



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2019-000296

2

RESPONSE TYPE

INTERIM

FINAL

REQUESTER:

James J. Johnson, Esq.

DATE:

01/17/2020

DESCRIPTION OF REQUESTED RECORDS:

Items 1, 2, 4-8, which describe seven enumerated categories of records relating to the Access Authorization [AA] Program, including specifically identified records of the TVA's AA Program, and items 3 and 9, which describe records relating to the termination of your client's access authorization, and certain licensee records during the Cycle 13 Tritium harvest.

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 | <input type="checkbox"/> You will be billed by NRC for the amount indicated. | <input type="checkbox"/> Since the minimum fee threshold was not met, you will not be charged fees. |
| | <input type="checkbox"/> You will receive a refund for the amount indicated. | <input checked="" type="checkbox"/> Due to our delayed response, you will not be charged search and/or duplication fees that would otherwise be applicable to your request. |
| | <input type="checkbox"/> Fees waived. | |

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

In our first interim response, dated November 27, 2019, we addressed the records described in paragraphs 3 and 9 of your request.

This second interim response addresses the records described in paragraphs 6 through 8 of your request. Each of these paragraphs refers back to what you describe as "the attached report of NRC Staff Recommendation." As best as we can determine, the attachment is not an NRC issuance; rather, it is a summary of NRC activities regarding a proposed rule-making on access authorization [AA] and fitness-for-duty [FFD] determinations, prepared and published by Certrec Corporation.

Paragraph 6 asks for the documents listed under the "associated files" and "related alerts" headings of this Certrec report. Paragraph 7 asks for agendas or meeting summaries identifying persons making statements or submitting statements and testimony in the rule-making process referenced in this Certrec report. And, finally, all agenda, meeting summaries or other documents identifying NRC staff making the recommendations referenced in this Certrec report. With the exception of the document listed under the "related alert" heading, which -- as noted above -- is not an NRC record -- each of the documents (including the names of involved NRC staff) responsive to these paragraphs are already available to the public in ADAMS under the following ML accession numbers:

- ML18360A189: SECY-19-0033
- ML18360A185: Draft Federal Register Notice
- ML16336A034: Meeting Summary of Public Meeting held on November 16, 2016 (dated December 9, 2016)
- ML16355A092: Meeting Summary of Closed Meeting with the International Brotherhood of Electrical Workers (IBEW)
- ML16291A028: NRC Presentation, Role of Third Parties in Access Authorization and Fitness-for-Duty Determinations (for November 16, 2016 public meeting)

There are a few other documents, not identified on the Certrec report you attached to your request, that may be of interest to you:

- ML16063A268: SECY-15-0149, Options to address and clarify the proper role of third parties in licensee access authorization and fitness-for-duty determinations.
- ML16158A286: SRM-SECY-15-0149
- ML16309A565: Agenda, dated November 4, 2016, for the public meeting to be held on November 16, 2016
- ML16336A031: Transcript of Public Meeting held on November 16, 2016
- ML17031A095: Notice of, and Agenda for, Second Public Meeting to be held on February 13, 2017
- ML17030A007: NRC Presentation, Role of Third Parties in Access Authorization and Fitness-for-Duty Determinations (for February 13, 2017 public meeting)
- ML17067A169: Transcript of Public Meeting held on February 13, 2017
- ML17067A171: Meeting Summary of Public Meeting held on February 13, 2017

Although dated after submission of your request, the Commission voted to approve staff's recommendation to discontinue the rule-making in VR-SECY-19-0033 (ML19219A164). See also SRM-SECY-19-0033 and its enclosure (draft Federal Register Notice) (ML19219A123 and ML19219A124).

We are working with NRC staff to determine whether there are any records responsive to the remaining paragraphs of your request (paragraphs 4 and 5). We appreciate your continued patience.

Signature - Freedom of Information Act Officer or Designee

Stephanie A. Blaney

Digitally signed by Stephanie A. Blaney
Date: 2020.01.17 09:10:17 -05'00'