



MAY 1, 2025

FREEDOM OF INFORMATION ACT PROCESSING AT THE U.S. NUCLEAR REGULATORY COMMISSION

A DESK GUIDE FOR THE FOIA, LIBRARY & INFORMATION COLLECTIONS
BRANCH, OFFICE OF THE CHIEF INFORMATION OFFICER



This desk guide is intended to assist Freedom of Information Act (FOIA) and other staff members at the U.S. Nuclear Regulatory Commission (NRC) in the processing of FOIA requests, by integrating the various authorities (e.g., statute, NRC regulations, NRC Management Directive 3.1, and governmentwide guidance) in one place and identifying and analyzing commonly encountered issues. This desk guide is not intended to create or confer any rights, privileges, or benefits on any person. It is not intended to have the force of law or be a statement of NRC policy.

TABLE OF CONTENTS

SECTION I: GENERAL GUIDANCE

Chapter 1	Role of FOIA Coordinators
Chapter 2	Initial Processing Steps
Chapter 3	Fees & Administrative Closures
Chapter 4	Need for Clarification or Modification
Chapter 5	The Search for Responsive Records
Chapter 6	Referrals and Consultations
Chapter 7	Processing Records & Preparing Signature Packages
Chapter 8	Administrative Appeal Procedures

SECTION II: SPECIALIZED GUIDANCE

Chapter 1	Processing Guidance for Closed Allegation and Investigation Records
Chapter 2	Processing Guidance for Office of Inspector General Records
Chapter 3	Processing Guidance for Web-based Licensing Records

SECTION III: ADMINISTRATIVE MATTERS

Chapter 1	Record Management
Chapter 2	Program and Regional Office Acronyms
Chapter 3	Intake
Chapter 4	Close Out

SECTION I: GENERAL GUIDANCE

CHAPTER 1

FOIA COORDINATORS

There is at least one FOIA Coordinator assigned to each program or regional office. The role of the FOIA Coordinator is to handle for their respective office taskings or other assignments during the processing of FOIA requests. The FOIA Coordinator is responsible for providing fee estimates on behalf of their office, directing their office's search for responsive records, maintaining records the subject matter experts (SMEs) believe are personal records (rather than agency records) if they are not sent to the FOIA staff, de-duplicating the records provided by the SMEs in their office, ensuring consistency of the disclosure recommendations made by the SMEs¹ for the records, providing the records to the FOIA staff, ensuring the appropriate official has made any discretionary disclosure determinations, and obtaining foreseeable harm statements, where applicable. Due to the importance of the coordinator duties, whenever a coordinator is expected to be away from the office for three or more consecutive business days, an alternate is expected to assume these responsibilities.

A roster of current FOIA Coordinators may be found in the shared drive.

¹ The Commissioner offices (OCM), the Secretary to the Commission (SECY), General Counsel (OGC), and Inspector General (OIG), have their own independent authority with respect to making determinations on the applicability of the FOIA to their records.

CHAPTER 2

INITIAL PROCESSING STEPS

- A. FOIA requesters may use any one of several methods for submitting FOIA requests to the NRC: mail, email to FOIA.Resource@nrc.gov, fax, hand delivery, or completion of the online form linked to the NRC Public Access Link (PAL), <https://foia.nrc-gateway.gov/app/PalLogin.aspx>, or through the National FOIA Portal, <https://www.foia.gov/>.²
- B. Under the NRC regulations, 10 CFR 9.23(b), the statutory response period begins when the request is received by the Freedom of Information Act Officer.
- C. Once you are assigned a new request in FOIAXpress, you will receive email notification of the new assignment.³
- D. You are then responsible for taking the next steps. Choose the User Dashboard; in the “My Work Summary,” you will see the number of pending matters that are assigned to you. Select the number, which will bring you to a new screen showing each of your assignments. Select the new tracking number, which will bring you to the Request Information screen.
- E. At the Request Information screen, ensure that each item of information the administrative staff has entered as part of Intake (e.g., fee category, type of request, received mode) is accurate and complete. Note that the processing track defaults to “simple” such that the target date that appears will be the date that is 20 working days from the received date.
- F. NRC’s regulations establish three tracks for its FOIA requests. See **Attachment I-2-1**. Track A, which is the simple track, uses the standard 20-business day response period. Examples of simple requests are those that only ask for records that are already publicly available, or where there are expected to be no responsive records. Such requests should be answered as promptly as possible. If you expect that the request will be answered within ten (10) business days, you

² Requests submitted at the National FOIA Portal will automatically populate in FOIAXpress through the PAL.

³ In your account in FOIAXpress, you may opt to receive notifications of certain types of actions. While several of the actions are ones that you, as the assigned FOIA Team member, will take (and therefore you will already be aware of them), you should ensure that the notification of assignments box is checked.

will not need to prepare an acknowledgement letter (ACK Letter). Track B, which is the complex track, uses the 20-business day plus 10 additional business days, for a total of thirty (30) business days. Track C, which is another complex track, is reserved for extraordinary requests that are expected to involve substantial coordination or a high volume of records (and uses the “greater than 30 business day” time period). If the request should be placed in the complex track, choose complex from the drop-down menu. Select Save. This will prompt a notification that you have chosen to change the track, which will change the Target Date. Select Yes. You’ll then see a notification that the processing track has been changed (you may need to refresh the page to see the revised Target Date). The Target Date is the statutory due date that you will include in the ACK Letter. (Note that, if the FOIA Officer grants a request for expedited processing, that determination is noted elsewhere on the Request Information screen. You should still choose the applicable track – simple or complex – depending on the nature of the requested records and the steps that will need to be taken to process the request.)

- G. You should confirm that the request is “perfected” under the NRC regulations, 10 CFR 9.23. A request is perfected when it contains all the information necessary for you to process it.
1. At this preliminary stage, you should ensure that you verify the identity of any individual requesting a record about themselves. Similarly, if a third party makes a request for records that concern another individual (and those records are subject to the Privacy Act), make sure the requester provides authorization from that other individual. Requesters may use the NRC Form 507 to satisfy the identity verification and/or third-party authorization requirements, but other documentation is acceptable if it is either notarized or signed under penalty of perjury (as set forth in 28 U.S.C. 1746(b)) and is accompanied by the other items of information (e.g., photo ID) described in the NRC Form 507. NRC Form 507 may be found at <https://www.nrc.gov/reading-rm/doc-collections/forms/nrc507info.html>.
 2. You should also consider whether the request clearly describes the records the requester is asking for or is ambiguous. In addition, you should consider whether the records being sought are expected to be voluminous. The program and regional offices may also identify such concerns to you once tasked with either the fee estimate or search (see **Section I-Chapter 3 and Section I-5**), which should result in your seeking clarification or a modification from the requester. However, you should not wait for the program or regional

office to raise such infirmities or other concerns. If you identify any infirmity or concern, contact the requester as soon as you can. We are looking for efficiencies and transparency in our processing so establishing an early line of communication with the requester is a constructive first step and is highly desirable.

3. But even if these requirements are satisfied, the request will not be considered perfected⁴ until after all fee issues have been resolved.
4. If you identify an infirmity (e.g., need for identity verification and/or third-party authorization; need to obtain a fee commitment; need to receive an advance payment), or any concerns with respect to the description of the records being requested, notify the requester of the infirmity or concern, giving the requester time to rectify the infirmity or address the concern. Once you reach out to the requester, you will need to Stop the Clock in FOIAXpress. To do this, at the Request Information screen, select the Stop the Clock tab. This will open a new window. At the Reason for Stopping the Clock, select the appropriate reason from the drop-down menu. If you choose “Other Reasons,” use the free-form Notes field to enter the reason. The Stop the Clock effective date will automatically populate to the date you are entering this information in FOIAXpress. If you did not enter the stoppage in FOIAXpress on the date you reached out to the requester, there is a drop-down calendar from which you can select the actual date. Select Stop the Clock. You’ll see a notification reminding you to confirm the accuracy of the stoppage date; select OK once confirmed. This will prompt another notification asking whether you want to Stop the Clock. Select OK. You’ll see that the Status field for the request will now show “On Hold” and the reason for the stoppage.
5. Once the infirmity is corrected or concern satisfactorily addressed, you will need to go back into FOIAXpress to Start the Clock. At the Request Information screen for the request, select Start the Clock. This will open a new window. You should now enter the Clock Start Date and include in the free-form Notes section whether the infirmity was corrected or the concern was satisfactorily addressed, or the requester failed to respond in the allotted time, as applicable. (As with the clock stoppage action, if you do not take this action in FOIAXpress on the actual date, you can backdate the action.) Then select Save. You’ll see a notification reminding you to confirm the accuracy of

⁴ You should not place the request on hold until you have contacted the requester to obtain necessary identity verification or third-party authorization, or to clarify the scope of the request, or you have provided the requester with a fee estimate. See **Section L**.

the start date; select OK once confirmed. This will prompt another notification asking whether you want to Start the Clock. Select OK. You'll see a change in the Status field. Note that, when you restart the clock after receiving clarification or modification of the request, the Received Date for the request will adjust to that date (as now FOIAXpress considers the request to be "perfected").

H. Unless you know that you can complete work on the request and issue the Form 464 response within ten (10) business days⁵, prepare the ACK Letter (**Attachments I-2-2A or I-2-2B**), which will include an Explanation of Fees (if there are expected to be any billable fees). Today, most requests come to us electronically so you will have the requester's email address to which to send the ACK Letter). For requests for which you do not have the requester's email address, you will prepare the ACK Letter for "snail mail." The steps to follow for creating the ACK Letter differ depending on whether it will be delivered via email or "snail mail," so be sure you know before you start which delivery method you'll be using.

1. To prepare the ACK Letter that you intend to email the requester directly in FOIAXpress, select the request. At the Request Information screen, select the Correspondence tab. This will open the Send Correspondence screen. You'll first prepare the transmittal email. Note that any correspondence you send from FOIAXpress will show that it is from noreply@ains.com. Choose the Transmittal Email Language of ACK Letter template. Since you are sending the ACK Letter to the requester, you can select the Requester option, which will automatically populate the requester's email address. Be sure to include your own email address on the cc: line, so you'll receive a copy at the same time the requester does. Make changes to the body of the email, if appropriate. (Note that the delivery receipt/read receipt options in FOIAXpress do not work within the NRC.)
2. Next you will need to compose the ACK Letter itself. At the top of the Send Correspondence screen, at the "Add From" prompt, select the Letter Template. This will open a new window. Choose the Letter Template that is appropriate for you; contractors should select

⁵ The FOIA does not require the issuance of an acknowledgment letter if the agency's response is issued within ten (10) business days of receipt. 5 U.S.C. 552(a)(7)(A).

Customize for Pending; Feds should select Customize. The ACK Letter template will then open.

3. Tailor the ACK Letter, as appropriate. Certain fields will automatically populate (e.g., description of records, processing track, fee category). Make sure that they are correct. Keep in mind that the template includes paragraphs that address matters that may or may not be applicable to the request (e.g., the need for identity verification or third-party authorization documentation; whether the requester asked for a fee waiver or expedited processing; which attachments should be included, etc.). Once you have made the appropriate adjustments to the letter, Federal staff should select “Add to List”, which will add the ACK Letter to the transmittal email. Contractors should select “Save for Pending” and notify the Team Lead that the ACK Letter is ready for review before it is to be sent.
4. If you are sending the ACK Letter through the mail, you will need to prepare the ACK Letter in Word, using the appropriate ACK Letter template that is in the shared drive. You should tailor the letter as circumstances warrant.
 - a. Save the letter (either in Word or as an Adobe PDF) and print the copy that is to be mailed to the requester.
 - b. To place the letter in FOIAXpress, you will upload the ACK Letter by selecting the Receive Correspondence tab. You are required to select a Letter Template (choose “Other”) and enter a Subject “ACK Letter.” It is not necessary to make any selection for Received Mode. Upload a copy of the ACK Letter to the drag-and-drop zone, then select Save. The ACK Letter will now appear in the Correspondence Log. Alternatively, you can create the ACK Letter as you would if you were emailing it to the requester, changing the default dispatch mode – EMAIL – to PRINT. Doing it in this way allows it to populate the Correspondence Log automatically.
- I. Your next step is to decide to which program or regional office you’ll send an email that tasks the office(s) to either provide you with a fee estimate (**Attachments I-2-3A or I-2-3B**) or, if no fees are anticipated⁶ or a fee waiver is

⁶ Given NRC’s practice of not charging duplication fees when the agency’s response (including any released records) is furnished electronically, it will often be the case that there will be no billable fees

granted (see **Section 1-Chapter 3**), for a record search (**Attachment I-2-4**). To assist you in figuring out which offices may have responsive records, you can refer to a table of commonly requested records (**Attachment I-2-5**) or consult the NRC's intranet site. To minimize the customization required, you should choose the template designed for your request (e.g., the fee estimate for a commercial use requester template will ask that the offices break out review time, search time, and duplication costs).

- J. Program and regional offices are given four (4) business days in which to provide a fee estimate; they are given ten (10) business days in which to search for, and provide disclosure recommendations about, any responsive records. Day 1 is the next business day after you send out the tasking email. See **Section I-Chapter 3, Fee Categories, Fee Estimates and Administrative Closures**, and **Section I-Chapter 5, The Search for Responsive Records**, for the fee estimate and search tasking steps to be taken, respectively.
- K. If the request is from a requester who is categorized as a "representative of the news media," remember to send an email to the OPA Director and OPA Senior Level Advisor, with a copy to OPA's FOIA Coordinator, notifying OPA of the request. This notification is required in all cases where a representative of the news media submits a FOIA request, regardless of whether OPA is reasonably expected to have responsive records. There is an email template for this notification (**Attachment I-2-6**) so that OPA is aware of the news media representative's interest. If OPA wishes to be advised of further developments on such a request, OPA will let you know.
- L. On occasion, a requester will decide to withdraw their request (this may be prompted by a fee estimate that is higher than the requester is prepared to pay, or the requester's needs for the records has changed, for example). If a requester has communicated this withdrawal to you via letter or email, you should upload that communication to the Correspondence Log in FOIAXpress and then close out the request. If the requester has communicated their withdrawal to you orally (e.g., by telephone or during a TEAMS meeting), then you should confirm that withdrawal in writing. There is a letter template in FOIAXpress that may be used for this purpose (**Attachment I-2-7**).

(e.g., favored fee requesters aren't liable for review or search fees; non-excepted requesters whose requests ask for a narrow universe of records aren't liable for the first two (2) hours of search). In such cases, you should skip over the fee estimate stage, and move immediately to the search stage.

Multi-Track Processing

Simple Request – any request that is not a Complex Request.

Complex Request – any request where there is a need to:

1. Search for, collect, and review (including any de-duplication) of a voluminous amount of records
 - a. OI Reports of Investigation, including exhibits
 - b. Records relating to matters that crossed multiple program offices and/or regional offices that are likely to entail multiple referrals;
2. Search for records at three or more program¹ or regional offices having a substantial interest in the requested records;
3. Consult with another agency, or agencies, having a substantial interest in one or more of the responsive records;
4. Refer records to a licensee, or other business submitter;
5. Undertake a declassification review of classified records; or
6. Retrieve records from Federal Records Centers or other off-site facilities that store “older” records.

¹ Requests directed to SECY, which generally involve OGC as well as each Commissioner’s office, and perhaps one or more program or regional offices (depending on the records requested), would be considered complex.



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

[TODAYDATE]

[REQUESTNUMBER]

{if we have an email address, add}: sent via email to [RQREMAIL]

[RFNAME] [FLNAME]
[COMPANY]
[STREET1]
[STREET2]
[CITY], [STATESHORT] [ZIPCODE]

Dear [RFNAME] [RLNAME]:

The U.S. Nuclear Regulatory Commission (NRC) received your Freedom of Information Act (FOIA) request on [RECEIVEDDATE].

Your request seeks access to [REQUESTDESCRIPTION]. It has been assigned the following reference number that you should use in any future communications with us about your request: [REQUESTNUMBER].

To ensure the most equitable treatment possible of all requesters, the NRC processes requests on a first-in, first-out basis, using a multiple track system based upon the estimated time it will take to process a request. Based on your description of records, we have placed your request in the {*simple*} {*complex*} track. The statutory due date for our response is *{insert date that is 20 or 30 working days from the received date, depending on track selected}* *{If the request is in the complex track, then add the following:}* Please note that we placed your request in the complex track, estimating that completion will take more than 20 working days, because we expect to:

- ☐ search for, collect, and appropriately examine a voluminous amount of records
- ☐ consult with multiple program and/or regional offices within the NRC
- ☐ consult with other Federal agencies having equities in the records
- ☐ refer records to a licensee or other business submitter
- ☐ undertake a declassification review of classified records; or
- ☐ retrieve records from Federal Records Centers or other off-site facilities.

We will try our best to complete work on your request by the statutory due date; however, the actual date of completion might be before or after the statutory due date based on the complexity of all the requests in the {*simple*} {*complex*} track. To process your request promptly, you may wish to narrow the scope of your request to limit the number of responsive records. *{If the request is in the complex track, then add the following:}* You have the right to seek assistance, or seek dispute resolution services, from the NRC's FOIA Public Liaison

or the Office of Government Information Services (OGIS). You may contact the NRC's FOIA Public Liaison by emailing your inquiry to FOIAPublic.Liaison@nrc.gov, or by calling (301) 415-0717. You may contact OGIS by email to ogis@nara.gov, by fax to (202) 741-5789, or by letter addressed to OGIS, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.

For purposes of assessing fees in accordance with our regulations (10 CFR 9.33), we have placed your request in the following category: *{Requester Category}*. If applicable, you will be charged appropriate fees for: *{search}*, *{review}*, and *{duplication}*. Unless you state otherwise, we expect to provide our response, including any released records, electronically. You will not incur duplication charges if we respond to you electronically.

A sheet has been enclosed that explains in detail the fee charges that may be applicable. Please do not submit any payment unless we notify you to do so.

You have requested that fees be waived for your request and

- ☐ I have determined that your justification is adequate; fees will be waived for your request.
- ☐ I have determined that your request for a waiver of fees does not meet the criteria required under 10 CFR 9.41 (copy enclosed) for the reasons indicated here: *{briefly state the reasons for the denial}*. You may appeal this determination. Any such appeal must be made in writing within 90 calendar days by addressing the appeal to the Executive Director for Operations. You may submit your appeal directly through the NRC Public Access Link (PAL), at <https://foia.nrc-gateway.gov/app/PalLogin.aspx>, by email to FOIA.Resource@nrc.gov, or by letter addressed to the NRC, Mail Stop T6-A60M, Washington, D.C. 20555-0001. You also have the right to seek assistance, or seek dispute resolution services, from the NRC's FOIA Public Liaison or the Office of Government Information Services (OGIS). You may contact the NRC's FOIA Public Liaison by emailing your inquiry to FOIAPublic.Liaison@nrc.gov, or by calling (301) 415-0717. You may contact OGIS by email to ogis@nara.gov, by fax to (202) 741-5789, or by letter addressed to OGIS, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.
- ☐ You have not provided us with the information we need to make a fee waiver determination. The NRC requires that a person submitting such a request address each of the factors in 10 CFR 9.41(b)(1)–(8) (copy enclosed). If you still wish to pursue a fee waiver request, please submit supplemental information addressing each of the fee waiver factors, which we must receive on or before *{insert date that is five working days from the date of this letter}*, and I will then make a determination on your request. Please note that, because I have not yet made a determination on your fee waiver request, this is not an appealable decision.

