

Dear FOIA Requester:

The FOIA Improvement Act of 2016, which was enacted on June 30, 2016, made several changes to the Freedom of Information Act (FOIA). Federal agencies must revise their FOIA regulations to reflect those changes by December 27, 2016. In addition to revising our regulations, we intend to update the Form 464, which we use to respond to FOIA requests.

In the interim, please see the comment box in Part I.C of the attached Form 464. The comment box includes information related to the recent changes to FOIA that is applicable to your FOIA request, including an updated time period for filing an administrative appeal with the NRC.

Sincerely yours,

*Stephanie Blaney /S/*

Stephanie Blaney  
FOIA Officer



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

2016-0727

2

RESPONSE TYPE

INTERIM

FINAL

REQUESTER:

Lawrence Criscione

DATE:

JAN 26 2017

**DESCRIPTION OF REQUESTED RECORDS:**

Records corresponding to items 5 (ML16238A013) and 6 (ML16238A014) of your request, as further explained in the Comments Section, below.

#### PART I. - INFORMATION RELEASED

- Agency records subject to the request are already available 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

AMOUNT\*

\$

\*See Comments for details

You will be billed by NRC for the amount listed.

None. Minimum fee threshold not met.

You will receive a refund for the amount listed.

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"). 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 30 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or [FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov). Please be sure to include on your letter or email that it is a "FOIA Appeal."

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

In conformance with the FOIA Improvement Act of 2016, the NRC is informing you that you have the right to seek assistance from the NRC's FOIA Public Liaison.

This interim response addresses two (2) more of the six (6) records enumerated in your request. Since the date of your request, these records have been removed from ADAMS. However, because the NRC was able to locate them by the accession numbers when your request was received, we have processed the records. [continued on next page]

SIGNATURE - FREEDOM OF INFORMATION ACT OFFICER

Stephanie A. Blaney *[Signature]*

2016-0727

2

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

RESPONSE  
TYPE

INTERIM

FINAL

REQUESTER:

Lawrence Criscione

DATE:

JAN 26 2017

**PART I.C COMMENTS (Continued)**

The record requested in item 5 is a copy of NRC Form 183, Report of Security Incident/Infraction/Violation that was completed as a result of certain of your actions. We note that you previously received a copy of this record in response to FOIA-2014-0269. Another copy is enclosed.

The record requested in item 6 is a copy of an undated memorandum from Mary Jane Ross-Lee to Richard Correia concerning the subject "REPORT OF SECURITY INCIDENT (INFORMATION SPILL)". As with the record responsive to item 5 discussed above, we note that you previously received a copy of this record in response to FOIA-2014-0236. Another copy is enclosed.

With the issuance of this response, we expect to issue a final response to this request, which will address the records corresponding to items 3 and 4 of your request, in the very near future.



