

January 7, 2020

Margaret Doane  
Executive Director for Operations  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Re: NRC-2020-000008	NRC-2020-000023	NRC-2020-000024
NRC-2020-000056	NRC-2020-000057	NRC-2020-000058
NRC-2020-000059	NRC-2020-000060	NRC-2020-000085
NRC-2020-000086		

Dear Ms. Doane:

We respectfully appeal the agency's denial of our FOIA fee-waiver requests. The denial was arbitrary and capricious and contrary to the FOIA statute and the NRC's FOIA regulations. We request that you reverse the denial and grant our request for the waiver of fees.

#### Basis for Waiver Request

Our fee-waiver requests pertained to the above-referenced FOIA submittals. Each submittal sought the release of reports prepared by the NRC's Office of Investigations on allegations of retaliation. Because of the requests' similarity, we aggregated our fee-waiver applications into one request. A copy of that request is enclosed.

Rather than repeat our justifications for a waiver of FOIA fees here, we incorporate the content of our aggregated request by reference. In summary, however, the NRC makes very little documentation about its retaliation investigations, conclusions, and associated orders or enforcement actions publicly available. This lack of transparency results in wide-spread lack of public understanding about how the NRC enforces these particular regulations and why, for example, it elects certain sanctions in some cases but foregoes them in others. FOIA is designed as a guarantee that the public will have access to knowledge about the operations of its government—including how the NRC enforces its anti-retaliation regulations—and we submitted our FOIA requests in that spirit.

#### Bases for Appeal

Our detailed fee-waiver request was rejected out of hand by the NRC's FOIA Officer. The agency informed us of the denial in the body of an email from a FOIA specialist, which advised:

“The FOIA Officer ... has determined that your request for a waiver of fees does not meet the criteria set forth in 10 CFR 9.41 (attached); e.g., your letter does not support the conclusion that your requests for these ROIs are not primarily in your firm’s commercial interest (in attracting and representing clients).” As a follow-up to that summary conclusion, we requested the determination letter on the wavier denial, or any analysis or other documentation prepared in support of the FOIA Officer’s conclusion, but we were informed by the FOIA specialist that no further information was available. Accordingly, the sole basis for the agency’s fee-waiver denial is as quoted above.

The FOIA Officer’s conclusion is arbitrary and capricious and it conflicts with both the statute and the NRC’s regulations. First, the FOIA Officer made no effort to explain why our fee-waiver request did “not meet the criteria” set forth in 10 CFR 9.41. That was capricious because our request explicitly demonstrated how each criterion was in fact met. For example—and importantly—we verified that the information would be analyzed and made available to the public, without limitation, and that the public would benefit from the disclosure and the analysis. The NRC’s lack of transparency in these investigations, and particularly in reaching its conclusions under the NRC’s anti-retaliation regulations, as well as in choosing sanctions, has unfortunately perpetuated public *misunderstanding* of both the scope of the regulations and the NRC’s application of them. Our fee-waiver request identified *specific* instances in which the media have perpetuated incorrect statements about the anti-retaliation provisions. Unfortunately, these incorrect statements were not the media’s fault: they simply relied on cryptic statements provided in the little information that the NRC discloses in retaliation cases. We are not aware of any effort by the agency to correct the public misconception that we have noted.

Second, we cannot fathom how the FOIA Officer concluded that disclosure of the requested records is “primarily in [our] firm’s commercial interest (in attracting and representing clients).” On the one hand, this conclusion seems to acknowledge that the disclosure of the records will in fact provide a material benefit: the FOIA Office believes that the records will not only aid our firm in “representing clients” but also in “attracting” new ones. I have no reason to believe that that is the case, and I certainly do not understand the FOIA Officer’s off-the-cuff conclusion. In fact, we previously advised the FOIA office that we have *not* requested document disclosure on behalf of any client or group of clients and we have no reason to believe we will receive any income or monetary benefit as a result of our review, analysis, and public disclosure of the requested records. The gauzy and conclusory basis for the denial of our fee-waiver request gives the NRC reasons enough to scrutinize the FOIA Officer’s decisionmaking.

Worse, the FOIA Officer plainly erred in summarily concluding that the requests are “primarily” in the firm’s commercial interest. That is perhaps the most capricious aspect of the fee-waiver denial determination. Nothing in our request could have led the FOIA Officer to reach this conclusion. Rather, and quite plainly, the FOIA Officer denied our fee-waiver request *not* because she assessed the regulatory criteria, nor because she carefully considered a balancing of commercial and public interests, but because she simply deemed our firm to be a “commercial requester” and, thus, automatically *not* entitled to request a waiver of FOIA fees.

The FOIA Officer's rationale would preclude a waiver of fees for *any* requester that has a commercial aspect. Unfortunately, the agency itself promotes that misapprehension of the FOIA fee-waiver provisions on its website, which states that as a rule commercial requesters may *not* obtain fee waivers. That statement is inconsistent with both the statute and the NRC's own criteria. Reversing the FOIA Officers' denial of our fee-waiver request provides the agency an opportunity to correct the inconsistency.