To protect the privacy of individuals about whom we maintain records, our regulations (10 CFR 9.54) require that individuals seeking records about themselves provide verification of their identity by a signature, address, date of birth, employee identification number (if any), and one other item of identification such as a copy of a driver's license. Individuals may also provide either a notarized statement, or a statement made under penalty of perjury in accordance with 28 U.S.C. 1746, swearing to, or affirming, their identity and to the fact that they understand that

penalties for false statements may be imposed pursuant to 18 U.S.C. 1001, and that penalties for obtaining a record concerning an individual under false pretenses may be imposed pursuant to 5 U.S.C. 552a(i)(3). Form 507 is enclosed for your use; please complete sections 4, 5 and 7. The proper identification, or a statement that you want this request processed as if it was received from any other member of the public, must be received no later than *{insert date that is 15 calendar days of the date of this letter}*. You may submit this documentation directly through the NRC Public Access Link (PAL), at <https://foia.nrc-gateway.gov/app/PalLogin.aspx>, by email to FOIA.Resource@nrc.gov, or by letter addressed to the NRC, Mail Stop T6-A60M, Washington, D.C. 20555-0001. If we do not hear from you regarding this matter by *{insert date that is 15 calendar days of the date of this letter}*, we will administratively close our file on this request.

Persons requesting records pertaining to another individual, in addition to furnishing verification of that individual's identity, must have the individual's written consent for the records to be disclosed to them. A valid consent may be in the form of either a notarized statement, or a statement made under penalty of perjury in accordance with 28 U.S.C. 1746. In the consent, individuals swear or affirm their identity and to the fact that they understand that penalties for false statements may be imposed pursuant to 18 U.S.C. 1001, and that penalties for obtaining a record concerning an individual under false pretenses may be imposed pursuant to 5 U.S.C. 552a(i)(3). Form 507 is enclosed for your use; please complete sections 4 (about the individual whose records you are requesting), 6 and 7. If you do not provide the individual's identity verification and written consent, information will be disclosed to you only if it is deemed that disclosure will not constitute an invasion of the privacy of the individual about whom your request pertains. In some instances, depending on the sensitivity of the type of records in which the kind of information you are seeking would be found, we will neither confirm nor deny the existence of records pertaining to the person because to even publicly acknowledge the fact that there is that type of record about the person could be considered an invasion of the person's privacy. The proper identity verification and consent, or a statement that you want this request processed as if it was received from any other member of the public, must be received no later than *{insert date that is 15 calendar days of the date of this letter}*. You may submit this documentation directly through the NRC Public Access Link (PAL), at <https://foia.nrc-gateway.gov/app/PalLogin.aspx>, by email to FOIA.Resource@nrc.gov, or by letter addressed to the NRC, Mail Stop T6-A60M, Washington, D.C. 20555-0001. If we do not hear from you regarding this matter by *{insert date that is 15 calendar days of the date of this letter}*, we will administratively close our file on this request.

Requesters who demonstrate a "compelling need" *may* be eligible for expedited processing. Under 10 CFR 9.25(e), a request for expedited processing may be granted only when the requester shows a "compelling need" based on meeting either of two criteria: when failure to obtain the records quickly "could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;" or, if the requester is a person "primarily engaged in disseminating information," by demonstrating that an "urgency to inform the public about the actual or alleged Federal Government activity" exists. I have carefully reviewed your request for expedited processing and determined that:

- ☐ Your request for expedited processing is granted and your request will be moved to the front of the processing queue.
- ☐ Your stated reason for requesting expedited processing does not show sufficient "compelling need" because it appears that there is no imminent threat to the life or physical safety of an individual; accordingly, your request is denied.

- ☐ Although you are a person “primarily engaged in disseminating information,” the subject of your request, *{briefly describe the records}*, does not appear to meet the threshold regarding urgency to inform the public about an actual or alleged Federal Government activity; accordingly, your request is denied.
- ☐ You have not included a statement certifying that the “compelling need” you have given is true and correct to the best of your knowledge and belief, nor have you put forward sufficient cause for this requirement to be waived as a matter of the NRC’s discretion.
- ☐ You have not provided us with the information I need to make a determination on your request for expedited processing.

{If the 4rd or 5th box is checked:} If you still wish to pursue a request for expedited processing, please submit the required self-certification and/or supplemental information addressing whichever criterion you believe applicable, which we must receive on or before *{insert date that is five working days from the date of this letter}*, and I will then make a determination on your expedited processing request. Please note that, because I have not yet made a determination on your expedited processing request, this is not an appealable decision.

{If the 2nd or 3rd box is checked:} You may appeal this determination. Any such appeal must be made in writing within 90 calendar days by addressing the appeal to the Executive Director for Operations. You may submit your appeal directly through the NRC Public Access Link (PAL), at <https://foia.nrc-gateway.gov/app/PalLogin.aspx>, by email to FOIA.Resource@nrc.gov, or by letter addressed to the NRC, Mail Stop T6-A60M, Washington, D.C. 20555-0001. You also have the right to seek assistance, or seek dispute resolution services, from the NRC’s FOIA Public Liaison or the Office of Government Information Services (OGIS). You may contact the NRC’s FOIA Public Liaison by emailing your inquiry to FOIAPublic.Liaison@nrc.gov, or by calling (301) 415-0717. You may contact OGIS by email to ogis@nara.gov, by fax to (202) 741-5789, or by letter addressed to OGIS, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.

{PRIMARYUSERNAME}, Government Information Specialist, the person assigned responsibility for your request, may be reached by telephone at {PRIMARYUSERPHONE} or via email to {PRIMARYUSEREMAIL}. Should you wish to check on the status of your request at any time, please refer to <https://foia.nrc-gateway.gov/app/Home.aspx>.

[RLNAME], [RLNAME]

- 5 -

If you have questions on any matters concerning your FOIA request, please feel free to contact [PRIMARYUSERNAME] or me at (301) 415-7169.

Sincerely,

/s/ Signature of FOIA Officer

Name of FOIA Officer
FOIA Officer
Office of the Chief Information Officer

Enclosure{s):
Explanation of Fees
Fee Waiver Justification Requirements
Form 507

EXPLANATION OF FEES

Requester Fee Categories

Commercial: Fees are charged for search, duplication, and review when records are requested for commercial purposes. Fees (above the minimum fee charge) cannot be waived for this category of requester.

Educational or Non-Commercial Scientific Institution, Representative of the News Media, and Privacy Act: Fees may be charged only for document duplication when records are not sought for commercial use and the request is made by an Educational or Non-Commercial Scientific Institution, whose purpose is scholarly or scientific research; or a Representative of the News Media; or a person requesting his/her own records that are maintained in a Privacy Act system of records. No fee is charged for the first 100 pages of duplication for this category of requester.

Non-Excepted: For any request not described above, fees may be charged for document search and duplication. No fee is charged for the first two hours of search time or for the first 100 pages of duplication for this category of requester.

Fee Schedules

Search and Review Charges: Fee schedules provide only for the recovery of the direct costs of search, duplication, or review. Review costs include only the costs for initial examination of a document to determine whether it must be disclosed and to determine whether to withhold portions that are exempt from disclosure. The fee schedule is as follows:

<u>For Search & Review Conducted By</u>	<u>Hourly Rate</u>
SES/COMMISSIONER	\$ 105.56/hour (ES-maximum)
PROFESSIONAL	\$ 88.29/hour (GG-14, Step 7)
CLERICAL	\$ 43.33/hour (GG-9, Step 7)

Duplication Charge: \$0.20/page

Other Charges: Fees for non-standard search or duplication will be charged at the actual cost (e.g. providing copying of audio tapes or conducting computer searches).

Minimum Fee: No fee will be charged unless the fee is greater than \$25.00.

When to Pay Fees

If we estimate that fees will not exceed \$25.00 or you have stated in your request a higher amount that you are willing to pay, we assume your willingness to pay up to \$25.00 or the amount specified, and you will be billed after we have completed your request.

If we estimate that fees will exceed \$25.00 or any amount that has been stated by you in your request, we will not proceed with your request until we have notified you and obtained your agreement to pay the estimated fees.

If we estimate fees will exceed \$250.00, you will be required to pay the estimated fees in advance before we proceed further with your request. If the actual fees to process your request are less than any advance payment you have made, you will be refunded the overpayment amount.

Fee Waivers

A waiver or reduction of fees may be granted for furnishing documents if a requester, by fully addressing the eight factors in 10 CFR 9.41, clearly demonstrates that disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

SECTION 9.41 - REQUESTS FOR WAIVER OR REDUCTION OF FEES

(a)(1) The NRC will collect fees for searching for, reviewing, and duplicating agency records, except as provided in § 9.39, unless a requester submits a request in writing for a waiver or reduction of fees. To ensure that there will be no delay in the processing of Freedom of Information Act requests, the request for a waiver or reduction of fees should be included in the initial Freedom of Information Act request letter.

(2) Each request for a waiver or reduction of fees should be addressed to the Office of the Chief Information Officer, and sent using an appropriate method listed in § 9.6.

(b) A person requesting the NRC to waive or reduce search, review, or duplication fees will –

- (1) Describe the purpose for which the requester intends to use the requested information;
- (2) Explain the extent to which the requester will extract and analyze the substantive content of the agency record;
- (3) Describe the nature of the specific activity or research in which the agency records will be used and the specific qualifications the requester possesses to utilize information for the intended use in such a way that it will contribute to public understanding;
- (4) Describe the likely impact on the public's understanding of the subject as compared to the level of understanding of the subject existing before disclosure;
- (5) Describe the size and nature of the public to whose understanding a contribution will be made;
- (6) Describe the intended means of dissemination to the general public;
- (7) Indicate if public access to information will be provided free of charge or provided for an access fee or publication fee; and
- (8) Describe any commercial or private interest the requester or any other party has in the agency records sought

(c) The NRC will waive or reduce fees, without further specific information from the requester if, from information provided with the request for agency records under § 9.23(b), it can determine that disclosure of the information in the agency records is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Federal Government and is not primarily in the commercial interest of the requester.

(d) In making a determination regarding a request for a waiver or reduction of fees, the NRC will consider the following factors:

- (1) How the subject of the requested agency records concerns the operations or activities of the Federal Government;
- (2) How the disclosure of the information is likely to contribute significantly to public understanding of Federal Government operations or activities;
- (3) The extent to which the requester has a commercial interest that would be furthered by the disclosure of the requested agency records; and whether that commercial interest exceeds the public interest in disclosure.

(e) The Freedom of Information Act and Privacy Act Officer will make an initial determination whether a request for a waiver or reduction of fees meets the requirements of this section. The Freedom of Information Act and Privacy Act Officer will inform requesters whenever their request for a waiver or reduction of fees is denied and will inform them of their appeal rights under § 9.29.



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

[TODAY DATE]

[REQUESTNUMBER]

{if we have an email address, add}: sent via email to [RQEMAIL]

[RFNAME] [RLNAME]
[COMPANY]
[STREET1]
[STREET2]
[CITY], [STATE] [ZIPCODE]

Dear [RFNAME] [RLNAME]:

The U.S. Nuclear Regulatory Commission (NRC) received your Freedom of Information Act (FOIA) request on [RECEIVEDDATE].

Your request seeks access to [REQUESTDESCRIPTION]. It has been assigned the following reference number that you should use in any future communications with us about your request: [REQUESTNUMBER].

To ensure the most equitable treatment possible of all requesters, the NRC processes requests on a first-in, first-out basis, using a multiple track system based upon the estimated time it will take to process a request. Based on your description of records, we have placed your request in the {simple} {complex} track. The statutory due date for our response is *{insert date that is 20 or 30 working days from the received date, depending on track selected}*. *{If the request is in the complex track, then add the following:}* Please note that we placed your request in the complex track, estimating that completion will take more than 20 working days, because we expect to:

- ☐ search for, collect, and appropriately examine a voluminous amount of records
- ☐ consult with multiple program and/or regional offices within the NRC
- ☐ consult with other Federal agencies having equities in the records
- ☐ refer records to a licensee or other business submitter
- ☐ undertake a declassification review of classified records; or
- ☐ retrieve records from Federal Records Centers or other off-site facilities.

We will try our best to complete work on your request by the statutory due date; however, the actual date of completion might be before or after the statutory due date based on the complexity of all the requests in the {simple} {complex} track. To process your request promptly, you may wish to narrow the scope of your request to limit the number of responsive records. *{If the request is in the complex track, then add the following:}* You have the right to seek assistance, or seek dispute resolution services, from the NRC's FOIA Public Liaison

or the Office of Government Information Services (OGIS). You may contact the NRC's FOIA Public Liaison by emailing your inquiry to FOIAPublic.Liaison@nrc.gov, or by calling (301) 415-0717. You may contact OGIS by email to ogis@nara.gov, by fax to (202) 741-5789, or by letter addressed to OGIS, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.

For purposes of assessing fees in accordance with our regulations (10 CFR 9.33), we have placed your request in the following category: *{Requester Category}*. If applicable, you will be charged appropriate fees for: *{search} {review} and {duplication}*. Unless you state otherwise, we expect to provide our response, including any released records, electronically. You will not incur duplication charges if we respond to you electronically.

A sheet has been enclosed that explains in detail the fee charges that may be applicable. Please do not submit any payment unless we notify you to do so.

You have requested that fees be waived for your request and

- ☐ I have determined that your justification is adequate; fees will be waived for your request.
- ☐ I have determined that your request for a waiver of fees does not meet the criteria required under 10 CFR 9.41 (copy enclosed) for the reasons indicated here: *{briefly state the reasons for the denial}*. You may appeal this determination. Any such appeal must be made in writing within 90 calendar days by addressing the appeal to the Executive Director for Operations. You may submit your appeal directly through the NRC Public Access Link (PAL), at <https://foia.nrc-gateway.gov/app/PalLogin.aspx>, by email to FOIA.Resource@nrc.gov, or by letter addressed to the NRC, Mail Stop T6-A60M, Washington, D.C. 20555-0001. You also have the right to seek assistance, or seek dispute resolution services, from the NRC's FOIA Public Liaison or the Office of Government Information Services (OGIS). You may contact the NRC's FOIA Public Liaison by emailing your inquiry to FOIAPublic.Liaison@nrc.gov, or by calling (301) 415-0717. You may contact OGIS by email to ogis@nara.gov, by fax to (202) 741-5789, or by letter addressed to OGIS, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.
- ☐ You have not provided us with the information we need to make a fee waiver determination. The NRC requires that a person submitting such a request address each of the factors in 10 CFR 9.41(b)(1)–(8) (copy enclosed). If you still wish to pursue a fee waiver request, please submit supplemental information addressing each of the fee waiver factors, which we must receive on or before *{insert date that is five working days from the date of this letter}* and I will then make a determination on your request. Please note that, because I have not yet made a determination on your fee waiver request, this is not an appealable decision.

To protect the privacy of individuals about whom we maintain records, our regulations (10 CFR 9.54) require that individuals seeking records about themselves provide verification of their identity by a signature, address, date of birth, employee identification number (if any), and one other item of identification such as a copy of a driver's license. Individuals may also provide either a notarized statement, or a statement made under penalty of perjury in accordance with 28 U.S.C. 1746, swearing to, or affirming, their identity and to the fact that they understand that

penalties for false statements may be imposed pursuant to 18 U.S.C. 1001, and that penalties for obtaining a record concerning an individual under false pretenses may be imposed pursuant to 5 U.S.C. 552a(i)(3). Form 507 is enclosed for your use; please complete sections 4, 5 and 7. The proper identification, or a statement that you want this request processed as if it was received from any other member of the public, must be received no later than *{insert date that is 15 calendar days of the date of this letter}*. You may submit this documentation directly through the NRC Public Access Link (PAL), at <https://foia.nrc-gateway.gov/app/PalLogin.aspx>, by email to FOIA.Resource@nrc.gov, or by letter addressed to the NRC, Mail Stop T6-A60M, Washington, D.C. 20555-0001. If we do not hear from you regarding this matter by *{insert date that is 15 calendar days of the date of this letter}*, we will administratively close our file on this request.

Persons requesting records pertaining to another individual, in addition to furnishing verification of that individual's identity, must have the individual's written consent for the records to be disclosed to them. A valid consent may be in the form of either a notarized statement, or a statement made under penalty of perjury in accordance with 28 U.S.C. 1746. In the consent, individuals swear or affirm their identity and to the fact that they understand that penalties for false statements may be imposed pursuant to 18 U.S.C. 1001, and that penalties for obtaining a record concerning an individual under false pretenses may be imposed pursuant to 5 U.S.C. 552a(i)(3). Form 507 is enclosed for your use; please complete sections 4 (about the individual whose records you are requesting), 6 and 7. If you do not provide the individual's identity verification and written consent, information will be disclosed to you only if it is deemed that disclosure will not constitute an invasion of the privacy of the individual about whom your request pertains. In some instances, depending on the sensitivity of the type of records in which the kind of information you are seeking would be found, we will neither confirm nor deny the existence of records pertaining to the person because to even publicly acknowledge the fact that there is that type of record about the person could be considered an invasion of the person's privacy. The proper identity verification and consent, or a statement that you want this request processed as if it was received from any other member of the public, must be received no later than *{insert date that is 15 calendar days of the date of this letter}*. You may submit this documentation directly through the NRC Public Access Link (PAL), at <https://foia.nrc-gateway.gov/app/PalLogin.aspx>, by email to FOIA.Resource@nrc.gov, or by letter addressed to the NRC, Mail Stop T6-A60M, Washington, D.C. 20555-0001. If we do not hear from you regarding this matter by *{insert date that is 15 calendar days of the date of this letter}*, we will administratively close our file on this request.

Requesters who demonstrate a "compelling need" *may* be eligible for expedited processing. Under 10 CFR 9.25(e), a request for expedited processing may be granted only when the requester shows a "compelling need" based on meeting either of two criteria: when failure to obtain the records quickly "could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;" or, if the requester is a person "primarily engaged in disseminating information," by demonstrating that an "urgency to inform the public about the actual or alleged Federal Government activity" exists. I have carefully reviewed your request for expedited processing and determined that:

- ☐ Your request for expedited processing is granted and your request will be moved to the front of the processing queue.

☐ Your stated reason for requesting expedited processing does not show sufficient “compelling need” because it appears that there is no imminent threat to the life or physical safety of an individual; accordingly, your request is denied.

☐ Although you are a person “primarily engaged in disseminating information,” the subject of your request, *{briefly describe the records}*, does not appear to meet the threshold regarding urgency to inform the public about an actual or alleged Federal Government activity; accordingly, your request is denied.

☐ You have not included a statement certifying that the “compelling need” you have given is true and correct to the best of your knowledge and belief, nor have you put forward sufficient cause for this requirement to be waived as a matter of the NRC’s discretion.

☐ You have not provided us with the information I need to make a determination on your request for expedited processing.

{If the 4rd or 5th box is checked:} If you still wish to pursue a request for expedited processing, please submit the required self-certification and/or supplemental information addressing whichever criterion you believe applicable, which we must receive on or before *{insert date that is five working days from the date of this letter}*, and I will then make a determination on your expedited processing request. Please note that, because I have not yet made a determination on your expedited processing request, this is not an appealable decision.