### REPORT OF SECURITY INCIDENT/INFRACTION/VIOLATION

TO: <b>Division of Facilities and Security</b>		FROM: (DIVISION/OFFICE IN WHICH INFRACTION OCCURRED) DRA / RES		
NAME(S) OF PERSON ACKNOWLEDGING RESPONSIBILITY Lawrence Criscione		TITLE Risk and Reliability Engineer		
TYPE OF SECURITY REPORT:		<input type="checkbox"/> INCIDENT <input checked="" type="checkbox"/> INFRACTION <input type="checkbox"/> VIOLATION		
DATE OF OCCURRENCE:                      9/18/2012		DATE REPORTED:    9/20/2012		
HIGHEST CLASSIFICATION OF MATERIAL INVOLVED:		<input checked="" type="checkbox"/> SUNSI <input type="checkbox"/> SGI <input type="checkbox"/> CONFIDENTIAL <input type="checkbox"/> SECRET <input type="checkbox"/> TOP SECRET		
WAS RESTRICTED DATA INVOLVED?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A		
REASON OR CAUSE FOR INFRACTION <p>A RES/DRA staff sent an email to Chairman Macfarlane and others within the agency and outside the agency. Those on distribution outside the agency include the U.S. Office of Special Counsel and House and Senate oversight committee members and staff. The email and both attachments contain sensitive information (SUNSI) but were not properly marked. The reason for not properly marking the information is unknown.</p>				
DESCRIPTION OF INCIDENT AND ASSOCIATED MANAGEMENT DIRECTIVES SECTION INVOLVED: <p>Sensitive information (SUNSI) was not appropriately labeled or marked and was transmitted outside the agency to other federal government entities. The email message does not appear to have been sent to anyone outside the federal government. Neither the email nor the attached letter was marked as containing sensitive information. Management Directive sections involved are MD 12.1 section V, "Infractions and Violations" and Part II of MD 12.6, "Protection and Control of Sensitive Unclassified Information."</p>				
IMMEDIATE CORRECTIVE ACTION TAKEN: (See Page 2 for suggested disciplinary action.) <p>The transmittal outside the agency of sensitive information (SUNSI) without proper markings was reported to the Division of Facilities and Security on 9/20/2012. Additional corrective actions are under consideration.</p>				
CORRECTION MEASURES TAKEN PENDING LONG TERM RESOLUTION: <p>None yet identified.</p>				

**SUBMIT**



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

MEMORANDUM TO: Richard P. Correia, Director  
Division of Risk Analysis  
Office of Nuclear Regulatory Research

FROM: Mary Jane Ross-Lee, Director  
Division of Facilities and Security  
Office of Administration

SUBJECT: REPORT OF SECURITY INCIDENT (INFORMATION SPILL)

On September 20, 2012, the Division of Facilities and Security (DFS) notified the Computer Security Office, Policy Standards and Training of the subject infraction (see attached NRC Form 183 "Report of Security Incident/Infraction/Violation," from Benjamin Beasley and emails detailing this incident) which occurred September 18, 2012. DFS staff concluded that since this incident does not involve protection of classified information, a security infraction did not occur. Instead, this report will be identified as a security incident for failure to follow applicable Sensitive Unclassified Non-Safeguards Information (SUNSI) guidelines.

To prevent recurrence of additional incidents involving the inadvertent release of SUNSI documents, the person or individuals responsible for the security incident must review the SUNSI guidance located on the NRC internal web at <http://www.nrc.gov/sunsi>. Once the SUNSI training has been completed, send a confirmation email to the Facilities Security Branch indicating that the person(s) responsible for the incident has completed their review and understands the information.

Please be advised that no infraction will be issued for the subject incident. DFS has noted corrective measures are implemented to prevent recurrence. This memorandum closes this incident.

Enclosures:

1. NRC Form 183 "Report of Security Incident/Infraction/Violation," (September 27, 2012)
2. Email detailing this incident

CONTACT: Daniel Cardenas, ADM/DFS  
(301) 415-6184

**RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) / PRIVACY  
ACT (PA) REQUEST**

2014-0236

1

RESPONSE  
TYPE

FINAL

PARTIAL

REQUESTER

Larry Criscione

DATE

JUN 02 2014

**PART I. -- INFORMATION RELEASED**

- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments section.
- |       |
|-------|
| GROUP |
|-------|

 Agency records subject to the request that are identified in the specified group are already available for public inspection and copying at the NRC Public Document Room.
- |       |
|-------|
| GROUP |
|-------|

 Agency records subject to the request that are contained in the specified group are being made available for public inspection and copying at the NRC Public Document Room.
- |            |
|------------|
| GROUP<br>A |
|------------|

 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**

AMOUNT\*

\$ 

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\* See comments  
for details

You will be billed by NRC for the amount listed.

None. Minimum fee threshold not met.

You will receive a refund for the amount listed.

Fees waived.

**PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE**

- No agency records subject to the request have been located. For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.
- Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

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

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Stephanie A. Blaney, Acting