In assessing the primacy of commercial interests, the agency's FOIA Officer should have applied the criteria in its regulations, such as the importance of the information sought to the public and the benefit the public would gain. It is not sufficient for her to form an off-the-cuff opinion about our interests; about our "primary" interests. And is not correct to deny a fee-waiver request based solely on the single criterion concerning commercial interests.

For these reasons, we request that the agency reconsider the FOIA Officer's summary and incorrect conclusion that a waiver of fees is not in order in this case.

Sincerely,



Donn C. Meindertsma

Encl.

cc: Freedom of Information Officer  
([FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov))

December 17, 2019

VIA EMAIL  
[foia@nrc.gov](mailto:foia@nrc.gov)

David J. Nelson  
Freedom of Information Act and Privacy Act Officer  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Re:	NRC-2020-000008	NRC-2020-000023	NRC-2020-000024
	NRC-2020-000056	NRC-2020-000057	NRC-2020-000058
	NRC-2020-000059	NRC-2020-000060	NRC-2020-000085
	NRC-2020-000086		

Dear Mr. Nelson:

Please consider this a formal request for a fee waiver concerning the above-referenced FOIA requests (copies of the requests enclosed).

### Background

The requests are for investigation reports prepared by the NRC's Office of Investigations in connection with allegations of discrimination under NRC regulations, such as 10 C.F.R. § 50.7. These reports each concern specific instances of alleged discrimination. In some cases, the NRC concluded that discrimination occurred, while in others it did not substantiate that discrimination occurred. The FOIA requests are quite simple—for clearly identified agency reports—yet in processing the requests the agency has demanded payment of several hundreds of dollars in fees. Those fees should be waived for the reasons below. [Note: As to NRC-2020-000058, the requested investigation report has already been publicly released and filed in a public proceeding, and the NRC should not assess fees for disclosing it again. NRC Memorandum to the Parties (Dec. 12, 2019) [ML19246G104].

### Lack of Transparency

Unfortunately, when the NRC makes findings on discrimination allegations, the agency releases very little information publicly. Findings *not* substantiating discrimination are usually presented only in short letters to the licensee. A synopsis may or may not be released along with the letter.

(Compare (1) Letter to M.K. Lempke, Nov. 7, 2019 [ML19311C687], which did not include the release of a synopsis, even though the document is titled in ADAMS as “NRC Office of Investigations Report No. 2-2018-035—Release of OI Synopsis,” with (2) Letter to G.P. Sullivan, Aug. 15, 2019 [ML19232A221], which included the release of a synopsis.) To be clear, the “synopsis” released in a given matter by the NRC will not be a synopsis in the ordinary meaning of the work (i.e., a summary of the content of a work), but merely a conclusion, which provides no information beyond what is noted in the cover letter transmitting the synopsis.

For example, the “synopsis” released with the just referenced letter of August 2019 states: “Based upon the evidence developed, the allegation that a senior specialist for environmental health and safety at Cardinal Health was discriminated against by management for raising safety concerns is not substantiated.” That statement reveals nothing about the means and manner utilized by the agency in addressing claimed discrimination.

Apparent discrimination findings are reported to licensees in letters (not made public, initially). When enforcement action is taken based on discrimination allegations and investigations, a short press release is typically issued, and a cover letter and notice of violation is sent to the licensee (or an individual in the case of individual enforcement action). If a case is resolved through a Confirmatory Order, the order and a cover letter are released. As is true when the NRC does *not* substantiate discrimination, documents publicly released upon a finding of discrimination do not provide the public with useful insights into the specific factual basis for the agency determination or the rationale used by the agency in its conclusions.

For example:

- Publicly available documentation in recent enforcement actions against individuals leaves significant gaps in any understanding the bases for the NRC’s conclusions and actions. IA-19-027 [ML1929H171; ML19269C005] and IA-18-045 [ML19301C710] both involved licensee managers, arose at the same site, the instances of discrimination occurred in roughly the same time frame, and the managers engaged in the same type of retaliatory action (asking that contract workers be removed from the worksite). In IA19-027, the NRC agreed to a Confirmatory Order that did not levy sanctions against the manager; rather, the manager is merely required to make a variety of presentations. In IA-18-045, despite the evident similarities in the two cases, the NRC stated that “[i]n determining the appropriate sanction to be issued in this case, the NRC considered issuing an Order prohibiting your involvement in NRC-licensed activities for a period of time.” Yet, the NRC did not impose that sanction. The agency did not explain its decision, depriving the public of an understanding of its enforcement process. Instead, the NRC’s correspondence to the individual states only vaguely states that it made that decision after it “consider[ed] the circumstances of this case.” In IA-18-040 [ML19234A334], on the other hand, the NRC did impose a prohibition on industry employment as a sanction against a manager found to have discriminated against a worker.