{If the 2nd or 3rd box is checked:} You may appeal this determination. Any such appeal must be made in writing within 90 calendar days by addressing the appeal to the Executive Director for Operations. You may submit your appeal directly through the NRC Public Access Link (PAL), at <https://foia.nrc-gateway.gov/app/PalLogin.aspx>, by email to FOIA.Resource@nrc.gov, or by letter addressed to the NRC, Mail Stop T6-A60M, Washington, D.C. 20555-0001. You also have the right to seek assistance, or seek dispute resolution services, from the NRC’s FOIA Public Liaison or the Office of Government Information Services (OGIS). You may contact the NRC’s FOIA Public Liaison by emailing your inquiry to FOIAPublic.Liaison@nrc.gov, or by calling (301) 415-0717. You may contact OGIS by email to ogis@nara.gov, by fax to (202) 741-5789, or by letter addressed to OGIS, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.

[PRIMARYUSERNAME] (Contractor, Pathfinder Consultants, LLC), the person assigned responsibility for your request in support of the NRC’s Office of the Chief Information Officer, may be reached by telephone at [PRIMARYUSERPHONE] or via email to [PRIMARYUSEREMAIL]. Should you wish to check on the status of your request at any time, please refer to <https://foia.nrc-gateway.gov/app/Home.aspx>.

[RLNAME], [RFNAME]

- 5 -

If you have questions on any matters concerning your FOIA request, please feel free to contact [PRIMARYUSERNAME] or me at (301) 415-7169.

Sincerely,

/s/ Signature of FOIA Officer

Name of FOIA Officer

FOIA Officer

Office of the Chief Information Officer

Enclosure{s):

Explanation of Fees

Fee Waiver Justification Requirements

Form 507

EXPLANATION OF FEES

Requester Fee Categories

Commercial: Fees are charged for search, duplication, and review when records are requested for commercial purposes. Fees (above the minimum fee charge) cannot be waived for this category of requester.

Educational or Non-Commercial Scientific Institution, Representative of the News Media, and Privacy Act: Fees may be charged only for document duplication when records are not sought for commercial use and the request is made by an Educational or Non-Commercial Scientific Institution, whose purpose is scholarly or scientific research; or a Representative of the News Media; or a person requesting his/her own records that are maintained in a Privacy Act system of records. No fee is charged for the first 100 pages of duplication for this category of requester.

Non-Excepted: For any request not described above, fees may be charged for document search and duplication. No fee is charged for the first two hours of search time or for the first 100 pages of duplication for this category of requester.

Fee Schedules

Search and Review Charges: Fee schedules provide only for the recovery of the direct costs of search, duplication, or review. Review costs include only the costs for initial examination of a document to determine whether it must be disclosed and to determine whether to withhold portions that are exempt from disclosure. The fee schedule is as follows:

<u>For Search & Review Conducted By</u>	<u>Hourly Rate</u>
SES/COMMISSIONER	\$ 105.56/hour (ES-maximum)
PROFESSIONAL	\$ 88.29/hour (GG-14, Step 7)
CLERICAL	\$ 43.33/hour (GG-9, Step 7)

Duplication Charge: \$0.20/page

Other Charges: Fees for non-standard search or duplication will be charged at the actual cost (e.g. providing copying of audio tapes or conducting computer searches).

Minimum Fee: No fee will be charged unless the fee is greater than \$25.00.

When to Pay Fees

If we estimate that fees will not exceed \$25.00 or you have stated in your request a higher amount that you are willing to pay, we assume your willingness to pay up to \$25.00 or the amount specified, and you will be billed after we have completed your request.

If we estimate that fees will exceed \$25.00 or any amount that has been stated by you in your request, we will not proceed with your request until we have notified you and obtained your agreement to pay the estimated fees.

If we estimate fees will exceed \$250.00, you will be required to pay the estimated fees in advance before we proceed further with your request. If the actual fees to process your request are less than any advance payment you have made, you will be refunded the overpayment amount.

Fee Waivers

A waiver or reduction of fees may be granted for furnishing documents if a requester, by fully addressing the eight factors in 10 CFR 9.41, clearly demonstrates that disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

SECTION 9.41 - REQUESTS FOR WAIVER OR REDUCTION OF FEES

(a)(1) The NRC will collect fees for searching for, reviewing, and duplicating agency records, except as provided in § 9.39, unless a requester submits a request in writing for a waiver or reduction of fees. To ensure that there will be no delay in the processing of Freedom of Information Act requests, the request for a waiver or reduction of fees should be included in the initial Freedom of Information Act request letter.

(2) Each request for a waiver or reduction of fees should be addressed to the Office of the Chief Information Officer, and sent using an appropriate method listed in § 9.6.

(b) A person requesting the NRC to waive or reduce search, review, or duplication fees will –

- (1) Describe the purpose for which the requester intends to use the requested information;
- (2) Explain the extent to which the requester will extract and analyze the substantive content of the agency record;
- (3) Describe the nature of the specific activity or research in which the agency records will be used and the specific qualifications the requester possesses to utilize information for the intended use in such a way that it will contribute to public understanding;
- (4) Describe the likely impact on the public's understanding of the subject as compared to the level of understanding of the subject existing before disclosure;
- (5) Describe the size and nature of the public to whose understanding a contribution will be made;
- (6) Describe the intended means of dissemination to the general public;
- (7) Indicate if public access to information will be provided free of charge or provided for an access fee or publication fee; and
- (8) Describe any commercial or private interest the requester or any other party has in the agency records sought

(c) The NRC will waive or reduce fees, without further specific information from the requester if, from information provided with the request for agency records under § 9.23(b), it can determine that disclosure of the information in the agency records is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Federal Government and is not primarily in the commercial interest of the requester.

(d) In making a determination regarding a request for a waiver or reduction of fees, the NRC will consider the following factors:

- (1) How the subject of the requested agency records concerns the operations or activities of the Federal Government;
- (2) How the disclosure of the information is likely to contribute significantly to public understanding of Federal Government operations or activities;
- (3) The extent to which the requester has a commercial interest that would be furthered by the disclosure of the requested agency records; and whether that commercial interest exceeds the public interest in disclosure.

(e) The Freedom of Information Act and Privacy Act Officer will make an initial determination whether a request for a waiver or reduction of fees meets the requirements of this section. The Freedom of Information Act and Privacy Act Officer will inform requesters whenever their request for a waiver or reduction of fees is denied and will inform them of their appeal rights under § 9.29.

Fee Estimate Task for Non-excepted (Other) Requesters

DATE:

TO:

FROM:

SUBJECT: [REQUESTNUMBER]

ATTACHMENT: Copy of request (redacted of any PII, as appropriate)

This requester has been placed in the “non-excepted” fee category, being responsible only for search fees in excess of two (2) hours and duplication costs after receiving 100 pages free of charge. Therefore, your initial fee estimate of search fees and duplication costs is required on or before *{insert date that is four business days}*.

{Add only if applicable:} Please note that the FOIA Office has retained in its files the necessary identity verification and/or third-party authorization documentation. If your office requires that documentation to locate any responsive records, please contact the assigned FOIA Team member.

{Add only if this is a request for allegation or investigation records of OE, OI, or OIG, as applicable, if the response is to be made publicly available:} Please note that the NRC has now received three or more FOIA requests for these same records. As such, any interim or final responses to this request will be included in public ADAMS.

Sometimes, we task you for a fee estimate, but your office does not have responsibility for, or involvement in, the subject matter of the request. If we have misdirected our tasking, please tell us that instead of responding “no records.” But, if you (or your staff) performed a search and found no responsive records, please tell us that you searched and found no records. Remember to include the amount of time spent searching (and at what level).

The FOIA request should be processed in accordance with the standard instructions (“How to Respond to an Initial FOIA Request”) at ML060590485.

To ensure that search time is calculated appropriately and consistently, search is the time spent looking for material subject to a request, either manually or by automated means, including time spent in page-by-page or line-by-line identification of responsive material within records. Searches should identify all paper and electronic records maintained by your office, including records in any file centers or other remote locations, as well as individual staff members’ Outlook, Office, and other computer files, audio and video recordings, and any other media. If you or your staff believes that a Capstone official (in general, Office Directors or above), may have had records responsive to the request, please remember to include an estimate for a search to CapstoneResource@nrc.gov. In addition to tasking any subject matter experts within your office, please ensure that your fee estimates take into account searches of shared platforms, such as ADAMS, SharePoint, shared network drives, and Nuclepedia. You are

encouraged to ask for assistance in performing adequate ADAMS searches if you have any difficulty doing a search.

Please be sure to distinguish the search time based on the three levels: SES/Commissioner, professional (technical/managerial), or clerical. In addition, if any of the search time is expected to be performed by a contractor, please provide a fee estimate for the contractor's search, using the hourly rate the NRC is billed for the contractor's services.

You are encouraged to ask for a scoping discussion with the requester when you believe it would be beneficial.

NRC Form 496, "Report of Staff Resources for Processing FOIA Requests," is available in the NRC Forms Library for your use.

Please remember to charge time spent on this FOIA to CAC ZF0000.

You may contact me at [PRIMARYUSERPHONE] if you have any questions. Please do not reply to noreply@ains.com; this email box does not accept incoming messages. To contact the assigned FOIA Team member, please respond to [PRIMARYUSERREMAIL].

Thank you.

[PRIMARYUSERNAME]

Fee Estimate Task for Commercial Use Requesters

TO:

FROM:

SUBJECT: [REQUESTNUMBER]

ATTACHMENT: Copy of request (redacted of any PII, as appropriate)

This requester has been placed in the “commercial use” fee category, being responsible all search, review and duplication costs. Therefore, your initial fee estimate of search fees, review fees, and duplication costs is required on or before *[insert date that is four business days]*.

{Add only if this is a request for allegation or investigation records of OE, OI, or OIG, as applicable, if the response is to be made publicly available.} Please note that the NRC has now received three or more FOIA requests for these same records. As such, any interim or final responses to this request will be included in public ADAMS.

{Add only if this is a tasking to OI, as applicable.} Please remember to include a copy of the ROI's Exhibit Listing, so that we can calculate the review time estimate.

Sometimes, we task you for a fee estimate, but your office does not have responsibility for, or involvement in, the subject matter of the request. If we have misdirected our tasking, please tell us that instead of responding “no records.” But, if you (or your staff) performed a search and found no responsive records, please tell us that you searched and found no records. Remember to include the amount of time spent searching (and at what level).

The FOIA request should be processed in accordance with the standard instructions (“How to Respond to an Initial FOIA Request”) at ML060590485.

To ensure that search time is calculated appropriately and consistently, search is the time spent looking for material subject to a request, either manually or by automated means, including time spent in page-by-page or line-by-line identification of responsive material within records. Searches should identify all paper and electronic records maintained by your office, including records in any file centers or other remote locations, as well as individual staff members' Outlook, Office, and other computer files, audio and video recordings, and any other media. If you or your staff believes that a Capstone official (in general, Office Directors or above), may have had records responsive to the request, please remember to include an estimate for a search to CapstoneResource@nrc.gov. In addition to tasking any subject matter experts within your office, please ensure that your fee estimates take into account searches of shared platforms, such as ADAMS, SharePoint, shared network drives, and Nuclepedia. You are encouraged to ask for assistance in performing adequate ADAMS searches if you have any difficulty doing a search.

To ensure that review time is calculated appropriately and consistently, review is the time spent during the initial examination of a record to determine whether the information may be withheld,

including the time spent preparing the record for release (e.g., bracketing or describing the information to be redacted), but not including time spent resolving general legal or policy issues about whether to apply a particular exemption (such as conferring with your management chain, asking for legal advice from OGC, or deciding about foreseeable harm).

Please be sure to distinguish the search time based on the three levels: SES/Commissioner, professional (technical/managerial), or clerical. In addition, if any of the search time is expected to be performed by a contractor, please provide a fee estimate for the contractor's search, using the hourly rate the NRC is billed for the contractor's services.

You are encouraged to ask for a scoping discussion with the requester when you believe it would be beneficial.

NRC Form 496, "Report of Staff Resources for Processing FOIA Requests," is available in the NRC Forms Library for your use.

Please remember to charge time spent on this FOIA to CAC ZF0000.

You may contact me at [PRIMARYUSERPHONE] if you have any questions. Please do not reply to noreply@ains.com; this email box does not accept incoming messages. To contact the assigned FOIA Team member, please respond to [PRIMARYUSERREMAIL].

Thank you.

[PRIMARYUSERNAME]

Search Once Request is Perfected Task

TO:

FROM:

SUBJECT: [REQUESTNUMBER]

ATTACHMENT: Copy of request (redacted of any PII, as appropriate)

The requester has either agreed to pay the estimated fees, has provided an advance payment, or based upon the request itself, or previously provided estimates, there will be no billable fees. The request is now considered “perfected.” Please provide me with the responsive records on or before *{insert date}*.

{Add only if applicable:} Please note that the FOIA Office has retained in its files the necessary identity verification and/or third-party authorization documentation. If your office requires that documentation to locate any responsive records, please contact the assigned FOIA Team member.

{Add only if this is a request for allegation or investigation records of OE, OI, or OIG, as applicable, if the response is to be made publicly available:} Please note that the NRC has now received three or more FOIA requests for these same records. As such, any interim or final responses to this request will be included in public ADAMS.

If there are no responsive records, please respond with “No records.”

The FOIA request should be processed in accordance with the standard instructions (“How to Respond to an Initial FOIA Request”), ML060590485. NRC Form 511, “Program Office Response to a FOIA Request” is available in the NRC Forms Library for your use.

NOTE: If your subject matter experts will be providing us their disclosure recommendations by marking up the responsive records (whether using Adobe's redaction tool, adding comments, or highlighting), please ask them to also provide us with a clean set of the records.

In order to document the search conducted, particularly in the event of an appeal challenging the adequacy of the search, please also include in your response the following items of information: (1) the person(s) who conducted the search; (2) whether paper files were searched; (3) whether electronically stored information was searched; and (4) the key words or phrases that were used to do the searches. NRC Form 511A, “Documentation of FOIA Search” is also available in the NRC Forms Library for your use.

You are encouraged to ask for a scoping discussion with the requester when you believe it would be beneficial.

In addition to tasking any subject matter experts within your office, please ensure that searches are conducted on shared platforms, such as ADAMS, SharePoint, shared network drives, and Nuclepedia. If you or your staff believes that a Capstone official (in general, Office Directors or above) may have had records responsive to the request, please remember to include a search to CapstoneResource@nrc.gov. You are encouraged to ask for assistance in performing adequate ADAMS searches if you have any difficulty doing a search.

NRC Form 496, "Report of Staff Resources for Processing FOIA Requests," is available in the NRC Forms Library for your use.

Please remember to charge time spent on this FOIA to CAC ZF0000.

Please contact me at [PRIMARYUSERPHONE] or by email to [PRIMARYUSERREMAIL] if you have any questions. Do not reply to noreply@ains.com; this email box does not accept incoming messages.

Thank you.

[PRIMARYUSERNAME]

FOIA REQUEST - ACTION OFFICE(S)	
Description of Records Requested	Office Assignment
Advanced Reactor Policy	NRR
AEC Manual Chapters	ADM
Agreement States	NMSS, Region
Allegations	Region, OE
Annual Radioactive Effluent Release Reports	NRR
Billings / Financial	OCFO
Budget	OCFO
Category Rating Annual Report	OCHCO
Chairman / Commissioners	SECY
Commission calendars	SECY
Commission Directives/SECY Papers	SECY
Commission travel & telephone logs	SECY
Communications Plans (press/external relations)	OPA, Regions (for their PAOs)
Congressional matters	EDO, SECY, OCA
Contracts	ADM
Cyber attacks on Reactors	OCIO/CSB, NSIR, NRR, Region
Daily Plant Status Reports	NRR, Region
Decomissioning Plants - non-reactor	NMSS, Region
Decommissioning Reactors	NMSS, NRR, Region
Depleted Uranium	NMSS, Region
Device Registration	NMSS
Differing Professional Opinion (DPO), Nonconcurrence Process (NCP)	OE
Electrical Engineering	NRR, Region, RES
Emergency Planning Records	NSIR, NMSS, Region/HQ (Incident Response Centers)
Environment Impact Statements	NRR
Event Notifications	NSIR, NRR, Region
Federal Service Impasse Panel assigned Mediator-Arbitrator decisions	OGC, OCHCO
Final Safety Analysis Reports for nuclear plants	NRR
Fire Protection Records	NRR, Region (If plant is specified)
Fuel Facilities	RII (for all fuel facilities)
Fuel Rods	NRR, RES
Gammacell 220 Irradiator	NMSS
Generic Issues	RES
Generic Fundamental Examinations for Reactors	NRR
Global Laser Enrichments (GLE)	NMSS
Grant Applications	OCHCO
Hazard Analysis	NRR
High level or "senior" NRC Officials	EDO, SECY

IG Reports	OIG
IMPAC (International Merchant Purchase Authorization Card)	OCFO, ADM
In-Plant Reliability Data	NRR, RES
Inspection Reports	NRR, Region
Investigations	OI (for Licensees); OIG (for NRC staff & contractors)
Instrumental & Controls (I&C)	NRR
ITAAC and Generic Communications	NRR
License - non-power (SUC, SNM)	NMSS, Region
License Renewals	NMSS (materials), NRR (reactors)
License Renewal – Spent Fuel Storage	NMSS
Licensing - reactors	NRR
Map of Plant	NRR, Region
material licensees	NMSS; Region (note that RI does medical licensees for both RI and RII; RI handles the Navy; RIII handles the Air Force and VA)
Material sources/devices lost/stolen/missing (radioactive) If a specific material/device listed, add Region(s)	NMSS
Mitigation Strategies	NRR
MLTS (Materials Licensing Tracking System)	NMSS
Modular high-temp gas-cooled reactor and gas turbine-modular helium reactor	NRR, RES (OIP if international)
New Reactor Licensing	NRR
NMED (Nuclear Materials Events Database)	NMSS
Non-disclosure Agreements	ADM, ASLBP
Notices of deficiency or violation, site inspections (non-power)	Region
Nuclear Testing	NRR, RES
Nuclear waste shipment accidents	NMSS, Region
NUREGs	ADM; program office that authored
Park Shallow Disposal Area (Parks Township, PA)	NMSS, RI
Part 21 Reports for Plants	NRR
Pebble Bed Modular Reactor	EDO, NRR, RES
Performance Awards	OCHCO
Permit Applications	NMSS
Personnel Security records	ADM
Plant Safety Analysis Report	NRR
Plant Security Information	NSIR, NRR, Region
Policy	EDO
Potassium Iodine (KI)	NSIR
Position Descriptions	OCHCO
Power Upgrades	NRR
PRA and Severe Accidents	NRR, RES
Purchase Orders	ADM

Quality Assurance Vendor	NRR
Radiation exposure	RES, NMSS, NRR, Region
Radioactive materials license	NMSS, Region
Radiation protection	NRR, RES
Radiation Safety Officers (RSO)	NMSS
Radioactive Sealed Source	NMSS
Radioactive waste	NMSS, NRR, Region
RCRAs/inspection reports	NMSS, Region
Reactor Operator/Senior Reactor Operator licenses	Region
Reactor oversight process	NRR
Reactor licensees	NRR
Regulatory Guides	RES
REIRS Database	RES
RFQs/RFPs	ADM
Rulemaking Activity Plans	NMSS
Rulemaking - New Reactor	NMSS; NRR
Rulemaking Docket Files	SECY
Safety Evaluations	Region, NRR
Safety Systems and Risk Assessment	NRR
Seabrook Alkali-Silica Reaction Issue Technical Team	NRR, RI
Security Orders (if # is provided, task the owner of that order)	NRR, NMSS
Series 800 and 1300 positions	OCHCO
Settlement Agreements	OCHCO, SBCR, OGC
Shutdown Plants	NMSS, Region
Site Assessments	NMSS (materials), NRR (reactors)
Site Safety and Environmental Analysis	NRR
Small Modular Reactor Licensing	NRR
Spent Fuel (all stages)	NMSS (ISFSI and Decomm), RES (technical), NRR (in pools), NSIR (security)
State Government Correspondence	SECY, EDO
State Regulations and Legislation	NMSS
Surveillance Plan	NMSS, Region
Technical Specifications	NRR
Task Interface Agreement Process (TIA)	NRR, Region
Training Catalogues	OCHCO
Tritium, <u>alternative production technologies</u>	RES
Uranium concentration process of ablation	NMSS, Region
WBL (Web-based Licensing)	NMSS
Vendor Inspection & Quality Assurance Programs	NRR (historical)
WikiLeaks website/organization	OCIO/CSB, NSIR, OPA

Notification to OPA of Receipt of a FOIA Request from a Representative of the News Media

DATE:

TO: OPA Director; Senior Level Advisor to the OPA Director

FROM:

CC: OPA FOIA Coordinator

SUBJECT: [REQUESTNUMBER]

Attachment: Copy of incoming request (redacted of any PII, as appropriate)

In accordance with Part II, Section A.2 of MD 3.1, this is to inform your office that the NRC has received a Freedom of Information Act (FOIA) request from a person who has been categorized for fee purposes as "a representative of the news media." A copy of the request is attached. No further action from your office is required.

