



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA or Reference Number

FOIA-2023-000216

Response Number

2

Response Type

Interim

Final

Requester:

Colin Aamot

Date:

02/23/2024

Description of Requested Records:

[1] FOIA appeal logs by year (CY 2010 to present); [2] Mandatory Declassification Review (MDR) request and appeal logs by year (CY 2010 to present); [3] listings of opened or closed Inspection General Investigations (OIG) for CY 2017-2023; and [4] Congressional correspondence logs for 2010 to present.

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 the NRC Public Access Link (PAL), at <https://foia.nrc-gateway.gov/app/Home.aspx>.
- 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

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

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 email 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." You may file an appeal through the NRC Public Access Link (PAL) at <https://foia.nrc-gateway.gov/app/Home.aspx>.

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) 415-0717.

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 email 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

We received your request on September 15, 2023, and tasked the Office of the Inspector General (OIG) to search for records responsive to item 3 of your request. The OIG issued the first interim response addressing those records on December 14, 2023. We also tasked the Offices of the Secretary to the Commission (SECY), Nuclear Security and Incident Response (NSIR), and Congressional Affairs (OCA) to search for records responsive to items 1, 2 and 4. The FOIA office is now issuing this final response to your request, addressing the records requested in items 1, 2, and 4.

With respect to item 1, the NRC publishes its FOIA logs at <https://www.nrc.gov/reading-rm/foia/recent-request.html>. You may find them at the links set forth below:

- <https://www.nrc.gov/reading-rm/foia/closed2010.html>
- <https://www.nrc.gov/reading-rm/foia/closed2011.html>
- <https://www.nrc.gov/reading-rm/foia/closed2012.html>
- <https://www.nrc.gov/reading-rm/foia/closed2013.html>
- <https://www.nrc.gov/reading-rm/foia/closed2014.html>
- <https://www.nrc.gov/reading-rm/foia/closed2015.html>
- <https://www.nrc.gov/reading-rm/foia/closed2016.html>
- <https://www.nrc.gov/reading-rm/foia/closed2017.html>
- <https://www.nrc.gov/reading-rm/foia/closed2018.html>
- <https://www.nrc.gov/reading-rm/foia/closed2019.html>
- <https://www.nrc.gov/reading-rm/foia/closed2020.html>
- <https://www.nrc.gov/reading-rm/foia/closed2021.html>
- <https://www.nrc.gov/reading-rm/foia/closed2022.html>
- <https://www.nrc.gov/reading-rm/foia/closed2023.html>

With respect to item 2, NSIR searched for responsive records and located the enclosed MDR request log.

With respect to item 4, OCA and SECY searched for responsive records. OCA located no records. SECY has completed its search, and located the correspondence/signature logs covering all or part of the 2010-2019 years, and the remaining time periods. These logs are publicly available in NRC's official recordkeeping repository, the Agencywide Documents Access and Management System (ADAMS) under the Main Library (ML) accession numbers listed below.

- correspondence/signature log for 2010 ML12339A018
- correspondence/signature log for 2011 ML12339A019
- correspondence/signature log for 2014 ML15146A240
- correspondence/signature log for 2015 & 2016 ML17088A699
- correspondence/signature log for April 2017 ML17201B531
- correspondence/signature log for 2015-July 2017 ML17300A028
- correspondence/signature log for 2007-Jan 2018 ML19283A047
- correspondence/signature log for 2018-Jan 2019 ML20153A026

Records with an ML Accession Number are publicly available in the NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm.html>. If you need assistance in obtaining these records, please contact the NRC's Public Document Room (PDR) at 301-415-4737, or 1-800-397-4209, or by email to PDR.Resource@nrc.gov.

We have also enclosed congressional letters responsive to your request and are releasing them to you in part. Please note that, to the extent that the logs show "nonresponsive record" redactions, these items are not congressional letters. Please refer to Part II for the exemptions claimed.

Signature - Freedom of Information Act Officer or Designee

Lezlie J. Colbert

Digitally signed by Lezlie J. Colbert
Date: 2024.02.23 12:57:40 -05'00'



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA-2024-000216#2

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)), after taking into consideration the foreseeable harm standard when reviewing records and applying these FOIA exemptions.

- 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: Items on the enclosed logs that are not congressional letters are noted as "nonresponsive records"

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
Tomas Herrera	Deputy Secretary	predecisional/deliberative matters; third party personal information	<input type="checkbox"/>	<input checked="" 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"/>