- The publicly available documentation sometimes suggests that the NRC is not applying governing standards. For example, in 10 C.F.R. § 50.7, the NRC has stated that licensees (and others) may not take adverse personnel action against an employee “because” the worker has engaged in protected activity. In IA-19-027, however, the NRC stated in the publicly available documentation that the manager engaged in discrimination when he took adverse action “knowing” that the individual had engaged in protected activity. That is not a correct application of the agency’s own regulations, which only prohibit adverse action taken “because of” protected activity. Moreover, the agency’s application of the incorrect standard was picked up and reiterated in press accounts, likely confusing the public (e.g., *Augusta Chronicle*, Oct. 22, 2019). The public cannot have confidence that the NRC is applying correct standards unless the underlying investigation report is released, analyzed, and publicly explained.

### The Public Interest In and Intended Non-Commercial Use of the Request Records

FOIA fee waivers are available where “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government” and is “not primarily in the commercial interest of the requester.” “[F]ee-waiver applications are to be ‘liberally construed’ in favor of finding that requesters meet FOIA’s two-prong test. *Nat’l Sec. Counselors v. United States Dep’t of Justice*, 848 F.3d 467, 473 (D.C. Cir. 2017). The waiver requested herein meets this Fee Waiver Standard.

The NRC’s approach to resolving allegations of discrimination, which will be revealed in the requested records, is clearly a matter of “public interest.” The agency and licensees alike take such allegations very seriously, and public pronouncements that the NRC has substantiated discrimination claims can cause significant public consternation. Moreover, disclosure of the requested discrimination allegation reports will, surely, “contribute significantly to public understanding” of the NRC’s “operations or activities” in investigating, analyzing, and making enforcement decisions regarding discrimination claims.

A fee waiver is also warranted because the FOIA requests are not made primarily in the commercial interests of the requester. In response to the records requests, some FOIA analysts have summarily concluded that we are a “commercial requester” and that, for that reason alone, fees for search and review time cannot be waived. That is not correct. It is the benefit to the public of the released information, particularly when analyzed and disseminated by the requester, that determines the appropriateness of the fee waiver—not the “status” of the requester as commercial or not. 10 C.F.R. § 9.41.

The NRC’s website does state at one point in referencing “commercial requesters” that “fees (above the minimum fee charge) cannot be waived for this *category of requester*.” The same webpage, however, properly states the Fee Waiver Standard: “A waiver or reduction of fees may be granted for furnishing documents if a requester, by fully addressing the eight factors in 10 CFR 9.41, clearly demonstrates that disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” This provision

allows a waiver for *any* requester (“a requester”), and the website is incorrect to suggest that anyone deemed a “commercial requester” must be denied a fee waiver. In fact, this language makes clear that commercial interests *may* in part underlie a FOIA request, yet fees may be waived if the request is not “*primarily* in the commercial interest of the requester.” Obviously, FOIA requesters that may engage in commercial endeavors are nonetheless entitled to waivers if the Fee Waiver Standard is otherwise met.

Setting aside the NRC’s website references, the application regulation, 10 C.F.R. § 9.41 does *not* exclude commercial requesters from obtaining fee waivers. That regulation applies uniformly to all FOIA requests and below we demonstrate why it provides for a fee waiver here. Like the agency’s regulation, the statute makes clear that documents are to be “furnished without any charge” when the Fee Waiver Standard is met. That applies to commercial and non-commercial requesters alike. 5 U.S.C. § 552(a)(4)(A)(iii) (“Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”).

As demonstrated below, as applied here, 10 C.F.R. § 9.41 plainly justifies a waiver of fees for the above-referenced FOIA requests. Specifically, to address each of the relevant factors supporting a fee waiver request set forth in § 9.41(b):

(1) Describe the purpose for which the requester intends to use the requested information;

- The requester (and colleagues) will analyze the documents released in response to the requests and publicize the findings of the analysis. The anticipated analysis is further described in the next section. The analysis will be made publicly available to anyone interested.

(2) Explain the extent to which the requester will extract and analyze the substantive content of the agency record;

- The requester will review the NRC’s investigation reports for the purpose of understanding and extracting the agency’s reasoning underlying its determinations that, in some cases, discrimination in violation of NRC regulations occurred, while in other cases, the evidence did not substantiate discrimination; and
- The requester will review the NRC’s associated enforcement documentation in conjunction with the requested records, compare the factual scenarios underlying the enforcement action, and analyze the agency’s decisionmaking with regard to the assigned severity level of the action; the bases for any determination that willful misconduct occurred; the factors warranted mitigation or escalation of enforcement penalties; the justification in the documentation for pursuing alternative dispute resolution and/or the conciliation of apparent violations; and

the analysis behind the determination to impose sanctions on individuals found to have engaged in retaliation and/or deliberate misconduct.

(3) Describe the nature of the specific activity or research in which the agency records will be used and the specific qualifications the requester possesses to utilize information for the intended use in such a way that it will contribute to public understanding;

- The requester (and colleagues) will review the released records to obtain an understanding of the NRC's application of its regulations prohibiting discrimination; the requester (and colleagues) regularly monitor and publicize information about NRC investigations and enforcement actions in the discrimination context. The substantial experience of the requester (and colleagues) in NRC discrimination investigation and enforcement activity will facilitate a clearer understanding of the NRC's analytical approach and the agency's understanding and application of its own regulations, which will be in the public interest.

