



2017-000421

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

INTERIM

☒

FINAL

REQUESTER:

Edwin Lyman, Union of Concerned Scientists

DATE:

10/09/2018

DESCRIPTION OF REQUESTED RECORDS:

All correspondence (including letters and emails) between the NRC and the Government Accountability Office (GAO) (generated during the conduct of GAO audits) since January 1, 2014.

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**

- ☐ 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. 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, 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

Subsequent to UCS's submission of this request (by your predecessor, David Lochbaum), he agreed to narrow the scope of responsive records as follows:

1. Any audits that remain open (i.e., the final report has not yet been written by GAO);
2. Any final reports that GAO has made available on its website (and that would include any letter that NRC wrote to GAO in providing comments on the draft report that is included as an appendix in the published report);
3. Any follow-on communications between NRC and GAO after the final report is issued (i.e., on recommendations that NRC reports back to GAO on), but which our tracking system(s) show as still open.
4. The draft report and NRC comments about the draft report (whether included in #1, above, or not)
5. Any communications occurring during Government-wide audits (e.g., financial audits, human capital audits, FISMA/ information technology, cybersecurity audits).
6. NRC-specific audits of programs not dealing with the subject matters handled by NRR, NRO, RES, or NSIR
7. In audits that GAO is conducting at the behest of a congressional committee, correspondence among or between GAO, NRC, and the congressional committee is excluded (however, if it's a communication between GAO and NRC that the committee is simply copied on, whether letter or email, he does want that communication to remain within scope); and
8. Any logistical communications (e.g., setting up meetings, interviews, schedulers, gaining admittance to the complex, etc).

In light of the extensive inter- and intra- agency coordination and consultation involved in the processing of this request and the passage of time, this response confirms your October 8, 2018 email in which you informed us that we may consider this request withdrawn. With the issuance of this Form 464, we are administratively closing your request. Thank you.

Signature - Freedom of Information Act Officer or Designee

Stephanie A. Blaney

Digitally signed by Stephanie A. Blaney
Date: 2018.10.09 08:20:55 -04'00'