OGIS website at <https://www.archives.gov/ogis>.



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**PART I.D -- COMMENTS**

Please note:

The response to FOIA/PA 2017-0429 consisted of 2 pages only and the requested records are already publicly available.

Since you stated that you do not have access to a computer, we are providing courtesy copies.

Signature - Freedom of Information Act Officer or Designee

**Stephanie A. Blaney**

Digitally signed by Stephanie A. Blaney

Date: 2018.06.12 12:06:04 -04'00'



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

February 22, 2017

CHAIRMAN

MEMORANDUM TO:

(b)(6)

FROM:

Kristine L. Svinicki, Chairman 

SUBJECT:

REQUEST FOR TEMPORARY WAIVER FROM PROHIBITED  
SECURITIES RESTRICTION

On January 9, 2017, you submitted to the Office of the General Counsel (OGC) a request for a temporary waiver from the requirements of 5 C.F.R. § 5801.102. This regulation establishes a list of securities that covered NRC employees, and the spouses and minor children of those employees, are prohibited from owning. Specifically, you asked that the requirements of 5 C.F.R. § 5801.102 be waived so that your son can continue owning 1,450 shares of General Electric stock until (b)(6) when he turns age 18 and is no longer a "minor child" subject to the prohibited securities rule. Because the NRC's Chairman is the deciding official on waiver requests of this type, OGC forwarded your request to me for review.

After reviewing your request, I find that a temporary waiver from the requirements of 5 C.F.R. § 5801.102 is appropriate. The waiver I am granting exempts your son from the requirement that he divest the General Electric securities he currently owns. Under the waiver, your son may continue to hold these securities until he turns 18, at which time he will no longer be subject to the prohibited securities rule. Your son may not acquire other prohibited securities prior to his 18<sup>th</sup> birthday, however, nor may he acquire additional shares of General Electric stock from the date of this memorandum until he turns 18. Furthermore, this waiver is contingent upon you not working on any matter involving General Electric until your son turns 18.

The waiver also covers the brief period when you were not in compliance with the NRC's prohibited securities rule. As you acknowledged in a signed statement upon joining the NRC, you had 90 days to ensure your son divested his interest in General Electric stock. Based on your NRC start date of (b)(6) your son needed to divest his stock by (b)(6) (b)(6). Accordingly, between that date and today's date, your son held securities that were prohibited under the NRC's rule.

Notwithstanding this brief period of noncompliance, I find that a waiver would not be inconsistent with the government-wide standards of ethical conduct in 5 C.F.R. Part 2635, nor would the waiver be prohibited by law. According to your waiver request, you have not worked on matters involving (b)(6) since you joined the NRC, and you do not expect any such matter to come before you prior to (b)(6). Assuming you do not work on matters involving General Electric before your son turns 18, granting a brief waiver for your son's stock interest would not be inconsistent with the government-wide standards of ethical conduct or be prohibited by law.

I further find that, under the circumstances involved here, strict application of the securities ownership restrictions in 5 C.F.R. § 5801.102 is not necessary to ensure confidence in the impartiality and objectivity of the NRC's programs. Your son will turn 18 (b)(6) at which time he will no longer be covered by the prohibited securities rule. Although you should have

sought a waiver, or divested your son's stock interest, by (b)(6) I find no suggestion you were trying to evade the prohibited securities rule. In fact, prior to joining the NRC you consulted with both OGC and the Office of the Chief Human Capital Officer (OCFO) regarding this rule. You also emailed OCFO questions related to divestiture during the 90-day period after you joined the NRC. As your son's divestiture deadline approached, however, you should have contacted OGC directly with questions about your obligations under the prohibited securities rule. Should you have such questions in the future—or any other ethics-related questions—I encourage you to contact an ethics counselor at [ethics\\_resource@nrc.gov](mailto:ethics_resource@nrc.gov).

To summarize, I grant you a waiver exempting your son from the requirement that he divest his General Electric securities. Under the waiver, your son can continue holding these securities until (b)(6) at which time he will no longer be a "minor child" subject to the prohibited securities rule. Your son may not, however, acquire additional shares of General Electric stock from the date of this memorandum until he turns 18. Furthermore, the waiver is contingent upon you not working on any matter involving (b)(6) while your son remains a minor.

cc: M. Doane, OGC  
B. Ammon, OGC  
M. Clark, OGC