(4) Describe the likely impact on the public's understanding of the subject as compared to the level of public understanding of the subject before disclosure;

- The benefit in terms of enhanced public understanding is provided above. As stated, information that is publicly released by the agency in connection with discrimination investigations and enforcement is limited and typically cryptic. The released records, when analyzed and publicized by the requester, will clarify the operations and activities of the agency in this field. The public will receive detailed information on investigations and enforcement that it currently does not have.

(5) Describe the size and nature of the public to whose understanding a contribution will be made;

- Because the information will be posted on a website fully accessible to everyone, there is no anticipated limitation on the "size and nature of the public" that will benefit from the information.
- In particular, however, all individuals and entities subject to the jurisdiction of the NRC and the agency's investigation and enforcement powers will benefit from the information because they will have a better understanding of the NRC's expectations under its regulations prohibiting discrimination. Enhanced understanding of those expectations should, in turn, benefit licensees and others in using the agency's actions as "operating experience" and lessons learned. In short, individuals and other entities will be better equipped to comply with NRC regulations, and in turn to promote the NRC's own interests in the public health and safety, if the information is disclosed to the requester, analyzed, and publicly disseminated. The fact that the information will be disseminated "to a reasonably



broad audience of persons interested in the subject” of NRC investigations and enforcement demonstrates that a fee waiver is appropriate. *Cause of Action v. F.T.C.*, 799 F.3d 1108, 1116 (D.C. Cir. 2015).

(6) Describe the intended means of dissemination to the general public;

- The analysis will be posted on a publicly accessible website, without any access restrictions.

(7) Indicate if public access to information will be provided free of charge or provided for an access fee or publication fee; and

- Free of charge. The requester expects no remuneration from the analysis or public posting of the information.

(8) Describe any commercial or private interest the requester or any other party has in the agency records sought.

- The only commercial or private interest is a general and genuine interest in understanding the operations and activities of the NRC—an interest identical to the public interest discussed above. As noted, no remuneration or private profit is expected to be derived from the analysis or its publication.
- As noted above, the NRC’s website suggests that a fee waiver will automatically be denied based on the status of the requester as a commercial enterprise. That is inappropriate. A commercial enterprise may not be entitled to a waiver if it requests information for its benefit alone. But if there is a public interest to be served by dissemination of the information, the nature of and benefit to the requester is not relevant. *Cause of Action*, 799 F.3d at 1118 (“Nor does it matter whether the requester made the request for the purpose of benefiting itself. The statutory criterion focuses only on the likely effect of the information disclosure.”)
- Some NRC FOIA analysts have suggested that the availability of a fee waiver may depend, given that the requester is a law firm, on whether the request is being made on behalf of a client. Here, the request is not being made on behalf of any client, or any group of clients, or any third party. The requester will not receive any benefits from any particular client(s) in exchange for the analysis and publication of the information described above.

David J. Nelson  
December 17, 2019  
Page 7

For all of the above reasons, we respectfully request a waiver of the FOIA fees associated with the referenced requests.

Sincerely,

A handwritten signature in blue ink, appearing to read "D - (M - +)", with a horizontal line extending from the plus sign.

Donn C. Meindertsma

Encl.



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

October 28, 2019

NRC-2020-000008

Priscilla Leonard  
Conner & Winters  
1850 M Street NW, Suite 600  
Washington, DC 20036

Dear Ms. Leonard:

We received your Freedom of Information Act (FOIA) request on October 7, 2019.

Your request seeks access to 1) The NRC Report of Investigation (ROI) for Investigation number 2-2017-024, 2) the Corrective Action Program package for the March 13, 2017 Condition Report (including the initial Condition Report), 3) The March 14, 2017 email from FPL's Regional VP – Operations to the Framatome VP of Outage Services, and 4) All emails replying to, or forwarding, the March 14, 2017 email. Your request also stated that the above items were referenced in the September 12, 2019 NRC Notice of Violation that you attached to your request.

Your request has been assigned the following reference number that you should use in any future communications with us about your request: **NRC-2020-000008**.

To ensure the most equitable treatment possible of all requesters, the NRC processes requests on a first-in, first-out basis, using a multiple track system based upon the estimated time it will take to process a request. Based on your description of the records you are seeking, we estimate completion of your request will be on or before November 20, 2019. Please note that we are estimating that completion will take more than 20 working days because we expect to consult with multiple program and regional offices within the NRC and will most likely need to refer records to a licensee, or other business submitter.

Please know that this date is a rough estimate of how long it will take us to close requests ahead of yours in the respective track and complete work on your request. The actual date of completion might be before or after this estimate, based on the complexity of all the requests in the complex track. We will advise you of any change in the estimated time to complete your request. In an effort to process your request promptly, you may wish to narrow the scope of your request to limit the number of responsive records.

For purposes of assessing fees in accordance with our regulations (10 CFR 9.33), we have placed your request in the following category: Commercial. If applicable, you will be charged appropriate fees for: search, review and duplication. Unless you state otherwise, we expect to provide our response, including any released records, electronically, therefore you will only incur fees for search and review time.

A sheet has been enclosed that explains in detail the fee charges that may be applicable. Please do not submit any payment unless we notify you to do so.