{Add only if this is a request for allegation or investigation records of OE, OI, or OIG, as applicable, if the response is to be made publicly available.} Please note that the NRC has now received three or more FOIA requests for these same records. As such, any interim or final responses to this request will be included in public ADAMS.

I am the assigned FOIA Team member assigned to this request. Please do not reply to noreply@ains.com; this email box does not accept incoming messages. I may be reached at [PRIMARYUSEREMAIL] or [PRIMARYUSERPHONE] should you have any questions.

Please remember to charge any time spent on this FOIA to CAC ZF0000.

Thank you.

[PRIMARYUSERNAME]



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

[TODAYDATE]

[REQUESTNUMBER]

Sent via email to [RQREMAIL]

[RFNAME][RLNAME]
[STREET1]
[STREET2]
[CITY][STATESHORT][ZIPCODE]

Dear [RFNAME][RLNAME]:

This letter confirms the withdrawal of the above-referenced Freedom of Information Act [FOIA] request, which was received by the U.S. Nuclear Regulatory Commission on [RECEIVEDDATE].

In light of the withdrawal of your request, we are administratively closing our files on the matter.

Sincerely,

Alecia S. Sillah /s/

Alecia S. Sillah
FOIA Officer
Office of the Chief Information Officer

CHAPTER 3

FEES CATEGORIES, FEE ESTIMATES, AND ADMINISTRATIVE CLOSURES

Important Definitions

- A. There are three fee categories into which all requesters are sorted (see **Attachment I-3-1**):
- (1) Commercial Use Requester – pays for all search, review and duplication costs;
 - (2) Representative of the News Media, Educational/Non-Commercial Scientific Institution, and Privacy Act Requester – pays only for duplication fees⁷ after the first 100 pages are given free of charge; and
 - (3) Non-Excepted (or Other) Requester – everyone else – pays for search fees above two hours and duplication fees after the first 100 pages.
- B. A requester may self-identify to which category they belong (although you still must make an independent judgment whether the category is correct). If the requester does not, the FOIA Officer will make that determination based upon the request. Sometimes a requester may identify as one of the favored fee categories, but there is insufficient information upon which to determine if that is the correct fee category. In those situations, when preparing the ACK Letter, you should include the language that solicits additional information from the requester so that a correct fee category determination may be made. **(Attachments I-3-2A or I-3-2B) (See Section I – Chapter 2)**. Although generally a requester will remain in the same category for each request they make, that isn't always true so be aware of any changes in a requester's affiliation or reason for making a request (as stated in the request itself).⁸

⁷ Unless the requester specifies paper records, there will be no duplication fees because we are providing the Form 464 and responsive records electronically. So, for the favored fee category of requesters, it will not be unusual for there to be no billable fees associated with the processing of these requests.

⁸ Unlike the favored fee categories, the commercial use requester category looks more to how the requester intends to use the requested records, rather than who the requester is. In other words, if the records are to be used for a commercial purpose, then the appropriate fee category is commercial use requester. While we generally rely on the “common sense” understanding of what is a “commercial use”

- C. Keep in mind that if an attorney submits a FOIA request on behalf of a client, it is the client's status that dictates to which fee category the requester belongs. For instance, Lawyer A makes a request on behalf of B, an alleged, for an allegation file. The appropriate fee category for this request is a non-excepted requester. On the other hand, Lawyer A makes a request on behalf of a licensee for an allegation file. The appropriate fee category for this request is a commercial use requester.
- D. Search is the time spent looking for responsive records, or to determine whether there is responsive information within records (including page-by-page, or line-by-line consideration), either manually or by using existing computer programs.
- E. Review is the time spent during the initial examination of the responsive records to determine whether such material is exempt from disclosure in whole or in part, including the bracketing of, or description of information to be redacted from, the responsive records.⁹
- F. Duplication costs – Unless the requester chooses to receive responsive records on paper (either by specifying paper in the request itself, or by checking the box on the NRC Form 509, “Statement of Estimated Fees”), we will provide the records electronically for which there will be no duplication fees charged.
- G. NRC does not charge fees if the total is under the minimum threshold of \$25.
- H. If a requester has an outstanding fee balance that is over 30 days old, either due to the NRC or another Federal agency, the request will not be considered “perfected” until the requester has brought the balance to zero (0). The Office of the Chief Financial Officer (OCFO) sends a report of outstanding FOIA fees to the FOIA Officer each month. This report is available to you in the shared drive in the Fees & Billing folder. You should check that list before you

(a profit-making trade or business), our practice has been to categorize political action committees and similar groups making requests of opposing candidates during election cycles as commercial use requesters, rather than non-excepted requesters.

⁹ Typically, review time will reflect the program or regional office's review of the records that forms the basis for its disclosure recommendations. However, if the office defers to the FOIA Office, or the FOIA Office proposes redactions initially for the program or regional office to consider, the time we spend should be considered review time.

acknowledge receipt of the request or otherwise move forward with the request.

- I. If the fee estimate exceeds \$250, the requester must remit an advance payment before the request is considered “perfected” and will continue to be processed (see **Step II.D**, below).

Fee Tasking

- A. Unless the requester has been granted a fee waiver, or is placed in one of the favored fee categories (i.e., representative of the news media, member of a non-commercial scientific institution, or educational institution), and the incoming request specifies that the requester wants the records electronically or the request on its face allows you to conclude that there will be no billable fees (e.g., a non-excepted requester asks for a single document by its ML# and specifies that the requester wants the record electronically), the initial tasking to the program and regional offices will ask for a fee estimate (**Attachments I-3-3A, 1-3-3B, or 1-3-3C**). From the Request Information screen of the request, select the Request for Documents (RFD) tab. A window will open (Step 1), allowing you to change the due date of the fee estimate task to four (4) business days (as FOIAXpress is set up to populate the ten (10) business day metric that is used for search, referral, and review tasks), and to select the appropriate program and regional offices to task. Regardless of the time of day in which you send the tasking email, day 1 is the next business day after the day you are sending the tasking email. Once you select the offices, select Next. This brings you to the email template. Be sure that you choose the correct template in FOIAXpress when tasking these offices and customize the language, as necessary. You can, and should, select all the offices that you believe may have responsive records to receive this task; in this way, the offices’ FOIA Coordinators are able to see which other offices are being tasked. Be sure that you attach a copy of the request (redacted of any personally identifiable information (PII), if applicable), and any other communications with the requester if related to the scope of responsive records, to the tasking email.
- B. As fee estimates come in from the various program and regional offices, do a “sanity check” of each response. If a fee estimate is received from a program or regional office that appears unusually high, reach out to the FOIA Coordinator to get a better understanding; make sure there was no confusion as to what would be needed in a search. When you are satisfied with the response, go into FOIAXpress to close out the task (and upload the response) in FOIAXpress. Open the request and select the RFD tab. Place the cursor on the pending RFD;

select Take Action. This will bring up a new window. From the drop-down menu, update the status of the fee estimate task. There is a Comments field in which you should enter a brief description of the outcome of the RFD. The Action Date should automatically populate as the date you are closing the task. Check the Completed box, which will trigger a Completion date box.¹⁰ Remember to use the date the program or regional office provided the response, not the date you are closing the task should they be different. Upload, or drag and drop, the program or regional office's response. (It will appear in the Correspondence Log.) Select Save. The program or regional office's task is now closed.

1. Capstone Officials – If the program or regional office believes that a Capstone official (generally, at the Office Director/Regional Administrator level or above) may have had emails that are responsive to the request, the fee estimate response they provide will be bifurcated. The initial fee estimate will include the search and review time, as applicable, as well as the number of pages expected to be released (if the requester asked for the agency's response in paper format), for all physical and electronic locations except for the search of the Capstone repository that exists in ADAMS. The initial fee estimate will also inform the assigned FOIA Team member that it is believed that one or more Capstone officials may have responsive records and will provide the search terms or key words that are recommended to be used.
2. The initial fee estimate task will be closed. You will send an email to the requester (**Attachment I-3-4**) that explains that staff believes there may be responsive emails within the Capstone repository and to perform that search, we want to confirm the search terms or key words that should be used. The email asks that the requester confirm the use of those search terms or key words or offer any different or additional terms or words to use within five (5) business days. Once you send out that email, Stop the Clock in FOIAXpress (see **Step C-1**, below). If the requester does not respond within that time frame, you will move forward, using the search terms and key words the program or regional office gave you.
3. Once you have the search terms or key words that will be used, remember to Start the Clock in FOIAXpress. Then you will send a supplemental fee estimate tasking email (**Attachment I-3-5**) to the applicable program or regional office that told you they may have Capstone emails, asking for the

¹⁰ For purposes of the metrics that NRC uses to measure timeliness, the completion date (which cannot be earlier than the action date) will be used, so it is critical that these dates be correct.

estimate tied to Capstone. The FOIA Coordinator will reach out to Capstone.Resource@nrc.gov to request access to the folder(s) of the official(s) that are housed within the Capstone repository in ADAMS, and undertake the search using the prescribed search terms and key words. That “search estimate” along with a review estimate for any emails identified will be provided to you within four (4) business days. Once you receive this supplemental fee estimate, close the task in FOIAXpress.

- C. For fee estimates that exceed the \$25 minimum threshold, send an estimate email (or letter if the requester has not provided us with an email address), using the appropriate template in FOIAXpress (**Attachment I-3-6A, B or C**) to the requester, accompanied by the NRC Form 509, “Statement of Estimated Fees for FOIA Request” (**Attachment I-3-7**).
1. When you send the fee estimate to the requester, remember to Stop the Clock in FOIAXpress. You will enter the date you sent the fee estimate as the clock stoppage date. From the drop-down menu, select Fee-Related Reason. It will prompt a window asking you to confirm that what you’ve entered is correct. Once confirmed, select OK. It will prompt another message to confirm that you want to stop the clock; click OK. The Status field for the request will show that the request is On Hold-Fee Related.
 2. The requester should sign the NRC Form 509 and return it to you. Once you receive the commitment from the requester and advance payment, as applicable, go back into FOIAXpress to Start the Clock. You will enter the date you received the fee commitment and, if applicable, advanced payment, as the clock start date. You may enter any information in the free-form Notes field. Select Save. It will prompt a window asking you to confirm that what you’ve entered is correct. Once confirmed, select OK. It will prompt another message to confirm that you want to Start the Clock. Click OK. The Status field for the request will change.
- D. For requests with a fee estimate exceeding \$250, once you’ve received a copy of the www.pay.gov receipt, showing that the requester has remitted the advance payment, provide the receipt to the administrative staff, who will make sure the OCFO receives it. Upload copies of the signed NRC Form 509, as well as a copy of the www.pay.gov receipt, once they are returned by the requester, in the Correspondence Log in FOIAXpress.

- E. The administrative staff will prepare a memorandum to the OCFO, transmitting the documentation that the advance payment has been remitted (**Attachment I-3-8**). The memorandum, accompanied by the www.pay.gov receipt, will be emailed to NonFeeInvoices.Resource@nrc.gov, with a copy to the FOIA.Resource@nrc.gov mailbox and to you.
- F. Email the program and regional offices that you have closed their fee estimate task and that they need do nothing further on the request unless and until they hear back from you (which should occur in the form of an email tasking them to conduct a records search if the office responded that it has records).

III. If Requester doesn't commit to pay fees within ten (10) business days

- A. Go back into FOIAXpress to Start the Clock. You will enter the date you are going to send the administrative closure letter to the requester. You may enter any information in the free-form Notes field. Select Save. It will prompt a window asking you to confirm that what you've entered is correct. Once confirmed, select OK. It will prompt another message to confirm that you want to Start the Clock. Click OK. The Status field for the request will change.
- B. Then proceed to do an administrative closure of the request. Because the FOIA Officer is not issuing a determination on this "unperfected" request, we do not use the NRC Form 464. Rather, you should draft an administrative closure letter that is issued under the FOIA Officer's name. (**Attachment I-3-9**).
- C. It is a good idea to notify the FOIA Coordinators of the offices that provided you fee estimates that the requester did not commit to pay fees, did not submit any advance payment that was due, or otherwise did not respond timely, so that the offices (and the SMEs that provided estimates) are aware that the request is now closed.
- D. Once you send the administrative closure letter to the requester, if you did not use one of the administrative closure letter templates in FOIAXpress, remember to upload a copy of the letter to the Correspondence Log in FOIAXpress. The request is now ready to be closed out in FOIAXpress. Make sure that any tasking actions in FOIAXpress have been closed and that you have entered the final disposition information in FOIAXpress (see **Section I-Chapter 7** on the steps to do this).

IV. If Requester Narrows Request to Lessen Fees

- A. In response to the fee estimate, if the requester narrows the scope of the request, this is treated as a new request for purposes of tracking the program and regional offices' responses, and a new action in FOIAXpress is to be created for each program or regional office that is likely to have records responsive to the narrowed request. Make sure that the new action that is tasking the program and regional offices for a new fee estimate clearly sets out how the request has been narrowed, either by describing it carefully or attaching a copy of the narrowed request¹¹.
- A. To create the new task, from the Request Information screen, select the Request for Documents (RFD) tab. Be sure that you choose the correct template in FOIAXpress when tasking these offices and customize the language, as necessary. Be sure that you attach a copy of the request (redacted of any personally identifiable information (PII), if applicable) to the tasking email. Keep in mind that FOIAXpress defaults to a ten (10) business day due date, so you will need to change it. Program and regional offices have four (4) business days in which to respond. Day 1 is the next business day after the day you are sending the tasking email.

V. If Requester Commits to Pay Fees (see **Section I-Chapter 5**)

VI. Fee Waiver

- A. If the requester asks for a fee waiver, the requester is expected to address all eight factors that are spelled out in the NRC FOIA regulations, 10 CFR 9.41. They are:

- (1) Describe the purpose for which the requester intends to use the requested information;

- (2) Explain the extent to which the requester will extract and analyze the substantive content of the agency record;

¹¹ You should always have documentation of the requester's narrowing of a request, but that doesn't mean the requester has to put it in writing. It is good customer service for you to capture the scope of the narrowed request in an email to the requester, asking the requester to confirm that you have correctly stated the revised request, within a few business days of your conversation. Because you cannot send an email with a "read receipt" through FOIAXpress, it is recommended that you send this email from your Outlook account with a "read receipt" so that you know that the requester has received, and read, your email. Remember to upload the email to the Correspondence Log in FOIAXpress.

(3) Describe the nature of the specific activity or research in which the agency records will be used and the specific qualifications the requester possesses to utilize information for the intended use in such a way that it will contribute to public understanding;

(4) Describe the likely impact on the public's understanding of the subject as compared to the level of public understanding of the subject before disclosure;

(5) Describe the size and nature of the public to whose understanding a contribution will be made;

(6) Describe the intended means of dissemination to the general public;

(7) Indicate if public access to information will be provided free of charge or provided for an access fee or publication fee; and

(8) Describe any commercial or private interest the requester or any other party has in the agency records sought.

B. As part of the FOIA Officer's initial assignment of a request that asks for a fee waiver, they will generally make the determination whether to grant it or not. If a requester has not addressed each of the eight factors (**Attachment I-3-10**), the FOIA Officer will leave the Determination field in the Fee Waiver Requested window in FOIAXpress as "TBD." When you prepare your ACK Letter that is sent to the requester, you will check the appropriate box, affording the requester an additional five (5) business days in which to supplement the fee waiver request. Note that for fee waiver requests from favored fee category requesters (e.g., representatives of the news media, educational or non-commercial scientific institutions), since these requesters typically ask for records in electronic form, there will be no billable fees. Thus, their request for fee waiver is moot (the FOIA Officer will mark "not billable" in the Fee Waiver Requested window in FOIAXpress in such cases). In this situation, the ACK Letter should include a sentence informing the requester that, since there are not expected to be billable fees, the request for a fee waiver is moot. Although not as likely, this may also be true for the other categories of requesters, which you should be aware of in preparing the response to the fee waiver request. Your ACK Letter should reflect the FOIA Officer's decision on the fee waiver request (i.e., grant the fee waiver, deny the fee waiver, mootness, or "TBD" if the FOIA Officer cannot make the

determination absent the necessary information). If you do not see a determination noted in FOIAXpress, or your review of the request suggests a different outcome from that which the FOIA Officer noted, contact the FOIA Officer to resolve the matter.

- C. If a fee waiver is granted, there is no need to do a fee estimate tasking, so the initial tasking that you send (using the appropriate template) to the program and regional offices will be to conduct a search for responsive records (see **Section I-Chapter 5**).

EXPLANATION OF FEES

Commercial: Fees are charged for search, duplication, and review when records are requested for commercial purposes. Fees (above the minimum fee charge) cannot be waived for this category of requester.

Educational or Non-Commercial Scientific Institution, Representative of the News Media, and Privacy Act: Fees may be charged only for document duplication when records are not sought for commercial use and the request is made by an Educational or Non-Commercial Scientific Institution, whose purpose is scholarly or scientific research; or a Representative of the News Media; or a person requesting his/her own records that are maintained in a Privacy Act system of records. No fee is charged for the first 100 pages of duplication for this category of requester.

Non-Excepted: For any request not described above, fees may be charged for document search and duplication. No fee is charged for the first two hours of search time or for the first 100 pages of duplication for this category of requester.

Fee Schedules

Search and Review Charges: Fee schedules provide only for the recovery of the direct costs of search, duplication, or review. Review costs include only the costs for initial examination of a document to determine whether it must be disclosed and to determine whether to withhold portions that are exempt from disclosure. The fee schedule is as follows:

<u>For Search & Review Conducted By</u>	<u>Hourly Rate</u>
SES/COMMISSIONER	\$105.56/hour (ES-maximum)
PROFESSIONAL	\$88.29/hour (GG-14, Step 7)
CLERICAL	\$43.33/hour (GG-9, Step 7)

Duplication Charge: \$.20/page

Other Charges: Fees for non-standard search or duplication will be charged at the actual cost (e.g., providing copying of audio tapes or conducting computer searches).

Minimum Fee: No fee will be charged unless the fee is greater than \$25.00.

When to Pay Fees

If we estimate that fees will not exceed \$25.00 or you have stated in your request a higher amount that you are willing to pay, we assume your willingness to pay up to \$25.00 or the amount specified, and you will be billed after we have completed your request.

