



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA or Reference Number

FOIA-2024-000124

Response Number

1

Response Type

Interim

Final

Requester:

Rebecca Lowy

Date:

6/6/2024

Description of Requested Records:

Documents related to NRC's evaluation of the decommissioning funding assurance, and NRC minimum formula amount for Vistra Operations Company LLC and Energy Harbor Nuclear Corp's Davis-Besse Nuclear Power Station, Unit No. 1 and Perry Nuclear Power Plant, Unit 1, as more fully described in the FOIA request.

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

- | | | |
|---|---|---|
| <p style="text-align: center; margin: 0;">AMOUNT</p> <p style="text-align: center; margin: 0;">\$264.87</p> | <input type="checkbox"/> You will be billed by NRC for the amount indicated. | <input type="checkbox"/> Since the minimum fee threshold was not met, you will not be charged fees. |
| | <input checked="" type="checkbox"/> You will receive a refund for the amount indicated. | <input checked="" 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 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>.



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA-2024-000124

1

Response Type

Interim

Final

PART I.D -- COMMENTS

The FOIA office received your FOIA request on March 19, 2024, and tasked the Office of Nuclear Material Safety & Safeguards (NMSS) to search for any responsive records.

NMSS staff conducted a search of the Agencywide Document Access and Management System (ADAMS), which is the NRC's official record repository, for any records that touch upon the subject matter of your request. They identified the following records that are publicly available in ADAMS in the Main Library (ML):

1. ML23124A174
2. ML23110A788
3. ML23219A106
4. ML23237B448
5. ML23090A233
6. ML23237B430

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.

In addition, NMSS staff also identified the enclosed records as responsive to your FOIA request. The records are being released in full.

Signature - Freedom of Information Act Officer or Designee

Alecia S. Sillah

Digitally signed by Alecia S. Sillah
Date: 2024.06.06 08:05:40 -04'00'