Persons requesting records pertaining to another individual, in addition to furnishing verification of that individual's identity, must have the individual's written consent for the records to be disclosed to them. A valid consent may be in the form of either a notarized statement, or a statement made under penalty of perjury in accordance with 28 U.S.C. 1746. In the consent, the individual swears or affirms his or her identity and to the fact that he or she understands that penalties for false statements may be imposed pursuant to 18 U.S.C. 1001, and that penalties for obtaining a record concerning an individual under false pretenses may be imposed pursuant to 5 U.S.C. 552a(i)(3).

Form 507 is enclosed for your use; please complete sections 4 (about the individual whose records you are requesting), 6 and 7. If you do not provide the individual's identity verification and written consent, information will be disclosed to you only if it is deemed that such disclosure will not constitute an invasion of the privacy of the individual about whom your request pertains. In some instances, depending on the sensitivity of the type of records in which the kind of information you are seeking would be found, we will neither confirm nor deny the existence of records pertaining to the person because to even publicly acknowledge the fact that there is that type of record about the person could be considered an invasion of the person's privacy.

The proper identity verification and consent, or a statement that you want this request processed as if it was received from any other member of the public, must be received no later than **November 12, 2019**. The documentation should be mailed to the U.S. Nuclear Regulatory Commission, Mail Stop T6-A60M, 11555 Rockville Pike, Rockville, MD 20852-2738, or emailed to [FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov). If we do not hear from you regarding this matter by **November 12, 2019**, we will administratively close our file on this request.

The following person is the Government Information Specialist who has been assigned responsibility for your request: Karen Danoff, who may be reached by telephone at 301-415-5072 or via email to [karen.danoff@nrc.gov](mailto:karen.danoff@nrc.gov).

If you have questions on any matters concerning your FOIA request, please feel free to contact the assigned Government Information Specialist or me at (301) 415-7169.

Sincerely,

*Stephanie A. Blaney /s/*

Stephanie A. Blaney  
FOIA Officer  
Office of the Chief Information Officer

Enclosure:  
Explanation of Fees  
Form 507



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

October 24, 2019

NRC-2020-000023  
NRC-2020-000024

Priscilla Leonard  
Conner & Winters  
1850 M Street, NW  
Suite 600  
Washington, DC 20036

Dear Ms. Leonard:

We received your Freedom of Information Act (FOIA) request on **October 23, 2019**.

Your requests, which seeks access to the Office of Investigation (OI) reports relating to case nos. 2-2018-002 and 2-2017-033, has been assigned the following reference numbers that you should use in any future communications with us about your request: **NRC-2020-000023 and NRC-2020-000024, respectively.**

To ensure the most equitable treatment possible of all requesters, the NRC processes requests on a first-in, first-out basis, using a multiple track system based upon the estimated time it will take to process a requests. Based on your description of the records you are seeking, we estimate completion of your requests will be on or before **December 9, 2019**. Please note that we are estimating that completion will take more than 20 working days because we expect to:

- search for, collect, and appropriately examine a voluminous amount of records
- consult with multiple program and/or regional offices within the NRC
- consult with other Federal agencies having equities in the records
- refer records to a licensee, or other business submitter
- undertake a declassification review of classified records; or
- retrieve records from Federal Records Centers or other off-site facilities.

Please know that this date is a rough estimate of how long it will take us to close requests ahead of yours in the respective track and complete work on your request. The actual date of completion might be before or after this estimate, based on the complexity of all the requests in the **complex** track. We will advise you of any change in the estimated time to complete your request. In an effort to process your request promptly, you may wish to narrow the scope of your request to limit the number of responsive records.

For purposes of assessing fees in accordance with our regulations (10 CFR 9.33), we have placed your request in the following category: **Commercial**. If applicable, you will be charged appropriate fees for: **search and review**. Unless you state otherwise, we expect to provide our response, including any released records, electronically; therefore, you will not incur duplication charges.

A sheet has been enclosed that explains in detail the fee charges that may be applicable. Please do not submit any payment unless we notify you to do so.

Persons requesting records pertaining to another individual, in addition to furnishing verification of that individual's identity, must have the individual's written consent for the records to be disclosed to them. A valid consent may be in the form of either a notarized statement, or a statement made under penalty of perjury in accordance with 28 U.S.C. 1746. In the consent, the individual swears or affirms his or her identity and to the fact that he or she understands that penalties for false statements may be imposed pursuant to 18 U.S.C. 1001, and that penalties for obtaining a record concerning an individual under false pretenses may be imposed pursuant to 5 U.S.C. 552a(i)(3). Form 507 is enclosed for your use; please complete sections 4 (about the individual whose records you are requesting), 6 and 7. ***If you do not provide the individual's identity verification and written consent, information will be disclosed to you only if it is deemed that such disclosure will not constitute an invasion of the privacy of the individual about whom your request pertains.*** In some instances, depending on the sensitivity of the type of records in which the kind of information you are seeking would be found, we will neither confirm nor deny the existence of records pertaining to the person because to even publicly acknowledge the fact that there is that type of record about the person could be considered an invasion of the person's privacy. The proper identity verification and consent, or a statement that you want this request processed as if it was received from any other member of the public, must be received no later than **November 8, 2019**. The documentation should be mailed to the U.S. Nuclear Regulatory Commission, Mail Stop T6-A60M, 11555 Rockville Pike, Rockville, MD 20852-2738, or emailed to [FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov). If we do not hear from you regarding this matter by **November 8, 2019**, we will administratively close our file on these requests.