If we estimate that fees will exceed \$25.00 or any amount that has been stated by you in your request, we will not proceed with your request until we have notified you and obtained your agreement to pay the estimated fees.

If we estimate fees will exceed \$250.00, you will be required to pay the estimated fees in advance before we proceed further with your request. If the actual fees to process your request are less than any advance payment you have made, you will be refunded the overpayment amount.

Fee Waivers

A waiver or reduction of fees may be granted for furnishing documents if a requester, by fully addressing the eight factors in 10 CFR 9.41, clearly demonstrates that disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.



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

[TODAYDATE]

[REQUESTNUMBER]

{if we have an email address, add: Sent via email to [RQREMAIL]}

[REQUESTERNAME]
[COMPANY]
[STREET1]
[STREET2]
[CITY], [STATESHORT] [ZIPCODE]

Dear [RFNAME] [RLNAME]:

The U.S. Nuclear Regulatory Commission (NRC) received your Freedom of Information Act (FOIA) request on [Received Date].

Your request seeks access [REQUESTDESCRIPTION] It has been assigned the following reference number that you should use in any future communications with us about your request: [REQUESTNUMBER].

To ensure the most equitable treatment possible of all requesters, the NRC processes requests on a first-in, first-out basis, using a multiple track system based upon the estimated time it will take to process a request. Based on your description of records, we have placed your request in the [simple] [complex] track. Unless we need identity verification and/or third-party authorization, clarification of the scope of responsive records, or a fee commitment or advanced payment from you, the statutory due date for our response is [insert date that is 20 or 30 working days from the received date, depending on track selected]. *{If the request is in the complex track, then add the following:}* Please note that we placed your request in the complex track, estimating that completion will take more than 20 working days, because we expect to:

- ☐ search for, collect, and appropriately examine a voluminous amount of records
- ☐ consult with multiple program and/or regional offices within the NRC
- ☐ consult with other Federal agencies having equities in the records
- ☐ refer records to a licensee or other business submitter
- ☐ undertake a declassification review of classified records; or
- ☐ retrieve records from Federal Records Centers or other off-site facilities.

We will try our best to complete work on your request by the statutory due date; however, the actual date of completion might be before or after the statutory due date based on the complexity of all the requests in the [simple] [complex] track. To process your request promptly, you may wish to narrow the scope of your request to limit the number of responsive records. *{If the request is in the complex track, then add the following:}* You have the right to seek assistance, or seek dispute resolution services, from the NRC's FOIA Public Liaison or the

Office of Government Information Services (OGIS). You may contact the NRC's FOIA Public Liaison by emailing your inquiry to FOIAPublic.Liaison@nrc.gov, or by calling (301) 415-0717. You may contact OGIS by email to ogis@nara.gov, by fax to (202) 741-5789, or by letter addressed to OGIS, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.

For purposes of assessing fees in accordance with our regulations (10 CFR 9.33), you have not provided us with the information we need to determine the appropriate fee category for this request. *{Adapt as necessary to the particulars of the request:}* As part of your submission of your request, you self-identified as an individual affiliated with an educational institution and requested that the fees associated with your current request be assessed in accordance with this favored category. The educational institution categorization requires us to make a fact-based determination, specific to your circumstances at the time of the instant request, as to whether you request serves a scholarly research goal of the educational institution. Typically, professors submitting requests for records relating to their research will qualify; students who are submitting requests for records to further their coursework or other school-sponsored activities may also qualify for this favored category if they can demonstrate that connection and submit proof of their enrolled status at that educational institution (for example, by providing copies of their student identification and course syllabus for which the records are being sought). Should you wish us to consider your eligibility for this favored fee category, you may supplement your submission no later than *{5 working days from the date of this letter}*.

{As applicable:} We do note that, regardless of the fee category, unless you state otherwise, we expect to provide our response, including any released records, electronically. You will not incur duplication charges if we respond to you electronically. *{OR}* We do note that, regardless of fee category, you will not incur duplication charges, since you stated your preference that we respond to you electronically.

{As applicable:} We have not yet made a decision on your request for a fee waiver. We will do so after we determine the appropriate fee characterization for this request.

{As applicable:} Also enclosed is a detailed explanation of fee charges that may be applicable to your request, an explanation of the fee waiver process, and NRC Form 507 regarding identification verification. Please do not submit any payment unless we notify you to do so.

{As applicable:} To protect the privacy of individuals about whom we maintain records, our regulations (10 CFR 9.54) require that individuals seeking records about themselves provide verification of their identity by a signature, address, date of birth, employee identification number (if any), and one other item of identification such as a copy of a driver's license. Individuals may also provide either a notarized statement, or a statement made under penalty of perjury in accordance with 28 U.S.C. 1746, swearing to, or affirming, their identity and to the fact that they understand that penalties for false statements may be imposed pursuant to 18 U.S.C. 1001, and that penalties for obtaining a record concerning an individual under false pretenses may be imposed pursuant to 5 U.S.C. 552a(i)(3). Form 507 is enclosed for your use; please complete sections 4, 5 and 7. The proper identification, or a statement that you want this request processed as if it was received from any other member of the public, must be received no later than *{insert date that is 15 calendar days of the date of this letter}*. You may submit this documentation directly through the NRC Public Access Link (PAL), at <https://foia.nrc-gateway.gov/app/PalLogin.aspx>, by email to FOIA.Resource@nrc.gov, or by letter addressed to the NRC, Mail Stop T6-A60M, Washington, D.C. 20555-0001. If we do not hear from you regarding this matter by *{insert date that is 15 calendar days of the date of this letter}*, we will administratively close our file on this request.

{As applicable:} Persons requesting records pertaining to another individual, in addition to furnishing verification of that individual's identity, must have the individual's written consent for the records to be disclosed to them. A valid consent may be in the form of either a notarized statement, or a statement made under penalty of perjury in accordance with 28 U.S.C. 1746. In the consent, individuals swear or affirm their identity and to the fact that they understand that penalties for false statements may be imposed pursuant to 18 U.S.C. 1001, and that penalties for obtaining a record concerning an individual under false pretenses may be imposed pursuant to 5 U.S.C. 552a(i)(3). Form 507 is enclosed for your use; please complete sections 4 (about the individual whose records you are requesting), 6 and 7. If you do not provide the individual's identity verification and written consent, information will be disclosed to you only if it is deemed that disclosure will not constitute an invasion of the privacy of the individual about whom your request pertains. In some instances, depending on the sensitivity of the type of records in which the kind of information you are seeking would be found, we will neither confirm nor deny the existence of records pertaining to the person because to even publicly acknowledge the fact that there is that type of record about the person could be considered an invasion of the person's privacy. The proper identity verification and consent, or a statement that you want this request processed as if it was received from any other member of the public, must be received no later than *{insert date that is 15 calendar days of the date of this letter}*. You may submit this documentation directly through the NRC Public Access Link (PAL), at <https://foia.nrc-gateway.gov/app/PalLogin.aspx>, by email to FOIA.Resource@nrc.gov, or by letter addressed to the NRC, Mail Stop T6-A60M, Washington, D.C. 20555-0001. If we do not hear from you regarding this matter by *{insert date that is 15 calendar days of the date of this letter}*, we will administratively close our file on this request.

{As applicable:} Requesters who demonstrate a "compelling need" *may* be eligible for expedited processing. Under 10 CFR 9.25(e), a request for expedited processing may be granted only when the requester shows a "compelling need" based on meeting either of two criteria: when failure to obtain the records quickly "could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;" or, if the requester is a person "primarily engaged in disseminating information," by demonstrating that an "urgency to inform the public about the actual or alleged Federal Government activity" exists. I have carefully reviewed your request for expedited processing and determined that:

- ☐ Your request for expedited processing is granted and your request will be moved to the front of the processing queue.
- ☐ Your stated reason for requesting expedited processing does not show sufficient "compelling need" because it appears that there is no imminent threat to the life or physical safety of an individual; accordingly, your request is denied.
- ☐ Although you are a person "primarily engaged in disseminating information," the subject of your request, *{briefly describe the records}*, does not appear to meet the threshold regarding urgency to inform the public about an actual or alleged Federal Government activity; accordingly, your request is denied.
- ☐ You have not included a statement certifying that the "compelling need" you have given is true and correct to the best of your knowledge and belief.
- ☐ You have not provided us with the information I need to make a determination on your request for expedited processing.

{If the 4rd or 5th box is checked:} If you still wish to pursue a request for expedited processing, please submit the required self-certification and/or supplemental information addressing whichever criterion you believe applicable, which we must receive on or before *{insert date that is five working days from the date of this letter}* and I will then make a determination on your expedited processing request. Please note that, because I have not yet made a determination on your expedited processing request, this is not an appealable decision.

{If the 2nd or 3rd box is checked:} You may appeal this determination. Any such appeal must be made in writing within 90 calendar days by addressing the appeal to the Executive Director for Operations. You may submit your appeal directly through the NRC Public Access Link (PAL), at <https://foia.nrc-gateway.gov/app/PalLogin.aspx>, by email to FOIA.Resource@nrc.gov, or by letter addressed to the NRC, Mail Stop T6-A60M, Washington, D.C. 20555-0001. You also have the right to seek assistance, or seek dispute resolution services, from the NRC's FOIA Public Liaison or the Office of Government Information Services (OGIS). You may contact the NRC's FOIA Public Liaison by emailing your inquiry to FOIAPublic.Liaison@nrc.gov, or by calling (301) 415-0717. You may contact OGIS by email to ogis@nara.gov, by fax to (202) 741-5789, or by letter addressed to OGIS, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.

{Choose which paragraph is applicable:} [PRIMARYUSERNAME], Government Information Specialist, the person assigned responsibility for your request, may be reached by telephone at [PRIMARYUSERPHONE] or via email to [PRIMARYUSEREMAIL]. Should you wish to check on the status of your request at any time, please refer to <https://foia.nrc-gateway.gov/app/Home.aspx>. *{or}* [PRIMARYUSERNAME] (Contractor, Pathfinder Consultants, LLC), the person assigned responsibility for your request in support of the NRC's Office of the Chief Information Officer, may be reached by telephone at [PRIMARYUSERPHONE] or via email to [PRIMARYUSEREMAIL]. Should you wish to check on the status of your request at any time, please refer to <https://foia.nrc-gateway.gov/app/Home.aspx>.

If you have questions on any matters concerning your FOIA request, please feel free to contact [PRIMARYUSERNAME] or me at (301) 415-2749.

Sincerely,

Signature of FOIA Officer/s

Name of FOIA Officer
FOIA Officer
Office of the Chief Information Officer

Enclosure[s]:

Explanation of Fees
Fee Waiver Justification Requirements
Form 507

EXPLANATION OF FEES

Requester Fee Categories

Commercial: Fees are charged for search, duplication, and review when records are requested for commercial purposes. Fees (above the minimum fee charge) cannot be waived for this category of requester.

Educational or Non-Commercial Scientific Institution, Representative of the News Media, and Privacy Act: Fees may be charged only for document duplication when records are not sought for commercial use and the request is made by an Educational or Non-Commercial Scientific Institution, whose purpose is scholarly or scientific research; or a Representative of the News Media; or a person requesting his/her own records that are maintained in a Privacy Act system of records. No fee is charged for the first 100 pages of duplication for this category of requester.

Non-Excepted: For any request not described above, fees may be charged for document search and duplication. No fee is charged for the first two hours of search time or for the first 100 pages of duplication for this category of requester.

Fee Schedules

Search and Review Charges: Fee schedules provide only for the recovery of the direct costs of search, duplication, or review. Review costs include only the costs for initial examination of a document to determine whether it must be disclosed and to determine whether to withhold portions that are exempt from disclosure. The fee schedule is as follows:

<u>For Search & Review Conducted By</u>	<u>Hourly Rate</u>
SES/COMMISSIONER	\$ 105.56/hour (ES-maximum)
PROFESSIONAL	\$ 88.29/hour (GG-14, Step 7)
CLERICAL	\$ 43.33/hour (GG-9, Step 7)

Duplication Charge: \$0.20/page

Other Charges: Fees for non-standard search or duplication will be charged at the actual cost (e.g. providing copying of audio tapes or conducting computer searches).

Minimum Fee: No fee will be charged unless the fee is greater than \$25.00.

When to Pay Fees

If we estimate that fees will not exceed \$25.00 or you have stated in your request a higher amount that you are willing to pay, we assume your willingness to pay up to \$25.00 or the amount specified, and you will be billed after we have completed your request.

If we estimate that fees will exceed \$25.00 or any amount that has been stated by you in your request, we will not proceed with your request until we have notified you and obtained your agreement to pay the estimated fees.

If we estimate fees will exceed \$250.00, you will be required to pay the estimated fees in advance before we proceed further with your request. If the actual fees to process your request are less than any advance payment you have made, you will be refunded the overpayment amount.

Fee Waivers

A waiver or reduction of fees may be granted for furnishing documents if a requester, by fully addressing the eight factors in 10 CFR 9.41, clearly demonstrates that disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

SECTION 9.41 - REQUESTS FOR WAIVER OR REDUCTION OF FEES

(a)(1) The NRC will collect fees for searching for, reviewing, and duplicating agency records, except as provided in § 9.39, unless a requester submits a request in writing for a waiver or reduction of fees. To ensure that there will be no delay in the processing of Freedom of Information Act requests, the request for a waiver or reduction of fees should be included in the initial Freedom of Information Act request letter.

(2) Each request for a waiver or reduction of fees should be addressed to the Office of the Chief Information Officer, and sent using an appropriate method listed in § 9.6.

(b) A person requesting the NRC to waive or reduce search, review, or duplication fees will –

- (1) Describe the purpose for which the requester intends to use the requested information;
- (2) Explain the extent to which the requester will extract and analyze the substantive content of the agency record;
- (3) Describe the nature of the specific activity or research in which the agency records will be used and the specific qualifications the requester possesses to utilize information for the intended use in such a way that it will contribute to public understanding;
- (4) Describe the likely impact on the public's understanding of the subject as compared to the level of understanding of the subject existing before disclosure;
- (5) Describe the size and nature of the public to whose understanding a contribution will be made;
- (6) Describe the intended means of dissemination to the general public;
- (7) Indicate if public access to information will be provided free of charge or provided for an access fee or publication fee; and
- (8) Describe any commercial or private interest the requester or any other party has in the agency records sought

(c) The NRC will waive or reduce fees, without further specific information from the requester if, from information provided with the request for agency records under § 9.23(b), it can determine that disclosure of the information in the agency records is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Federal Government and is not primarily in the commercial interest of the requester.

(d) In making a determination regarding a request for a waiver or reduction of fees, the NRC will consider the following factors:

- (1) How the subject of the requested agency records concerns the operations or activities of the Federal Government;
- (2) How the disclosure of the information is likely to contribute significantly to public understanding of Federal Government operations or activities;
- (3) The extent to which the requester has a commercial interest that would be furthered by the disclosure of the requested agency records; and whether that commercial interest exceeds the public interest in disclosure.

(e) The Freedom of Information Act and Privacy Act Officer will make an initial determination whether a request for a waiver or reduction of fees meets the requirements of this section. The Freedom of Information Act and Privacy Act Officer will inform requesters whenever their request for a waiver or reduction of fees is denied and will inform them of their appeal rights under § 9.29.



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

[TODAYDATE]

[REQUESTNUMBER]

{if we have an email address, add: Sent via email to [RQREMAIL]}

[REQUESTERNAME]
[COMPANY]
[STREET1]
[STREET2]
[CITY], [STATESHORT] [ZIPCODE]

Dear [RFNAME] [RLNAME]:

The U.S. Nuclear Regulatory Commission (NRC) received your Freedom of Information Act (FOIA) request on [RECEIVED DATE].

Your request seeks access to [REQUESTDESCRIPTION]. It has been assigned the following reference number that you should use in any future communications with us about your request: [REQUESTNUMBER].

To ensure the most equitable treatment possible of all requesters, the NRC processes requests on a first-in, first-out basis, using a multiple track system based upon the estimated time it will take to process a request. Based on your description of records, we have placed your request in the [simple] [complex] track. Unless we need identity verification and/or third-party authorization, clarification of the scope of responsive records, or a fee commitment or advanced payment from you, the statutory due date for our response is {insert date that is 20 or 30 working days from the received date, depending on track selected}. *{If the request is in the complex track, then add the following:}* Please note that we placed your request in the complex track, estimating that completion will take more than 20 working days, because we expect to:

- ☐ search for, collect, and appropriately examine a voluminous amount of records
- ☐ consult with multiple program and/or regional offices within the NRC
- ☐ consult with other Federal agencies having equities in the records
- ☐ refer records to a licensee or other business submitter
- ☐ undertake a declassification review of classified records; or
- ☐ retrieve records from Federal Records Centers or other off-site facilities.

We will try our best to complete work on your request by the statutory due date; however, the actual date of completion might be before or after the statutory due date based on the complexity of all the requests in the [simple] [complex] track. To process your request promptly, you may wish to narrow the scope of your request to limit the number of responsive records. *{If the request is in the complex track, then add the following:}* You have the right to seek assistance, or seek dispute resolution services, from the NRC's FOIA Public Liaison or the

Office of Government Information Services (OGIS). You may contact the NRC's FOIA Public Liaison by emailing your inquiry to FOIAPublic.Liaison@nrc.gov, or by calling (301) 415-0717. You may contact OGIS by email to ogis@nara.gov, by fax to (202) 741-5789, or by letter addressed to OGIS, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.

For purposes of assessing fees in accordance with our regulations (10 CFR 9.33), you have not provided us with the information we need to determine the appropriate fee category for this request. *{Adapt as necessary to the particulars of the request:}* As part of your submission of your request, you self-identified as an individual affiliated with an educational institution and requested that the fees associated with your current request be assessed in accordance with this favored category. The educational institution categorization requires us to make a fact-based determination, specific to your circumstances at the time of the instant request, as to whether you request serves a scholarly research goal of the educational institution. Typically, professors submitting requests for records relating to their research will qualify; students who are submitting requests for records to further their coursework or other school-sponsored activities may also qualify for this favored category if they can demonstrate that connection and submit proof of their enrolled status at that educational institution (for example, by providing copies of their student identification and course syllabus for which the records are being sought). Should you wish us to consider your eligibility for this favored fee category, you may supplement your submission no later than *{5 working days from the date of this letter}*.

{As applicable:} We do note that, regardless of the fee category, unless you state otherwise, we expect to provide our response, including any released records, electronically. You will not incur duplication charges if we respond to you electronically. *[or]* We do note that, regardless of fee category, you will not incur duplication charges, since you stated your preference that we respond to you electronically.

{As applicable:} We have not yet made a decision on your request for a fee waiver. We will do so after we determine the appropriate fee characterization for this request.

{As applicable:} Also enclosed is a detailed explanation of fee charges that may be applicable to your request, an explanation of the fee waiver process, and NRC Form 507 regarding identification verification. Please do not submit any payment unless we notify you to do so.

{As applicable:} To protect the privacy of individuals about whom we maintain records, our regulations (10 CFR 9.54) require that individuals seeking records about themselves provide verification of their identity by a signature, address, date of birth, employee identification number (if any), and one other item of identification such as a copy of a driver's license. Individuals may also provide either a notarized statement, or a statement made under penalty of perjury in accordance with 28 U.S.C. 1746, swearing to, or affirming, their identity and to the fact that they understand that penalties for false statements may be imposed pursuant to 18 U.S.C. 1001, and that penalties for obtaining a record concerning an individual under false pretenses may be imposed pursuant to 5 U.S.C. 552a(i)(3). Form 507 is enclosed for your use; please complete sections 4, 5 and 7. The proper identification, or a statement that you want this request processed as if it was received from any other member of the public, must be received no later than *{insert date that is 15 calendar days of the date of this letter}*. You may submit this documentation directly through the NRC Public Access Link (PAL), at <https://foia.nrc-gateway.gov/app/PalLogin.aspx>, by email to FOIA.Resource@nrc.gov, or by letter addressed to the NRC, Mail Stop T6-A60M, Washington, D.C. 20555-0001. If we do not hear from you regarding this matter by *{insert date that is 15 calendar days of the date of this letter}*, we will administratively close our file on this request.

{As applicable:} Persons requesting records pertaining to another individual, in addition to furnishing verification of that individual's identity, must have the individual's written consent for the records to be disclosed to them. A valid consent may be in the form of either a notarized statement, or a statement made under penalty of perjury in accordance with 28 U.S.C. 1746. In the consent, individuals swear or affirm their identity and to the fact that they understand that penalties for false statements may be imposed pursuant to 18 U.S.C. 1001, and that penalties for obtaining a record concerning an individual under false pretenses may be imposed pursuant to 5 U.S.C. 552a(i)(3). Form 507 is enclosed for your use; please complete sections 4 (about the individual whose records you are requesting), 6 and 7. If you do not provide the individual's identity verification and written consent, information will be disclosed to you only if it is deemed that disclosure will not constitute an invasion of the privacy of the individual about whom your request pertains. In some instances, depending on the sensitivity of the type of records in which the kind of information you are seeking would be found, we will neither confirm nor deny the existence of records pertaining to the person because to even publicly acknowledge the fact that there is that type of record about the person could be considered an invasion of the person's privacy. The proper identity verification and consent, or a statement that you want this request processed as if it was received from any other member of the public, must be received no later than *{insert date that is 15 calendar days of the date of this letter}*. You may submit this documentation directly through the NRC Public Access Link (PAL), at <https://foia.nrc-gateway.gov/app/PalLogin.aspx>, by email to FOIA.Resource@nrc.gov, or by letter addressed to the NRC, Mail Stop T6-A60M, Washington, D.C. 20555-0001. If we do not hear from you regarding this matter by *{insert date that is 15 calendar days of the date of this letter}*, we will administratively close our file on this request.

{As applicable:} Requesters who demonstrate a "compelling need" *may* be eligible for expedited processing. Under 10 CFR 9.25(e), a request for expedited processing may be granted only when the requester shows a "compelling need" based on meeting either of two criteria: when failure to obtain the records quickly "could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;" or, if the requester is a person "primarily engaged in disseminating information," by demonstrating that an "urgency to inform the public about the actual or alleged Federal Government activity" exists. I have carefully reviewed your request for expedited processing and determined that:

- ☐ Your request for expedited processing is granted and your request will be moved to the front of the processing queue.
- ☐ Your stated reason for requesting expedited processing does not show sufficient "compelling need" because it appears that there is no imminent threat to the life or physical safety of an individual; accordingly, your request is denied.
- ☐ Although you are a person "primarily engaged in disseminating information," the subject of your request, *{briefly describe the records}*, does not appear to meet the threshold regarding urgency to inform the public about an actual or alleged Federal Government activity; accordingly, your request is denied.
- ☐ You have not included a statement certifying that the "compelling need" you have given is true and correct to the best of your knowledge and belief.
- ☐ You have not provided us with the information I need to make a determination on your request for expedited processing.

{If the 4rd or 5th box is checked:} If you still wish to pursue a request for expedited processing, please submit the required self-certification and/or supplemental information addressing whichever criterion you believe applicable, which we must receive on or before *{insert date that is five working days from the date of this letter}*, and I will then make a determination on your expedited processing request. Please note that, because I have not yet made a determination on your expedited processing request, this is not an appealable decision.

{If the 2nd or 3rd box is checked:} You may appeal this determination. Any such appeal must be made in writing within 90 calendar days by addressing the appeal to the Executive Director for Operations. You may submit your appeal directly through the NRC Public Access Link (PAL), at <https://foia.nrc-gateway.gov/app/PalLogin.aspx>, by email to FOIA.Resource@nrc.gov, or by letter addressed to the NRC, Mail Stop T6-A60M, Washington, D.C. 20555-0001. You also have the right to seek assistance, or seek dispute resolution services, from the NRC's FOIA Public Liaison or the Office of Government Information Services (OGIS). You may contact the NRC's FOIA Public Liaison by emailing your inquiry to FOIAPublic.Liaison@nrc.gov, or by calling (301) 415-0717. You may contact OGIS by email to ogis@nara.gov, by fax to (202) 741-5789, or by letter addressed to OGIS, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.

{Choose which paragraph is applicable:} [PRIMARYUSERNAME], Government Information Specialist, the person assigned responsibility for your request, may be reached by telephone at [PRIMARYUSERPHONE] or via email to [PRIMARYUSEREMAIL]. Should you wish to check on the status of your request at any time, please refer to <https://foia.nrc-gateway.gov/app/Home.aspx>. *{or}* [PRIMARYUSERNAME] (Contractor, Pathfinder Consultants, LLC), the person assigned responsibility for your request in support of the NRC's Office of the Chief Information Officer, may be reached by telephone at [PRIMARYUSERPHONE] or via email to [PRIMARYUSEREMAIL]. Should you wish to check on the status of your request at any time, please refer to <https://foia.nrc-gateway.gov/app/Home.aspx>.

If you have questions on any matters concerning your FOIA request, please feel free to contact [PRIMARYUSERNAME] or me at (301) 415-2749.

Sincerely,

Signature of FOIA Officer /s/

Name of FOIA Officer
FOIA Officer
Office of the Chief Information Officer

Enclosure[s]:

Explanation of Fees
Fee Waiver Justification Requirements
Form 507

EXPLANATION OF FEES

Requester Fee Categories

Commercial: Fees are charged for search, duplication, and review when records are requested for commercial purposes. Fees (above the minimum fee charge) cannot be waived for this category of requester.

Educational or Non-Commercial Scientific Institution, Representative of the News Media, and Privacy Act: Fees may be charged only for document duplication when records are not sought for commercial use and the request is made by an Educational or Non-Commercial Scientific Institution, whose purpose is scholarly or scientific research; or a Representative of the News Media; or a person requesting his/her own records that are maintained in a Privacy Act system of records. No fee is charged for the first 100 pages of duplication for this category of requester.

Non-Excepted: For any request not described above, fees may be charged for document search and duplication. No fee is charged for the first two hours of search time or for the first 100 pages of duplication for this category of requester.

Fee Schedules

Search and Review Charges: Fee schedules provide only for the recovery of the direct costs of search, duplication, or review. Review costs include only the costs for initial examination of a document to determine whether it must be disclosed and to determine whether to withhold portions that are exempt from disclosure. The fee schedule is as follows:

<u>For Search & Review Conducted By</u>	<u>Hourly Rate</u>
SES/COMMISSIONER	\$ 105.56/hour (ES-maximum)
PROFESSIONAL	\$ 88.29/hour (GG-14, Step 7)
CLERICAL	\$ 43.33/hour (GG-9, Step 7)

Duplication Charge: \$0.20/page

Other Charges: Fees for non-standard search or duplication will be charged at the actual cost (e.g. providing copying of audio tapes or conducting computer searches).

Minimum Fee: No fee will be charged unless the fee is greater than \$25.00.

When to Pay Fees

If we estimate that fees will not exceed \$25.00 or you have stated in your request a higher amount that you are willing to pay, we assume your willingness to pay up to \$25.00 or the amount specified, and you will be billed after we have completed your request.

If we estimate that fees will exceed \$25.00 or any amount that has been stated by you in your request, we will not proceed with your request until we have notified you and obtained your agreement to pay the estimated fees.

If we estimate fees will exceed \$250.00, you will be required to pay the estimated fees in advance before we proceed further with your request. If the actual fees to process your request are less than any advance payment you have made, you will be refunded the overpayment amount.

Fee Waivers

A waiver or reduction of fees may be granted for furnishing documents if a requester, by fully addressing the eight factors in 10 CFR 9.41, clearly demonstrates that disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

SECTION 9.41 - REQUESTS FOR WAIVER OR REDUCTION OF FEES

(a)(1) The NRC will collect fees for searching for, reviewing, and duplicating agency records, except as provided in § 9.39, unless a requester submits a request in writing for a waiver or reduction of fees. To ensure that there will be no delay in the processing of Freedom of Information Act requests, the request for a waiver or reduction of fees should be included in the initial Freedom of Information Act request letter.

(2) Each request for a waiver or reduction of fees should be addressed to the Office of the Chief Information Officer, and sent using an appropriate method listed in § 9.6.

(b) A person requesting the NRC to waive or reduce search, review, or duplication fees will –

- (1) Describe the purpose for which the requester intends to use the requested information;
- (2) Explain the extent to which the requester will extract and analyze the substantive content of the agency record;
- (3) Describe the nature of the specific activity or research in which the agency records will be used and the specific qualifications the requester possesses to utilize information for the intended use in such a way that it will contribute to public understanding;
- (4) Describe the likely impact on the public's understanding of the subject as compared to the level of understanding of the subject existing before disclosure;
- (5) Describe the size and nature of the public to whose understanding a contribution will be made;
- (6) Describe the intended means of dissemination to the general public;
- (7) Indicate if public access to information will be provided free of charge or provided for an access fee or publication fee; and
- (8) Describe any commercial or private interest the requester or any other party has in the agency records sought

(c) The NRC will waive or reduce fees, without further specific information from the requester if, from information provided with the request for agency records under § 9.23(b), it can determine that disclosure of the information in the agency records is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Federal Government and is not primarily in the commercial interest of the requester.

(d) In making a determination regarding a request for a waiver or reduction of fees, the NRC will consider the following factors:

- (1) How the subject of the requested agency records concerns the operations or activities of the Federal Government;
- (2) How the disclosure of the information is likely to contribute significantly to public understanding of Federal Government operations or activities;
- (3) The extent to which the requester has a commercial interest that would be furthered by the disclosure of the requested agency records; and whether that commercial interest exceeds the public interest in disclosure.

(e) The Freedom of Information Act and Privacy Act Officer will make an initial determination whether a request for a waiver or reduction of fees meets the requirements of this section. The Freedom of Information Act and Privacy Act Officer will inform requesters whenever their request for a waiver or reduction of fees is denied and will inform them of their appeal rights under § 9.29.

“Favored Fee” Category Requester Fee Estimate Task

DATE:

TO:

FROM:

SUBJECT: [REQUESTNUMBER]

ATTACHMENT: Copy of request (redacted of any PII)

Your initial fee estimate of duplication costs is required on or before {insert due date that is four (4) business days from the date of the tasking email}.

{Add only if applicable:} Please note that the FOIA Office has retained in its files the necessary identity verification and/or third-party authorization documentation. If your office requires that documentation to locate any responsive records, please contact the assigned specialist.

{Add only if this is a request for allegation or investigation records of OE, OI, or OIG, as applicable, if the response is going to be made public:} Please note that the NRC has now received three or more FOIA requests for these same records. As such, any interim or final responses to this request will be included in public ADAMS.

Please be sure to differentiate between search time and review time. And, for both search and review time, please be sure to distinguish the time based on the three levels: SES/Commissioner, professional (technical/managerial), or clerical. In addition, if any of the search and/or review time is expected to be performed by a contractor, please provide a fee estimate for the contractor's search and/or review, using the hourly rate the NRC is billed for the contractor's services. Please bear in mind that, if the contractor's rate is higher than the NRC staff's time to do the same search or review, we can only bill at the staff rate.

Sometimes, we task you for a fee estimate, but your office does not have responsibility for, or involvement in, the subject matter of the request. If we have misdirected our tasking, please tell us that instead of responding “no records.” But, if you (or your staff) performed a search and found no responsive records, please tell us that you searched and found no records. Since this category of requester doesn't incur search costs, you need not include the amount of time spent searching (and at what level). Please note the offices to which we have directed this fee estimate task; if you believe other offices may also have responsive records, please let the assigned FOIA Team Member know as soon as possible.

If there are no responsive records, please respond with “No records.”

This FOIA request should be processed in accordance with the standard instructions ("How to Respond to an Initial FOIA Request") at ML060590485.

You are encouraged to ask for a scoping discussion with the requester when you believe it would be beneficial.

In addition to tasking any subject matter experts within your office, please ensure that your fee estimates take into account searches of shared platforms, such as ADAMS, SharePoint, shared network drives, and Nuclepedia.

NOTE: If you or your staff believe that a Capstone official (in general, Office Directors/Regional Administrators or above) may have had records responsive to the request, please let us know the search terms/key words that you believe would capture any responsive records. We will then contact the requester to ask them to agree to, or suggest other, terms (at which point we will send you a new fee estimate task **ONLY** for the Capstone search). You are still expected to provide us an estimate for any fees associated with other records that your office may have. For more guidance about the Capstone approach, please see IRMG 2018-2, [Responding to a FOIA Request for the Email of a Capstone Official](#).

You are encouraged to ask for assistance in performing adequate ADAMS searches if you have any difficulty doing a search.

NRC Form 496, "Report of Staff Resources for Processing FOIA Requests," is available in the NRC Forms Library for your use.

Please remember to charge time spent on this FOIA to CAC ZF0000.

If you have any questions, please contact me at [PRIMARYUSERPHONE].

Thank you.

[PRIMARYUSERNAME]

“Commercial Use” Fee Category Requester Fee Estimate Task

DATE:

TO:

FROM:

SUBJECT: [REQUESTNUMBER]

ATTACHMENT: Copy of request (redacted of any PII)

Your initial fee estimate of search, review, and duplication is required on or before *{insert due date that is four (4) business days from the date of the tasking email}*.

{Add only if applicable:} Please note that the FOIA Office has retained in its files the necessary identity verification and/or third-party authorization documentation. If your office requires that documentation to locate any responsive records, please contact the assigned FOIA Team Member.

{Add only if this is a request for allegation or investigation records of OE, OI, or OIG, as applicable, if the response is going to be made public:} Please note that the NRC has now received three or more FOIA requests for these same records. As such, any interim or final responses to this request will be included in public ADAMS.

{Add if this is a tasking to OI, as applicable:} Please remember to include a copy of the ROI's Exhibit Listing, so that we can calculate the review time estimate.

{Add only if this fee estimate task is going to SECY:} If any of the records being requested are maintained in Outlook (i.e., emails and/or calendars) and you would prefer that OCIO conduct the search, please let us know by the due date of this task. When you let us know that you'd prefer that OCIO conduct the search, please provide us with the names of personnel in each Commissioner's office whose emails and/or calendars should be included in the search. If OCIO is going to conduct the search, you will not need to provide a fee estimate for the search time; however, based on the volume of emails and/or calendars that you expect will be located, we will still need an estimate of the review time.

Please be sure to differentiate between search time and review time. And, for both search and review time, please be sure to distinguish the time based on the three levels: SES/Commissioner, professional (technical/managerial), or clerical. In addition, if any of the search and/or review time is expected to be performed by a contractor, please provide a fee estimate for the contractor's search and/or review, using the hourly rate the NRC is billed for the contractor's services. Please bear in mind that, if the contractor's rate is higher than the NRC staff's time to do the same search or review, we can only bill at the staff rate.

ATTACHMENT I-3-3B

Sometimes, we task you for a fee estimate, but your office does not have responsibility for, or involvement in, the subject matter of the request. If we have misdirected our tasking, please tell us that instead of responding “no records.” But, if you (or your staff) performed a search and found no responsive records, please tell us that you searched and found no records. Remember to include the amount of time spent searching (and at what level). Please note the offices to which we have directed this fee estimate task; if you believe other offices may also have responsive records, please let the assigned FOIA Team Member know as soon as possible.

This FOIA request should be processed in accordance with the standard instructions (“How to Respond to an Initial FOIA Request”) at ML060590485. To ensure that search time is calculated appropriately and consistently, search is the time spent looking for material subject to a request, either manually or by automated means, including time spent in page-by-page or line-by-line identification of responsive material within records. Searches should identify all paper and electronic records maintained by your office, including records in any file centers or other remote locations, all versions in ADAMS, SharePoint, or other shared drives, as well as individual staff members’ Outlook, Office, and other computer programs.

NOTE: If you or your staff believe that a Capstone official (in general, Office Directors/Regional Administrators or above) may have had records responsive to the request, please let us know the search terms/key words that you believe would capture any responsive records. We will then contact the requester to ask them to agree to, or suggest other, terms (at which point we will send you a new fee estimate task ONLY for the Capstone search). You are still expected to provide us an estimate for any fees associated with other records that your office may have. For more guidance about the Capstone approach, please see IRMG 2018-2, [Responding to a FOIA Request for the Email of a Capstone Official](#).

To ensure that review time is calculated appropriately and consistently, review is the time spent during the initial examination of a record to determine whether the information may be withheld, including the time spent preparing the record for release (e.g., bracketing or describing the information to be redacted), but not including time spent resolving general legal or policy issues about whether to apply a particular exemption (such as conferring with your management chain, asking for legal advice from OGC, or deciding about foreseeable harm).

You are encouraged to ask for a scoping discussion with the requester when you believe it would be beneficial.

In addition to tasking any subject matter experts within your office, please ensure that your fee estimates take into account searches of shared platforms, such as ADAMS, SharePoint, shared network drives, and Nuclepedia. You are encouraged to ask for assistance in performing adequate ADAMS searches if you have any difficulty doing a search.

NRC Form 496, “Report of Staff Resources for Processing FOIA Requests,” is available in the NRC Forms Library for your use.

Please remember to charge time spent on this FOIA to CAC ZF0000.

If you have any questions, please contact me at [PRIMARYUSERPHONE]. Thank you.

[PRIMARYUSERNAME]

“Commercial Use” Fee Category Requester Fee Estimate Task

DATE:

TO:

FROM:

SUBJECT: [REQUESTNUMBER]

ATTACHMENT: Copy of request (redacted of any PII)

Your initial fee estimate of search, review, and duplication is required on or before *{insert due date that is four (4) business days from the date of the tasking email}*.

{Add only if applicable:} Please note that the FOIA Office has retained in its files the necessary identity verification and/or third-party authorization documentation. If your office requires that documentation to locate any responsive records, please contact the assigned FOIA Team Member.

{Add only if this is a request for allegation or investigation records of OE, OI, or OIG, as applicable, if the response is going to be made public:} Please note that the NRC has now received three or more FOIA requests for these same records. As such, any interim or final responses to this request will be included in public ADAMS.

{Add if this is a tasking to OI, as applicable:} Please remember to include a copy of the ROI's Exhibit Listing, so that we can calculate the review time estimate.

{Add only if this fee estimate task is going to SECY:} If any of the records being requested are maintained in Outlook (i.e., emails and/or calendars) and you would prefer that OCIO conduct the search, please let us know by the due date of this task. When you let us know that you'd prefer that OCIO conduct the search, please provide us with the names of personnel in each Commissioner's office whose emails and/or calendars should be included in the search. If OCIO is going to conduct the search, you will not need to provide a fee estimate for the search time; however, based on the volume of emails and/or calendars that you expect will be located, we will still need an estimate of the review time.

Please be sure to differentiate between search time and review time. And, for both search and review time, please be sure to distinguish the time based on the three levels: SES/Commissioner, professional (technical/managerial), or clerical. In addition, if any of the search and/or review time is expected to be performed by a contractor, please provide a fee estimate for the contractor's search and/or review, using the hourly rate the NRC is billed for the contractor's services. Please bear in mind that, if the contractor's rate is higher than the NRC staff's time to do the same search or review, we can only bill at the staff rate.

