



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2020-000291,292

1

RESPONSE TYPE

INTERIM

FINAL

REQUESTER:

Douglas D. Johnson

DATE:

09/02/2020

DESCRIPTION OF REQUESTED RECORDS:

Copies of the 1st & 2nd requests sent to "the FBI's WMD Coordinator" re: the Palo Verde incidents referred to in an 10/1/19 email that I received in response to NRC-2020-000181; all responses from the FBI; and any other subsequent communications from the WMD Coordinator following up on, arising from, or referring to, these Palo Verde incidents.

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.gov/foiaonline/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 checked="" 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 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-6 A60M, 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. Please be sure to include on your submission that it is a "FOIA Appeal." Only a pre-registered user may file an appeal through FOIA Online, <https://foiaonline.gov/foiaonline/action/public/home>. A user who has not registered an account prior to filing the initial FOIA request may still submit an appeal by one of the above mentioned options.

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>.



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2020-000291,292

1

RESPONSE TYPE

INTERIM

FINAL

PART I.D -- COMMENTS

Upon receipt of your requests, we tasked two program offices: the Office of Nuclear Incident and Response [NSIR] or Region IV [RIV] to search for any responsive records. To the extent these offices located copies of records that our office released to you in response to NRC-2020-000181, we have not enclosed additional copies of them in response to these requests. The FOIA response package for NRC-2020-000181 may be found in public ADAMS as ML20231A488. Please also note that the drive pathways that appear automatically in the footer on the hard copies of a document when the NRC user prints the document from the NRC network (e.g., SIDS printouts) are considered separate, non-responsive records, to your request.

Signature - Freedom of Information Act Officer or Designee

Stephanie A. Blaney

Digitally signed by Stephanie A. Blaney
Date: 2020.09.02 13:34:39 -04'00'



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2020-000291,292

PART II.A -- APPLICABLE EXEMPTIONS

Records subject to the request are being withheld in their entirety or in part under the FOIA exemption(s) as indicated below (5 U.S.C. 552(b)).

- Exemption 1: The withheld information is properly classified pursuant to an Executive Order protecting national security information.
- Exemption 2: The withheld information relates solely to the internal personnel rules and practices of NRC.
- Exemption 3: The withheld information is specifically exempted from public disclosure by the statute indicated.
 - Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
 - Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
 - 41 U.S.C. 4702(b), which prohibits the disclosure of contractor proposals, except when incorporated into the contract between the agency and the submitter of the proposal.
 - Other:
- Exemption 4: The withheld information is a trade secret or confidential commercial or financial information that is being withheld for the reason(s) indicated.
 - The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.390(d)(1).
 - The information is considered to be another type of confidential business (proprietary) information.
 - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
- Exemption 5: The withheld information consists of interagency or intraagency records that are normally privileged in civil litigation.
 - Deliberative process privilege.
 - Attorney work product privilege.
 - Attorney-client privilege.
- Exemption 6: The withheld information from a personnel, medical, or similar file, is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
 - (A) Disclosure could reasonably be expected to interfere with an open enforcement proceeding.
 - (C) Disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.
 - (D) The information consists of names and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
 - (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
 - (F) Disclosure could reasonably be expected to endanger the life or physical safety of any individual.
- Other:

PART II.B -- DENYING OFFICIALS

In accordance with 10 CFR 9.25(g) and 9.25(h) of the U.S. Nuclear Regulatory Commission regulations, the official(s) listed below have made the determination to withhold certain information responsive to your request.

| DENYING OFFICIAL | TITLE/OFFICE | INFORMATION DENIED | APPELLATE OFFICIAL | | |
|---------------------|---|---|-------------------------------------|--------------------------|--------------------------|
| | | | EDO | SECY | OIG |
| Stephanie A. Blaney | FOIA Officer | Names and other PII of NRC or FBI personnel | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Select Title/Office from drop-down list | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Select Title/Office from drop-down list | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Select Title/Office from drop-down list | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |