

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

2018-000712

1

RESPONSE  
TYPE☐

INTERIM

☒

FINAL

**REQUESTER:**

John Budzynski

**DATE:**

10/26/2018

**DESCRIPTION OF REQUESTED RECORDS:**

(1) instructor presentation material, (2) NRC's management policy/program material; (3) guidance and instructional material; and (4) communications among specific NRC staff and OCHCO, relating to Article 25, Sec. 25.5.4 of the NRC and NTEU Collective Bargaining Agreement [CBA].

**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

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You will be billed by NRC for the amount indicated.

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You will receive a refund for the amount indicated.

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Fees waived.

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Since the minimum fee threshold was not met, you will not be charged fees.

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Due to our delayed response, you will not be charged search and/or duplication fees that would otherwise be applicable to your request.

**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**

Subsequent to submission of your request, you agreed to narrow the scope of responsive records to the first two parts of your request only.

In part 1 of your request, you specified 3 training courses. With respect to the first course, "Performance Management" (Course ID #1171), no responsive records were located. OCHCO staff noted that this course was last offered in 2015. With respect to the second course, "Powered By You: Supervisory CBA Training" (Course ID # 231144), OCHCO staff informed us that this course was last offered in 2016. However, a copy of the slides used in that course were located. The slides used in this course are being withheld in their entirety under FOIA exemption 3 in conjunction with 5 U.S.C. 7114(b)(4)(C), which protects certain labor relations training and guidance materials. As to the third course, "OPM Supervisory Development 1 - Fundamentals", this is a course offered by OPM. As such, any instructional materials related to that course would be OPM's records. NRC does not maintain a copy of any of this course's materials. Should you wish to obtain a copy of records pertaining to this course, you may submit a FOIA request to the Office of Personnel Management. For assistance in doing so, please refer to OPM's FOIA webpage, <https://www.opm.gov/information-management/freedom-of-information-act/>.

In response to part 2 of your request we have determined that the only policy /program-related material relating to CBA Article 25.5.4; 25.5.3; and 25.5.4 is the CBA language itself.

Signature - Freedom of Information Act Officer or Designee

**Stephanie A. Blaney**

Digitally signed by Stephanie A. Blaney

Date: 2018.10.26 14:22:18 -04'00'