ATTACHMENT I-3-3B

Sometimes, we task you for a fee estimate, but your office does not have responsibility for, or involvement in, the subject matter of the request. If we have misdirected our tasking, please tell us that instead of responding “no records.” But, if you (or your staff) performed a search and found no responsive records, please tell us that you searched and found no records. Remember to include the amount of time spent searching (and at what level). Please note the offices to which we have directed this fee estimate task; if you believe other offices may also have responsive records, please let the assigned FOIA Team Member know as soon as possible.

This FOIA request should be processed in accordance with the standard instructions (“How to Respond to an Initial FOIA Request”) at ML060590485. To ensure that search time is calculated appropriately and consistently, search is the time spent looking for material subject to a request, either manually or by automated means, including time spent in page-by-page or line-by-line identification of responsive material within records. Searches should identify all paper and electronic records maintained by your office, including records in any file centers or other remote locations, all versions in ADAMS, SharePoint, or other shared drives, as well as individual staff members’ Outlook, Office, and other computer programs.

NOTE: If you or your staff believe that a Capstone official (in general, Office Directors/Regional Administrators or above) may have had records responsive to the request, please let us know the search terms/key words that you believe would capture any responsive records. We will then contact the requester to ask them to agree to, or suggest other, terms (at which point we will send you a new fee estimate task ONLY for the Capstone search). You are still expected to provide us an estimate for any fees associated with other records that your office may have. For more guidance about the Capstone approach, please see IRMG 2018-2, [Responding to a FOIA Request for the Email of a Capstone Official](#).

To ensure that review time is calculated appropriately and consistently, review is the time spent during the initial examination of a record to determine whether the information may be withheld, including the time spent preparing the record for release (e.g., bracketing or describing the information to be redacted), but not including time spent resolving general legal or policy issues about whether to apply a particular exemption (such as conferring with your management chain, asking for legal advice from OGC, or deciding about foreseeable harm).

You are encouraged to ask for a scoping discussion with the requester when you believe it would be beneficial.

In addition to tasking any subject matter experts within your office, please ensure that your fee estimates take into account searches of shared platforms, such as ADAMS, SharePoint, shared network drives, and Nuclepedia. You are encouraged to ask for assistance in performing adequate ADAMS searches if you have any difficulty doing a search.

NRC Form 496, “Report of Staff Resources for Processing FOIA Requests,” is available in the NRC Forms Library for your use.

Please remember to charge time spent on this FOIA to CAC ZF0000.

If you have any questions, please contact me at [PRIMARYUSERPHONE]. Thank you.

[PRIMARYUSERNAME]

Identifying Key Words to Search Capstone Official Emails Template

As a result of our initial fee estimate task to the program and regional offices reasonably expected to have records responsive to your request, [REQUESTNUMBER], we have been informed that former high level NRC officials may have had emails responsive to your request. In December 2016, the NRC instituted a Capstone approach that preserves these officials' emails in ADAMS, which is the NRC's official recordkeeping repository. For more information about the Capstone approach, see <https://www.archives.gov/records-mgmt/bulletins/2013/2013-02.html>. In order to include in our fee estimate the time spent searching for, and reviewing, Capstone officials' emails, we would like to confirm with you the key words that should be used to search for any responsive emails. NRC staff have suggested the following key words: *{list them}*.

If you agree with the listed key words, we ask that you send us an email confirmation. If you believe different, or additional, key words should be used, please let us know. We have placed your request on hold until we hear from you. To move forward with the processing of your request, we would appreciate hearing back from you *{insert the date that is within five (5) business days of the date of this email}*.

Once we reach alignment on the key words to be used, we will ask the and regional offices to supplement their initial fee estimates. We will then get back with you to ask for your commitment to pay the fee estimate or submit an advance payment if that estimated fee exceeds \$250, promptly.

Please do not reply to noreply@ains.com; this email box does not accept incoming messages. Should you have any questions or concerns, please contact the assigned FOIA Team Member at [PRIMARYUSERPHONE] or by email to [REQUESTOWNEREMAIL] .

Thank you.

[PRIMARYUSERNAME]

Supplemental Fee Estimate Tasking for Capstone Official Records

DATE:

TO:

FROM:

SUBJECT: [REQUESTNUMBER]

In response to our earlier fee estimate task, you told us that you expected that one or more Capstone Officials (Office Director/Regional Administrator of higher) may have emails that are responsive to this request. You provided us with the key words (search terms) you recommended be used to locate any responsive records. We have now confirmed with the requester that the following key words should be used to search the Capstone Official(s)' folders in ADAMS: *{insert key words}*

Following the guidance in IRMG 2018-2 (ML18121A045), using the key words set forth, above, please complete a search for any responsive emails. Please let us know the time you spent on that search and, if this request is from a commercial use requester, your estimate of the time that will be needed to review any responsive emails you identified.

This supplemental estimate is required on or before {insert date that is four (4) business days from the date of this email}. Please remember to charge time spent on this FOIA to CAC ZF0000.

Please do not reply to noreply@ains.com; this email box does not accept incoming messages. Should you have any questions or concerns, please contact the assigned FOIA Team Member at [PRIMARYUSERPHONE] or by email to [PRIMARYUSEREMAIL] . Please contact me if you have any questions.

Thank you.

[PRIMARYUSERNAME]

“Non-excepted” Requester Fee Estimate Template

DATE:

TO:

FROM:

SUBJECT: [REQUESTNUMBER]

ATTACHMENT: Form 509

We have now received the cost estimate for the search time associated with the processing of your FOIA request, dated {____}. The program and regional offices involved have estimated that a total of [] hours of search time will be necessary to complete your request.

Because you are a “non-excepted” requester, you are responsible for search time in excess of two hours and duplication costs above 100 pages. Unless you choose to receive any responsive records on paper, we will respond to you electronically. If we respond to you electronically, you will not be responsible for any duplication fees. Based on this practice, we have not estimated a duplication cost at this time. If you prefer to receive our response, including any released records, in paper format, please check the appropriate box on the Form 509 before returning it to us. We will then supplement this fee estimate with the estimated duplication fees.

As reflected in the attached Form 509, Statement of Estimated Fees, your search fees are estimated to be \$[]. This total amount consists of [] hours of billable search time at the clerical level (\$43.33/hour x ___/hours) for a subtotal of \$____; [] hours of billable search time at the professional level (\$88.29/hour x ___/hours) for a subtotal of \$____; and [] hours of billable search time at the SES/Commissioner level (\$105.55/hour x ___/hours) for a subtotal of \$____. You may wish to refer to the “Explanation of Fees” page attachment to the {date} acknowledgment letter we sent you, and as required pursuant to 10 CFR 9.37.

Pursuant to 10 CFR 9.40(e), we will not continue processing your request until we receive a response from you of your willingness to pay up to the above-referenced fee estimate. {Add, if applicable: Additionally, because the estimated fee exceeds \$250, the NRC will not process your request without advance payment of the estimated fee. To remit your advance payment, please go to www.pay.gov. From www.pay.gov, search for “US Nuclear Regulatory Commission Fees”, then select manner of payment (i.e., bank account, credit card, Amazon Pay, or PayPal) entering “FOIA” for Purpose of Payment, as well as the FOIA request’s reference number). Once you remit your payment at www.pay.gov, please attach a copy of the receipt, along with the signed Form 509, in your response to us.}

If we have not received a response from you by {date that is ten (10) business days from the fee estimate}, we will administratively close your request. You may also narrow the scope of your request to reduce the estimated fees associated with the processing of your request.

Should you have any questions, please do not hesitate to contact me. Please do not reply to noreply@ains.com; this email box does not accept incoming messages. I may be reached by email at [PRIMARYUSERREMAIL] or by telephone at [PRIMARYUSERPHONE].

Thank you.

[PRIMARYUSERNAME]

“Favored Fee” Category Fee Estimate Template

DATE:

TO:

FROM:

SUBJECT: [REQUESTNUMBER]

ATTACHMENT: Form 509

We have now received the cost estimate for the duplication costs associated with the processing of your {date} FOIA request.

Because you are a {*representative of the news media*} {*educational institution*} {*non-commercial scientific institution*} requester, you are responsible only for duplication costs above 100 pages. Unless you choose to receive any responsive records on paper, we will respond to you electronically. There is no duplication charge for responsive records that we provide electronically. As reflected in the attached Form 509, Statement of Estimated Fees, if you choose to receive responsive records in paper, the duplication charge is estimated to be __ pages x \$.20/page, which amounts to \$__. You may wish to refer back to the “Explanation of Fees” page attachment to the {date} acknowledgment letter we sent you, and as required pursuant to 10 C.F.R. 9.37, for additional information about the fees we may charge.

Pursuant to 10 CFR 9.40(e), we will not continue processing your request until we receive a response from you of your willingness to pay up to the above-referenced fee estimate. {*Add, if applicable:*} Additionally, because the estimated fee exceeds \$250, the NRC will not process your request without advance payment of the estimated fee. To remit your advance payment, please go to www.pay.gov. From www.pay.gov, search for “US Nuclear Regulatory Commission Fees”, then select manner of payment (i.e., bank account, credit card, Amazon Pay, or PayPal) entering “FOIA” for Purpose of Payment, as well as the FOIA request’s tracking number). Once you have submitted your payment at www.pay.gov, please attach a copy of the receipt, along with the signed Form 509, in your response to us.

If we have not received a response from you by {*insert the date that is ten (10) business days from the date of the email*}, we will administratively close your request. You may also narrow the scope of your request to reduce the estimated fees associated with the processing of your request.

Should you have any questions, please do not hesitate to contact me. Please do not reply to noreply@ains.com; this email box does not accept incoming messages. I may be reached by email at [PRIMARYUSEREMAIL] or by telephone at [PRIMARYUSERPHONE].

Thank you.

[PRIMARYUSERNAME]

“Commercial User” Fee Estimate Template

DATE:

TO:

FROM:

SUBJECT: [REQUESTNUMBER]

ATTACHMENT: Form 509

Because you are determined to be a “commercial use” requester, you will be responsible for search, review, and duplication fees associated with the processing of your request. Unless you choose to receive any responsive records on paper, we will respond to you electronically. If we respond to you electronically, you will not be responsible for any duplication fees. Based on this practice, we have not estimated a duplication cost at this time. If you prefer to receive our response, including any released records, in paper format, please check the appropriate box on the Form 509 before returning it to us. We will then supplement this fee estimate with the estimated duplication fees.

As reflected in the attached Form 509, Statement of Estimated Fees, the total amount of review and search fees is estimated to be \$[]. This total amount includes [] hours of billable search time at the clerical level (\$43.33/hour x ___/hours) for a subtotal of \$____; [] hours of billable search time at the professional level (\$88.29/hour x ___ hours) for a subtotal of \$____; and [] hours of billable search time at the SES/Commissioner level (\$105.55/hour x ___/hours) for a subtotal of \$____. This total amount also includes [] hours of billable review time at the clerical level (\$43.33/hour x ___/hours) for a subtotal of \$____; [] hours of billable review time at the professional level (\$88.29/hour x ___/hours) for a subtotal of \$____; and [] hours of billable review time at the SES/Commissioner level (\$105.55/hour x ___/hours) for a subtotal of \$____.

You may wish to refer back to the “Explanation of Fees” page attachment to the [date] acknowledgment letter we sent you, and as required pursuant to 10 C.F.R. 9.37.

Pursuant to 10 C.F.R. 9.40(e), we will not continue processing your request until we receive a response from you of your willingness to pay up to the above-referenced fee estimate. *{Add, if applicable:}* Additionally, because the estimated fee exceeds \$250, the NRC will not process your request without advance payment of the estimated fee. To remit your advance payment, please go to www.pay.gov. From www.pay.gov, search for “US Nuclear Regulatory Commission Fees”, then select manner of payment (i.e., bank account, credit card, Amazon Pay, or PayPal) entering “FOIA” for Purpose of Payment, as well as the FOIA request’s reference number). Once you have submitted your advance payment at www.pay.gov, please attach a copy of the receipt, along with the signed Form 509, in your response to us.

If we have not received a response from you by *{insert the date that is ten (10) business days from the date of the email}*, we will administratively close your request. You may also narrow the scope of your request to reduce the estimated fees associated with the processing of your request.

Should you have any questions, please do not hesitate to contact me. Please do not reply to noreply@ains.com; this email box does not accept incoming messages. I may be reached by email at [PRIMARYUSERREMAIL] or by telephone at [PRIMARYUSERPHONE].

Thank you.

[PRIMARYUSERNAME]

STATEMENT OF ESTIMATED FEES FOR FREEDOM OF
INFORMATION ACT (FOIA) REQUEST

Requester

NRC Contact

Telephone Number (Enter 10 numeric digits)

SECTION I - ESTIMATED FEES

Pursuant to the NRC's regulations, 10 CFR 9.37(g), www.nrc.gov/reading-rm/doc-collections/cfr/part009, the NRC notifies you when estimated applicable fees exceed \$25.00, or a limit stated in your FOIA request. Please telephone the NRC contact identified above if you wish to discuss re-scoping your request to reduce the estimated fees:

ESTIMATED FEES

Search		Review		Other Services		Total	
--------	--	--------	--	----------------	--	-------	--

Unless you indicate otherwise in Section II, below, the NRC's response to your FOIA request, including any disclosed records, will be provided to you electronically. When we provide our response electronically, you are not charged any duplication fees.

SECTION II - ACTION REQUIRED OF REQUESTER

- ☐ Since the estimated fees are \$250 or less, I am agreeing to pay fees as high as estimated.
- ☐ Since the estimated fees exceed \$250, I am providing an advance payment of the estimated fees. Payments must be made through www.pay.gov, by checking the box "Other" and entering the FOIA request number.
- ☐ Check here if you prefer to receive our response, and any disclosed records, on paper. If you choose this option, you will also be charged duplication fees. If you check this box, we will supplement the fee estimate by providing you with an updated Form 509 showing the duplication cost. If this amount exceeds \$250.00, you must submit an advance payment in that amount.

By signing this form, below, I understand that the NRC can charge me search and review fees, as applicable, even if the search does not locate records, or the records are determined to be exempt from disclosure.

If the NRC fails to comply with any time limit under § 9.29 or § 9.37(d), it may not charge search fees or, in the case of requests from requesters described in § 9.37(c), may not charge duplication fees, except under certain circumstances specified in § 9.37(d).

You must complete this form, sign and date it, and return it to the NRC, to the attention of the NRC contact identified above. If we do not hear from you about re-scoping your request, or we do not receive this completed form back from you, by _____, we will presume that you have no further interest in pursuing your request, and we will close our file on this matter.

Signature - FOIA Requester

Signature Date

Estimated burden per response to comply with this mandatory collection request: 6 minutes. This form is used to notify a requester of the amount of the estimated fees and to obtain the requesters agreement to pay the fees. Send comments regarding burden estimate to the FOIA, Library, and Information Collections Branch (T-6 A10M), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by email to Infocollects.Resource@nrc.gov, and the OMB reviewer at: OMB Office of Information and Regulatory Affairs, (3150-0043), Attn: Desk Officer for the Nuclear Regulatory Commission, 725 17th Street NW, Washington, DC 20503. The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.



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

[Date]

MEMORANDUM TO: [Name], Chief, Labor, Administration & Fee Billing Branch,
Division of the Comptroller, OCFO

FROM: Administrative Assistant
Data, Information Management & Enterprise Governance Division,
OCIO

SUBJECT: Request to Process Advance Payment of Fees in **[tracking
number from FOIAXpress]**

The Office of the Chief Information Officer (OCIO) received a payment in the amount of
\$ **[amount]**. This is an advance payment for processing the above-referenced FOIA request.

When processing of the request has been completed, if necessary, I will send you a memo for a
refund or for billing services.

Requester Information:

Name:
Address 1:
Address 2:
City/State/Zip:



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

[TODAYDATE]

[REQUESTNUMBER]

{If sent via email, include:} sent via email to [RQEMAIL]

[RFNAME] [RLNAME]
[COMPANY]
[STREET1]
[STREET2]
[CITY], [STATESHORT] [ZIPCODE]

Dear [RFNAME] [RLNAME]:

On [RECEIVEDDATE], the U.S. Nuclear Regulatory Commission (NRC) received your Freedom of Information Act (FOIA) request seeking [REQUESTDESCRIPTION].

By letter dated { }, and emailed to you on that same date, our office acknowledged receipt of your request.

By an email dated { }, our office sent to you a Form 509, Statement of Estimated Fees, with respect to your FOIA request. In our email, we informed you that, based upon the estimate[s] received by the program and regional office[s] expected to have responsive records, the estimated fees for your request *{insert, as applicable:}* [is less than \$250.00, so you needed only to sign the Form 509 evincing your commitment to pay fees and return it to our office] [exceeds the \$250.00 floor at which requesters must submit an advanced payment]. Our office also invited you to contact us within ten (10) business days about narrowing the scope of your request to reduce the estimated fees. The due date for your response was { }.

We have not heard anything from you. As stated in our previous communication with you, we have construed your silence to mean that you have no further interest in pursuing your FOIA request at this time. Accordingly, we are closing our file on your request, [REQUESTNUMBER].

Sincerely yours,

Signature of FOIA Officer /s/

{Name of FOIA Officer}
FOIA Officer
Office of the Chief Information Officer

SECTION 9.41 - REQUESTS FOR WAIVER OR REDUCTION OF FEES

(a)(1) The NRC will collect fees for searching for, reviewing, and duplicating agency records, except as provided in § 9.39, unless a requester submits a request in writing for a waiver or reduction of fees. To ensure that there will be no delay in the processing of Freedom of Information Act requests, the request for a waiver or reduction of fees should be included in the initial Freedom of Information Act request letter.

(2) Each request for a waiver or reduction of fees should be addressed to the Office of the Chief Information Officer and sent using an appropriate method listed in § 9.6.

(b) A person requesting the NRC to waive or reduce search, review, or duplication fees will –

- (1) Describe the purpose for which the requester intends to use the requested information;
- (2) Explain the extent to which the requester will extract and analyze the substantive content of the agency record;
- (3) Describe the nature of the specific activity or research in which the agency records will be used and the specific qualifications the requester possesses to utilize information for the intended use in such a way that it will contribute to public understanding;
- (4) Describe the likely impact on the public's understanding of the subject as compared to the level of understanding of the subject existing before disclosure;
- (5) Describe the size and nature of the public to whose understanding a contribution will be made;
- (6) Describe the intended means of dissemination to the general public;
- (7) Indicate if public access to information will be provided free of charge or provided for an access fee or publication fee; and
- (8) Describe any commercial or private interest the requester or any other party has in the agency records sought

(c) The NRC will waive or reduce fees, without further specific information from the requester if, from information provided with the request for agency records under § 9.23(b), it can determine that disclosure of the information in the agency records is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Federal Government and is not primarily in the commercial interest of the requester.

(d) In making a determination regarding a request for a waiver or reduction of fees, the NRC will consider the following factors:

- (1) How the subject of the requested agency records concerns the operations or activities of the Federal Government;
- (2) How the disclosure of the information is likely to contribute significantly to public understanding of Federal Government operations or activities;
- (3) The extent to which the requester has a commercial interest that would be furthered by the disclosure of the requested agency records; and whether that commercial interest exceeds the public interest in disclosure.