The following person is the Government Information Specialist who has been assigned responsibility for your request: **Tina Ennis**, who may be reached by telephone at **301-415-5616** or via email to **Tina.Ennis@nrc.gov**.

If you have questions on any matters concerning your FOIA request, please feel free to contact the assigned Government Information Specialist or me at (301) 415-7169.

Sincerely,

*Stephanie A. Blaney /s/*

Stephanie A. Blaney  
FOIA Officer  
Office of the Chief Information Officer

Enclosure[s]:  
Explanation of Fees  
Form 507



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

December 4, 2019

NRC-2020-000056

Priscilla Leonard  
Conner & Winters  
1850 M Street NW, Suite 600  
Washington, DC 20036

Dear Ms. Leonard:

We received your Freedom of Information Act (FOIA) request on December 2, 2019.

Your request, which seeks access to the NRC Report of Investigation (ROI) related to OI case 2-2018-007, has been assigned the following reference number that you should use in any future communications with us about your request: NRC-2020-000056.

To ensure the most equitable treatment possible of all requesters, the NRC processes requests on a first-in, first-out basis, using a multiple track system based upon the estimated time it will take to process a request. Based on your description of the records you are seeking, we estimate completion of your request will be on or before December 31, 2019.

Please know that this date is a rough estimate of how long it will take us to close requests ahead of yours in the respective track and complete work on your request. The actual date of completion might be before or after this estimate, based on the complexity of all the requests in the simple track. We will advise you of any change in the estimated time to complete your request.

For purposes of assessing fees in accordance with our regulations (10 CFR 9.33), we have placed your request in the following category: Commercial. If applicable, you will be charged appropriate fees for search, review and duplication. Unless you state otherwise, we expect to provide our response, including any released records, electronically. You will not incur duplication charges if we respond to you electronically.

A sheet has been enclosed that explains in detail the fee charges that may be applicable. Please do not submit any payment unless we notify you to do so.

The following person is the Government Information Specialist who has been assigned responsibility for your request: Karen Danoff, who may be reached by telephone at 301-415-5072 or via email to [karen.danoff@nrc.gov](mailto:karen.danoff@nrc.gov).

If you have questions on any matters concerning your FOIA request, please feel free to contact the assigned Government Information Specialist or me at (301) 415-7169.

Sincerely,

*Stephanie A. Blaney /s/*

Stephanie A. Blaney  
FOIA Officer  
Office of the Chief Information Officer

Enclosure:  
Explanation of Fees





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

December 03, 2019

Priscilla Leonard  
Conner & Winters  
1850 M Street NW, Suite 600  
Washington, DC 20036

NRC-2020-000057

Dear Ms. Leonard,

We received your Freedom of Information Act (FOIA) request on December 03, 2019.

Your request seeks access to the Report of Investigations relating to case No. OI 2-2017-004, has been assigned the following reference number that you should use in any future communications with us about your request: NRC-2020-000057.

To ensure the most equitable treatment possible of all requesters, the NRC processes requests on a first-in, first-out basis, using a multiple track system based upon the estimated time it will take to process a request. Based on your description of the records you are seeking, we estimate completion of your request will be on or before, January 02, 2019.

Please know that this date is a rough estimate of how long it will take us to close requests ahead of yours in the respective track and complete work on your request. The actual date of completion might be before or after this estimate based on the complexity of all of the requests in the simple track. We will advise you of any change in the estimated time to complete your request. In an effort to process your request promptly, you may wish to narrow the scope of your request to limit the volume of potentially responsive records.

For purposes of assessing fees in accordance with our regulations (10 CFR 9.33), we have placed your request in the following category: Commercial. If applicable, you will be charged appropriate fees for: Search, Review and Duplication.

A sheet has been enclosed that explains in detail the fee charges that may be applicable. **Please do not submit any payment unless we notify you to do so.**

The following person is the Government Information Specialist who has been assigned responsibility for your request: Gabriele Chidichimo at 301-415-6968 or ghc3@nrc.gov.

If you have questions on any matters concerning your FOIA request, please feel free to contact the assigned Government Information Specialist or me at (301) 415-7169.

Sincerely,

*Stephanie Blaney /s/*

Stephanie Blaney  
FOIA Officer  
Office of Information Services

Enclosures:  
Explanation of Fees



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

December 3, 2019

NRC-2020-000058

**Priscilla Leonard  
Conner & Winters  
1850 M Street NW, Suite 600  
Washington, DC 20036**

Dear Ms. Leonard:

We received your Freedom of Information Act (FOIA) request on **December 2, 2019**.

Your request, which seeks access to OI Investigation report relating to case number 2-2017-032, has been assigned the following reference number that you should use in any future communications with us about your request: **NRC-2020-000058**.

