



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2018-0010

1

RESPONSE TYPE



INTERIM



FINAL

REQUESTER:

David Lochbaum, Union of Concerned Scientists

DATE:

10/26/2017

DESCRIPTION OF REQUESTED RECORDS:

Records corresponding to items 17, 20, 22, 24, 42, and 53 of your request, as more fully explained in the Comments Section, below.

PART I. -- INFORMATION RELEASED

You have the right to seek assistance from the NRC's FOIA Public Liaison. Contact information for the NRC's FOIA Public Liaison is available at <https://www.nrc.gov/reading-rm/foia/contact-foia.html>

- Agency records subject to the request are already available on the Public NRC Website, in Public ADAMS or on microfiche in the NRC Public Document Room.
- 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 comments section) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Comments.

PART I.A -- FEES

NO FEES

AMOUNT*

*See Comments for details

- You will be billed by NRC for the amount listed.
- You will receive a refund for the amount listed.
- Fees waived.
- Minimum fee threshold not met.
- 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"). 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 by sending a letter or e-mail to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal." You have the right to seek dispute resolution services from the NRC's Public Liaison, or the Office of Government Information Services (OGIS). Contact information for OGIS is available at <https://ogis.archives.gov/about-ogis/contact-information.htm>

PART I.C COMMENTS (Use attached Comments continuation page if required)

Although these records have been removed from ADAMS, because the NRC was able to locate them by the accession numbers during the processing of several FOIA requests seeking the same records within the past year, we have considered the records as described below. In responding to your request, we have taken into account the privacy waiver furnished by Lawrence Criscione.

[continued on next page]

Signature - Freedom of Information Act Officer or Designee

Stephanie A. Blaney

Digitally signed by Stephanie A. Blaney
DN: cn=US, ou=U.S. Government, ou=U.S. Nuclear Regulatory Commission, ou=NRC-PV, cn=Stephanie A. Blaney, o=92342.19200300.100.1.1=200001997
Date: 2017.10.26 07:43:23 -0400

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| NRC FORM 464 Part I (03-2017) | U.S. NUCLEAR REGULATORY COMMISSION | FOIA 2018-0010 | RESPONSE NUMBER 1 |
| RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST Continued | | RESPONSE TYPE | <input checked="" type="checkbox"/> INTERIM <input type="checkbox"/> FINAL |
| REQUESTER: David Lochbaum, Union of Concerned Scientists | | DATE: 10/26/2017 | |
| PART I.C COMMENTS (Continued) | | | |
| <p>ML16202A536 (item 17) consists of an email, dated May 9, 2016, from Mr. Criscione to the Chairman's office, including four attachments containing multiple documents, concerning a personal matter. Although the Chairman's office confirmed that it received an email from Mr. Criscione on this date, the attachment received by, and maintained in, the Chairman's office includes many more pages than appear in this record. Given its personal nature, and the fact that the record is not identical to the copy located in the Chairman's office (i.e., it is incomplete), we have determined that it is a personal record. As such, it is not subject to the FOIA and has not been processed.</p> | | | |
| <p>ML16204A001 (item 20) was determined to be a personal, rather than agency, record. It is an email, dated September 14, 2012, which Mr. Criscione sent to various congressional staff members. Although two items are shown to have been attached to that email, neither was included in ML16204A001. Since NRC has not located another copy of the email received in the course of any NRC staff member's assigned duties in any of its records systems, we have determined that the email is a personal record. As such, it is not subject to the FOIA and has not been processed.</p> | | | |
| <p>ML16216A702 (item 22) is an email exchange among Mr. Criscione in his personal capacity (i.e., at a personal email address), his personal attorney, and an attorney at the Department of Justice regarding the terms of a possible resolution to a FOIA lawsuit brought by Mr. Criscione. Given its personal nature, and since NRC has not located other copies of this record in any of its record systems, we have determined that it is a personal record. As such, it is not subject to the FOIA and has not been processed.</p> | | | |
| <p>ML16216A704 (item 24) appears to be a LinkedIn page of an individual when he was employed by the NRC. Given its personal nature, and since NRC has not located another copy of this record in any of its record systems, we have determined that it is a personal record. As such, it is not subject to the FOIA and has not been processed.</p> | | | |
| <p>The email included in ML16237A007 (item 42) is an email received by Mr. Criscione at his personal email address. Since NRC has not located another copy of the email received in the course of any NRC staff member's assigned duties in any of its records systems, we have determined that the email is a personal record. (The slides attached to this email are identical to ML16237A004 and included in item 39, which we will address in a future response.) As such, it is not subject to the FOIA and has not been processed.</p> | | | |
| <p>ML16242A333 (item 53) consists of a letter written by private counsel retained by Mr. Criscione, and several documents, identified as Exhibits 1-6, to this letter, respectively. The letter and exhibits were apparently prepared by, or on behalf of, Mr. Criscione relating to a personal matter. Nothing on the face of these records evinces NRC's receipt of them. Nor has NRC located another copy of these records that were received in the course of any NRC staff's assigned duties in its record systems, As such, we have determined that this record is a personal record. As such, it is not subject to the FOIA and has not been processed.</p> | | | |