To ensure the most equitable treatment possible of all requesters, the NRC processes requests on a first-in, first-out basis, using a multiple track system based upon the estimated time it will take to process a request. Based on your description of the records you are seeking, we estimate completion of your request will be on or before January 2, 2019.

Please know that this date is a rough estimate of how long it will take us to close requests ahead of yours in the respective track and complete work on your request. The actual date of completion might be before or after this estimate, based on the complexity of all the requests in the **simple** track. We will advise you of any change in the estimated time to complete your request. In an effort to process your request promptly, you may wish to narrow the scope of your request to limit the number of responsive records. In this regard, we note that you have the right to seek assistance from, or seek dispute resolution services from, the NRC's FOIA Public Liaison or the Office of Government Information Services (OGIS). You may contact the NRC's FOIA Public Liaison by submitting your inquiry at <https://www.nrc.gov/reading-rm/foia/contact-foia.html>, or by calling (301) 415-1276. You may contact OGIS by email to [ogis@nara.gov](mailto:ogis@nara.gov), by fax to (202) 741-5789, or by letter addressed to OGIS, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.

For purposes of assessing fees in accordance with our regulations (10 CFR 9.33), we have placed your request in the following category: Commercial. If applicable, you will be charged appropriate fees for: **search and review**. Unless you state otherwise, we expect to provide our response, including any released records, electronically; therefore, you will not incur duplication charges.

A sheet has been enclosed that explains in detail the fee charges that may be applicable. Please do not submit any payment unless we notify you to do so.

The following person is the Government Information Specialist who has been assigned responsibility for your request: **Tina Ennis**, who may be reached by telephone at **301-415-5616** or via email to [Tina.Ennis@nrc.gov](mailto:Tina.Ennis@nrc.gov).

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If you have questions on any matters concerning your FOIA request, please feel free to contact the assigned Government Information Specialist or me at (301) 415-7169.

Sincerely,

*Stephanie A. Blaney /sl*

Stephanie A. Blaney  
FOIA Officer  
Office of the Chief Information Officer

Enclosure[s]:  
Explanation of Fees



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

December 3, 2019

Via email: [Pleonard@cwlaw.com](mailto:Pleonard@cwlaw.com)

NRC-2020-000059

Priscilla Leonard, Esq.  
Conner & Winters  
1850 M Street NW Suite 600  
Washington D.C., 20036

Dear Ms. Leonard:

We received your Freedom of Information Act (FOIA) request on December 2, 2019.

Your request, which seeks the Office of Investigations (OI)'s report relating to case No. 2-2018-035, has been assigned the following reference number that you should use in any future communications with us about your request: NRC-2020-000059.

To ensure the most equitable treatment possible of all requesters, the NRC processes requests on a first-in, first-out basis, using a multiple track system based upon the estimated time it will take to process a request. Based on your description of the records you are seeking, we estimate completion of your request will be on or before December 31, 2019.

Please know that this date is a rough estimate as to how long it will take us to close requests ahead of yours in the respective track and complete work on your request. The actual date of completion might be before or after this estimate based on the complexity of all of the requests in the simple track. We will advise you of any change in the estimated time to complete your request. In an effort to process your request promptly, you may wish to narrow the scope of your request to limit the volume of potentially responsive records.

For purposes of assessing fees in accordance with our regulations (10 CFR 9.33), we have placed your request in the following category: Commercial. If applicable, you will be charged appropriate fees for: review, search, and duplication. Unless you state otherwise, we expect to provide our response, including any released records, electronically; therefore, you will not incur duplication charges.

A sheet has been enclosed that explains in detail the fee charges that may be applicable.  
**Please do not submit any payment unless we notify you to do so.**

The following person is the Government Information Specialist who has been assigned responsibility for your request: Rita N. Henderson, who may be reached at (301) 415-8058 or via email to [Rita.Henderson@nrc.gov](mailto:Rita.Henderson@nrc.gov).

If you have questions on any matters concerning your FOIA request, please feel free to contact the assigned Government Information Specialist or me at (301) 415-7169.

Sincerely,

*Stephanie A. Blaney /s/*

Stephanie A. Blaney  
FOIA Officer  
Office of the Chief Information Officer

Enclosure:  
Explanation of Fees



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

December 3, 2019

NRC-2020-000060

Priscilla Leonard, Esq.  
Conner & Winters  
1850 M Street, N.W.  
Suite 600  
Washington, D.C. 20036

Dear Ms. Leonard:

We received your Freedom of Information Act (FOIA) request on December 2, 2019.

Your request, which seeks access to the Office of Investigation (OI)'s Report of Investigation in OI-2-2018-023, has been assigned the following reference number that you should use in any future communications with us about your request: **NRC-2020-000060**.

To ensure the most equitable treatment possible of all requesters, the NRC processes requests on a first-in, first-out basis, using a multiple track system based upon the estimated time it will take to process a request. Based on your description of the records you are seeking, we estimate completion of your request will be on or before **December 31, 2019**.

Please know that this date is a rough estimate of how long it will take us to close requests ahead of yours in the respective track and complete work on your request. The actual date of completion might be before or after this estimate, based on the complexity of all the requests in the **simple** track. We will advise you of any change in the estimated time to complete your request. In an effort to process your request promptly, you may wish to narrow the scope of your request to limit the number of responsive records.

For purposes of assessing fees in accordance with our regulations (10 CFR 9.33), we have placed your request in the following category: Commercial. If applicable, you will be charged appropriate fees for: **search, review, and duplication**. Please note that, unless you state otherwise, we expect to provide our response, including any released records, electronically. You will not incur duplication charges if we respond to you electronically.

A sheet has been enclosed that explains in detail the fee charges that may be applicable. Please do not submit any payment unless we notify you to do so.

Leonard, P.

- 2 -

The following person is the Government Information Specialist who has been assigned responsibility for your request: **Margo L. Stevens**, who may be reached by telephone at **301-415-8148** or via email to [margo.stevens@nrc.gov](mailto:margo.stevens@nrc.gov).

If you have questions on any matters concerning your FOIA request, please feel free to contact the assigned Government Information Specialist or me at (301) 415-7169.

Sincerely,

*Stephanie A. Blaney /s/*

Stephanie A. Blaney  
FOIA Officer  
Office of the Chief Information Officer

Enclosure:  
Explanation of Fees





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

December 17, 2019

Priscilla Leonard  
Conner & Winters  
1850 M Street NW, Suite 600  
Washington, DC 20036

NRC-2020-000085

Dear Ms. Leonard,

We received your Freedom of Information Act (FOIA) request on December 17, 2019.

Your request seeks access to the Report of Investigations relating to case no. 3-2018-008, has been assigned the following reference number that you should use in any future communications with us about your request: NRC-2020-000085.

To ensure the most equitable treatment possible of all requesters, the NRC processes requests on a first-in, first-out basis, using a multiple track system based upon the estimated time it will take to process a request. Based on your description of the records you are seeking, we estimate completion of your request will be on or before, January 17, 2019.

Please know that this date is a rough estimate of how long it will take us to close requests ahead of yours in the respective track and complete work on your request. The actual date of completion might be before or after this estimate based on the complexity of all of the requests in the simple track. We will advise you of any change in the estimated time to complete your request. In an effort to process your request promptly, you may wish to narrow the scope of your request to limit the volume of potentially responsive records.

For purposes of assessing fees in accordance with our regulations (10 CFR 9.33), we have placed your request in the following category: Commercial. If applicable, you will be charged appropriate fees for: Search, Review and Duplication.

A sheet has been enclosed that explains in detail the fee charges that may be applicable.  
**Please do not submit any payment unless we notify you to do so.**

The following person is the Government Information Specialist who has been assigned responsibility for your request: Gabriele Chidichimo at 301-415-6968 or ghc3@nrc.gov.

If you have questions on any matters concerning your FOIA request, please feel free to contact the assigned Government Information Specialist or me at (301) 415-7169.

Sincerely,

*Stephanie Blaney /s/*

Stephanie Blaney  
FOIA Officer  
Office of Information Services

Enclosures:  
Explanation of Fees



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

December 18, 2019

NRC-2020-000086

Priscilla Leonard.  
Conner & Winters  
1850 M Street, N.W.  
Suite 600  
Washington, D.C. 20036

Dear Ms. Leonard:

We received your Freedom of Information Act (FOIA) request on December 17, 2019.

Your request, which seeks access to the Office of Investigation (OI)'s Report of Investigation in OI-3-2019-002, has been assigned the following reference number that you should use in any future communications with us about your request: **NRC-2020-000086**.

To ensure the most equitable treatment possible of all requesters, the NRC processes requests on a first-in, first-out basis, using a multiple track system based upon the estimated time it will take to process a request. Based on your description of the records you are seeking, we estimate completion of your request will be on or before **January 17, 2020**.

Please know that this date is a rough estimate of how long it will take us to close requests ahead of yours in the respective track and complete work on your request. The actual date of completion might be before or after this estimate, based on the complexity of all the requests in the **simple** track. We will advise you of any change in the estimated time to complete your request. In an effort to process your request promptly, you may wish to narrow the scope of your request to limit the number of responsive records.

For purposes of assessing fees in accordance with our regulations (10 CFR 9.33), we have placed your request in the following category: Commercial. If applicable, you will be charged appropriate fees for: **search, review, and duplication**. Please note that, unless you state otherwise, we expect to provide our response, including any released records, electronically. You will not incur duplication charges if we respond to you electronically.

A sheet has been enclosed that explains in detail the fee charges that may be applicable. Please do not submit any payment unless we notify you to do so.

Leonard, P.

- 2 -

The following person is the Government Information Specialist who has been assigned responsibility for your request: **Margo L. Stevens**, who may be reached by telephone at **301-415-8148** or via email to [margo.stevens@nrc.gov](mailto:margo.stevens@nrc.gov).

If you have questions on any matters concerning your FOIA request, please feel free to contact the assigned Government Information Specialist or me at (301) 415-7169.

Sincerely,

*Stephanie A. Blaney /s/*

Stephanie A. Blaney  
FOIA Officer  
Office of the Chief Information Officer

Enclosure:  
Explanation of Fees