(e) The Freedom of Information Act and Privacy Act Officer will make an initial determination whether a request for a waiver or reduction of fees meets the requirements of this section. The Freedom of Information Act and Privacy Act Officer will inform requesters whenever their request for a waiver or reduction of fees is denied and will inform them of their appeal rights under § 9.29.

CHAPTER 4

NEED FOR CLARIFICATION OR MODIFICATION

There are various points in the processing of a FOIA request where there may be a need to seek clarification or modification of the request from the requester. Keep in mind that, under the Open Government Act of 2007, you can suspend (“toll”) the time limits of a FOIA request only once for the purpose of clarifying the scope of a request with the requester, but multiple times to clarify fee-related issues.

I. If Clarification or Modification is Necessary

1. You may realize upon receipt of the request that there is a need for clarification or modification (because the request, on its face, is unduly overbroad). Or, in response to the initial action tasking to the program and regional offices (whether it be a fee estimate or record search) one or more offices may ask for clarification of, or some type of modification (narrowing) of, the request. When going back to the FOIA requester, make sure you inform all of the program and regional office FOIA Coordinators in tasked offices, and invite them to participate in a conference call with the requester. If you are going to have the FOIA Coordinators and any subject matter experts (SMEs) participate in a conference call with the requester, it is strongly recommended that you hold an internal alignment meeting before the call with the requester. Once you have made the overture to the requester to arrange a conversation, you should stop the clock. To do this, at the Request Information screen, select the Stop the Clock tab. This will open a new window. At the Reason for Stopping the Clock, select the appropriate reason from the drop-down menu. If you choose “Other Reasons”, use the free-form Notes field to enter the reason. The Stop Clock effective date will populate automatically to the date you are entering this information in FOIAXpress. If you did not enter the stoppage in FOIAXpress on the date you reached out to the requester, there is a drop-down calendar from which you can select the actual date. Select Stop the Clock. You’ll see a notification reminding you to confirm the accuracy of the stoppage date; select OK once confirmed. This will prompt another notification asking whether you want to Stop the Clock. Select OK. You’ll see that the Status field for the request will now show “On Hold” and the reason for the stoppage.

- B. Send an email to the program and regional offices (unless you have already heard back from them and their tasking has been completed and will not be

affected by the clarification or modification) that you've closed out the fee estimate or record search tasking, as applicable, pending receipt of the clarification or modification from the requester.

- C. While it is equally acceptable to reach out to the requester by telephone or email, or Microsoft (MS) Teams, be sure to keep written documentation of your attempts to reach the requester (i.e., enter these attempts at the Notes tab of the Request Information screen), what you discuss with the requester, and exactly what clarification the requester provides. From a customer service perspective, if you speak to the requester and agree upon a clarification or modification of the request, do not ask or rely on the requester to provide that clarification or modification in writing to you. Rather, you should include the clarification or modification in an email to the requester, which you can generate from the Send Correspondence tab, or in your Outlook account. If you do not use the blank correspondence template in FOIAXpress to create that confirmatory email, remember to upload a copy of it to the Correspondence Log in FOIAXpress.

II. Once You Have Received Clarification or Modification

- A. Once the clarification or modification is received, go back into FOIAXpress to take the request off hold and start the clock. At the Request Information screen for the request, select Start the Clock. This will open a new window. You should now enter the Clock Start Date and include in the free-form Notes section whether the reasons why the clock was stopped have been sufficiently addressed, or the requester failed to respond in the allotted time, as applicable. (As with the clock stoppage action, if you do not take this action in FOIAXpress on the actual date, you can backdate the action.) Then select Save. You'll see a notification reminding you to confirm the accuracy of the start date; select OK once confirmed. This will prompt another notification asking whether you want to Start the Clock. Select OK. You'll see a change in the Status field.
- B. Once the clarification or modification is received and you have removed the hold in FOIAXpress, you will need to task the program and regional offices to provide the fee estimate or resume the search, as applicable. Select Request for Documents. Select New. This will bring up a new window (Step 1). The request date will automatically populate to the date you are creating the tasking email but it will always be ten (10) business days. You will have to change manually the due date to four (4) business days for a fee estimate

task. Remember that Day 1 is the next business day after you send the tasking email. Select Add Program Offices, which will bring up a new window. Check the box(es) that correspond to the program or regional office(s) you intend to task (which may, or may not, be the same offices that you originally tasked, depending on the clarification or modification received from the requester). Then Select. Note that FOIAXpress will default to email as the dispatch/delivery mode. Once you have confirmed that everything is correct, select Next. This will bring up another new window (Step 2), which is the email transmittal. From the drop-down menu, select the appropriate template for fee estimate or record search. Make sure that you add your email address to the cc: line. Tailor the template as warranted. Add a copy of the incoming request (redacted of any PII, as appropriate) and any documentation of the clarification or modification you received from the requester. To do that, at the "Attachments to RFD" prompt, choose the location from which you are adding the attachments. You may either upload, or drag and drop, the attachments. Remember to select Add to List. This will bring you back to the email template. You should see the attachments listed. Once you have made the necessary alterations to the template, including a description of any clarification or modification to the scope of the request, select Email, which will send the email to the designated recipients. The fee estimate or record search tasking email will then appear in the Correspondence Log.

- C. Sometimes a program or regional office will raise a question regarding the scope of the records being requested after other offices have already responded. If the clarification you receive from the requester may affect the fee estimate or search results already provided by the other offices, for which their tasking in FOIAXpress is already completed, you will need to ask those offices to recalculate the fee estimate, or redo the search. In that situation, create a new tasking in FOIAXpress, which will give those offices additional time (i.e., the 4- or 10- day clock begins again). Refer to **Section I-Chapter 3** for creating a fee estimate tasking or **Section I-Chapter 5** for creating a record search tasking.

CHAPTER 5

SEARCH FOR RESPONSIVE RECORDS

- I. Once a requester has made a commitment to pay the estimated fees, or has submitted an advanced payment of the estimated fees (if it exceeds \$250), or there are no billable fees (either due to the FOIA Officer's grant of a fee waiver, or, based on the requester's fee category and records requested, any fees fall below the billable threshold), the request is now considered perfected. You now need to initiate the search for responsive records. Recall, from **Section I-Chapter 3**, that you had placed the request on hold (stopped the clock) and emailed the program and regional offices not to do anything further until they had heard back from you. Be sure to remove the hold (start the clock) before you initiate search tasks (see **Section I-Chapter 3**).
- II. If you had tasked program or regional offices for fee estimates previously (see **Section I-Chapter 3**), send a search task to the office(s) having responsive records (in other words, you need not task an office to search if the office previously told you in response to the fee estimate tasking email that it does not have responsive records). As noted in **Section I-Chapter 2**, if no billable fees are expected, your first task will be the search for responsive records. Attach a copy of the incoming request (redacted of any personally identifiable information (PII), as appropriate) to the search tasking email, even if you had previously sent a copy of the request in a fee estimate tasking email. Program and regional offices have ten (10) business days in which to respond. Remember, Day 1 is the next business day after the day you send the search tasking email (**Attachment 1-5-1**).
 - A. From the Request Information screen of the request, select the Request for Documents (RFD) tab. Select New, which will open a new window (Step 1). The date that you are creating the task, as well as the ten (10) business day due date will automatically populate. Next, select Add Program Offices, which will open a new window. Check the box(es) corresponding to the program and regional office(s) that you expect to have responsive records. Click on the Select button at the bottom of the screen, which will bring you back to the Step 1 window. You should see the offices that you selected. The Dispatch Mode will default to email.¹² Select Next, which will open a new window (Step

¹² If you had created the search tasking email in your Outlook account, to ensure that the timeliness of tasks is captured in the metrics reports that we run, change the Dispatch Mode to "print." Doing so will establish the RFD, but the task itself won't be sent through FOIAXpress to the program or regional office.

- 2). This is the search tasking email; make sure to choose the appropriate template and customize as needed. Remember to include your own email address on the cc: line. If there is additional information (e.g., clarification of the request based on your communication with the requester; a different temporal limit from that stated in the request because we already have the records from processing an identically worded request, etc.) that you think will assist the offices in responding, you should include that information in the email. You will also need to add to the email a copy of the request (redacted of any PII, as applicable). To do this, at the top of the window, you'll see "Attachments to RFD", with options from where the request is stored to be drawn from. Select the appropriate option, which will open a Drag and Drop Zone window where you can upload the attachment(s). Then click on "Add to List." This will return you to the Step 2 window; you should now see the names of the attachment(s) you added. Once you are satisfied that everything is in order, click on "Email" in the lower right-hand corner of the window. Your search tasking email will be sent.
- B. As with any general rule, there are exceptions. On occasion, one request, or a series of FOIA requests, will arrive that needs to be handled in a slightly different way than the norm to be processed more efficiently. The FOIA Officer should recognize such occasions. But you should also review the request and raise any concerns if you believe NRC would benefit from an early meeting to discuss the scope of the request. If you are assigned such a request, you should discuss with the FOIA Officer options for handling the request and then reach out to the program or regional offices having equity in the responsive records; it may also be appropriate to include the Office of General Counsel (OGC) to have an attorney's advice on how best to handle the request. Once there is alignment between the FOIA Office and the program or regional office(s), you should arrange a conference call (either by phone or through Microsoft (MS) Teams) with the requester. The goal is for the FOIA office, the program or regional office(s), and the requester to align on the approach moving forward as early in the process as practicable. Once agreement is reached, the request can be assigned as described above. Because the aligned approach may change the usual way in which we task the program or regional offices, you will need to adjust the search tasking email that you send to task those offices.
- C. The program or regional offices will respond back (through email, or an upload to the FOIA SharePoint site or the office's SharePoint site) with a completed NRC Form 511, "Program Office Response to a FOIA Request"

(**Attachment I-5-2**), and the responsive records, if any. If the responsive records are classified, the FOIA Coordinator and you (if you have the appropriate clearance level) will figure out when the records can be dropped off in person and locked in the FOIA safe. These offices' responses should also include, as applicable, the following additional material:

1. Personal Records – the NRC Form 510, “Personal Records Checklist” (**Attachment I-5-3**) is to be used to assist an employee in determining whether any records in their possession arguably responsive to a request are personal records (and therefore outside the scope of the request) or agency records (and therefore must be processed). The employee or the program office’s FOIA Coordinator must maintain the records deemed personal for the six-year statute of limitations applicable to the FOIA if they do not provide them to the FOIA Team member.
2. Documentation of Search – the FOIA Coordinator should provide you copies of the NRC Form 511A, “Documentation of FOIA Search” (**Attachment I-5-4**) that each staff member completed, or the FOIA Coordinator may have consolidated the searches performed by staff into a single NRC Form 511A, so that you can verify the FOIA Coordinator’s determination that an adequate, and consistent, search has been performed. At the present time, the use of the form is not mandatory; however, you should ensure that you have some documentation as to how the search was conducted.
3. Foreseeable harm – the FOIA Improvement Act of 2016 codified the foreseeable harm standard with respect to any discretionary exemptions. Accordingly, program or regional offices are expected to include with any recommendation to withhold information based on one of the discretionary exemptions (e.g., exemption 5) an articulation of a particularized harm that would occur if the information subject to this exemption is to be released. Generalized assertions or boilerplate statements that release of information could cause harm are not sufficient. For example, it isn’t an acceptable foreseeable harm statement to say that releasing an email exchange for which exemption 5’s deliberative process privilege is being claimed will “inhibit candor.” Rather, the program or regional office is to focus on the particular information being withheld and identify the particularized harm that release of the record would foreseeably cause (e.g., the decision to

which the record pertains has not yet been made, nor has the NRC yet gone public with its preliminary thinking, so release would inhibit other points of view from being offered, or confuse the public as to decisions not yet made).

4. Whether the response is a complete or partial one.
 5. If the fees associated with the processing of the request changed from the original estimate, the program or regional office needs to attach a completed NRC Form 496, "Report of Staff Resources for Processing a FOIA Request" (**Attachment I-5-5**); and
 6. With few exceptions,¹³ FOIA requests, responses, and the records released in full or in part) are posted to public ADAMS. Based upon the criteria set forth in 10 CFR 9.27(a), the program or regional office indicates whether the response and records fall within one of the regulatory exceptions. See also **Section I-Chapter 7**.
- D. As responses come in from the program and regional offices, do a "sanity check" of each response. Ensure that the office has provided you the required documentation (see **Section II-C**, above), and that the disclosure recommendations are correctly done. This includes if staff used Adobe's redaction tool, double check that the redactions are marked, but not applied, and that a clean set of records is also provided. You should check that the records have been de-duplicated. When you are satisfied with the response, go to FOIAXpress to close out the task (and upload the response) in FOIAXpress. Open the request and select the RFD tab. Place the cursor on the pending RFD; select Take Action. This will bring up a new window. From the drop-down menu, update the status of the fee estimate task. There is a Comments field in which you should briefly note the outcome of the RFD. The Action Date should automatically populate as the date you are closing the task. Check the Completed box, which will trigger a Completion date box.¹⁴ Remember to use the date the program or regional office provided the response, not the date you are closing the task should they be different. Upload, or drag and drop, the program or regional office's response; it will

¹³ Generally, requests for investigation, allegation, or personnel records are not made publicly available. However, if such records have been released in response to three or more third-party requests, the FOIA Office will include these responses in public ADAMS.

¹⁴ For purposes of the metrics that NRC uses to measure timeliness, the completion date (which cannot be earlier than the action date) will be used, so it is critical that these dates be correct.

appear in the Correspondence Log. Select Save. The program or regional office's task is now closed. It is a good practice to send a brief email to let the FOIA Coordinator know that you have closed the task.

- E. There will be occasions where, during the time a program or regional office is conducting its search for, or review of, records, the requester will narrow the scope of the request or even withdraw it altogether. When that occurs, be sure to email the FOIA Coordinators so that their offices don't waste time.

Search Once Request is Perfected Task

DATE:

TO:

FROM:

SUBJECT: [REQUESTNUMBER]

ATTACHMENT: Request (redacted of any PII, if applicable)

The requester has either agreed to pay the estimated fees, has provided an advance payment, or based upon the request itself, or previously provided estimates, there will be no billable fees. *{Add if applicable:}* Please note that the FOIA Office has retained in its files the necessary identity verification and/or third-party authorization documentation. If your office requires that documentation to locate any responsive records, please contact the assigned FOIA Team Member. The request is now considered “perfected.” Please provide me with the responsive records on or before *{insert date that is ten (10) business days from the date of this tasking email}*.

{Add only if this is a request for allegation and/or investigation records of OE, OI, or OIG, as applicable, if the response is to be made publicly available:} Please note that the NRC has now received three or more FOIA requests for these same records. As such, any interim or final responses to this request will be included in public ADAMS.

If there are no responsive records, please respond with “No records.”

The FOIA request should be processed in accordance with the standard instructions (“How to Respond to an Initial FOIA Request”), ML060590485. NRC Form 511, “Program Office Response to a FOIA Request” is available in the NRC Forms Library for your use.

NOTE: If your subject matter experts will be providing us their disclosure recommendations by marking up the responsive records (whether using Adobe's redaction tool, adding comments, or highlighting), please ask them to also provide us with a clean set of the records.

In order to document the search conducted, particularly in the event of an appeal challenging the adequacy of the search, please also include in your response the following items of information: (1) the person(s) who conducted the search; (2) whether paper files were searched; (3) whether electronically stored information was searched; and (4) the key words or phrases that were used to do the searches. NRC Form 511A, “Documentation of FOIA Search” is also available in the NRC Forms Library for your use.

You are encouraged to ask for a scoping discussion with the requester when you believe it would be beneficial.

In addition to tasking any subject matter experts within your office, please ensure that searches are conducted on shared platforms, such as ADAMS, SharePoint, shared network drives, and Nuclepedia. If you or your staff believes that a Capstone official (in general, Office Directors or above) may have had records responsive to the request, please remember to include a search to CapstoneResource@nrc.gov. You are encouraged to ask for assistance in performing adequate ADAMS searches if you have any difficulty doing a search.

NRC Form 496, "Report of Staff Resources for Processing FOIA Requests," is available in the NRC Forms Library for your use.

Please remember to charge time spent on this FOIA to CAC ZF0000.

Please contact me at [PRIMARYUSERPHONE] or by email to [PRIMARYUSERREMAIL] if you have any questions. Do not reply to noreply@ains.com; this email box does not accept incoming messages.

Thank you.

[PRIMARYUSERNAME]



PROGRAM OFFICE RESPONSE TO A FOIA REQUEST

TO: FOIA Team	
FROM: FOIA Coordinator	
SUBJECT: FOIA or Reference Number	

Section 1. Is this a partial ☐ or final ☐ response to this request? (Check only one).

Section 2. DISCLOSURE RECOMMENDATION: How do you recommend the responsive records be handled? (Check all that apply).

<input type="checkbox"/> No records subject to the request.	
<input type="checkbox"/> Records already publicly available.	Group
<input type="checkbox"/> Records to have ADAMS profile changed to public.	Group
<input type="checkbox"/> Records to be released or withheld.	Group
<input type="checkbox"/> Records that have to be referred.	Group
<input type="checkbox"/> Ongoing investigation - NRC Form 656, Exemption 7(A) Certification, attached.	
<p>Note: A letter that has an enclosure, or a memo or e-mail that has an attachment, is considered one record and should <u>not</u> be broken apart when you're assembling groups.</p>	

Section 3. PERSONAL RECORDS: Did anyone in your office identify personal records that pertain to this request? If so, make sure the employee completes NRC Form 510, Personal Records Checklist, attach a copy, and note in Section 10 whether the employee or FOIA Coordinator is retaining the records, which must be kept for six years.

Section 4. SEARCH: Staff in your office must undertake a search that is reasonably calculated to locate all records responsive to the request. NRC Form 511A, Documentation of FOIA Search, is available in the NRC SharePoint Forms Library for staff's use in describing the searches they conducted. You should attach all of the NRC Forms 511A's, or you may compile the staff's descriptions into one NRC Form 511A on behalf of your office.

Section 5. WAIVER: Records, or information within records, that may be withheld from release based upon an applicable exemption are generally subject to release if the NRC has officially disclosed that information previously. For any record, or information within records, that you are recommending be withheld, please confirm that staff has checked public ADAMS and www.nrc.gov to determine that such information has not previously been disclosed. **By checking the box at the end of Section 5, you are confirming that your staff did not find that the information recommended to be withheld has been publicly released by the NRC.** ☐

Section 6. DISCRETIONARY RELEASE AND/OR FORSEEABLE HARM DETERMINATIONS:

- ☐ We are recommending that exemption 2 and/or exemption 5 be claimed for certain records (or information within records) and a particularized harm statement, is attached.
- ☐ The Office Director (OD) or delegate has made a discretionary release. Documentation of the OD or delegate's discretionary release of the records (or information in the records) is attached. If a delegate, NRC Form 512 is attached. Briefly describe the records (or information within records) for which such discretion was made.

PROGRAM OFFICE RESPONSE TO A FOIA REQUEST (Continued)

Section 7. CRITICAL ENERGY/ELECTRIC INFRASTRUCTURE INFORMATION [CEII]: This is a statutory category of information that is to be withheld under FOIA exemption 3. Certain information that the NRC handles associated with critical infrastructure (e.g., nuclear power plants, hydroelectric dams, gas pipelines, and the electric grid) could qualify as CEII. By checking the box at the end of Section 7, you are confirming that your staff has bracketed, or otherwise identified, any information believed by staff to be CEII within one or more of the responsive records. ☐

Section 8. INCLUDE IN PUBLIC ADAMS: The NRC places FOIA responses (including released records) in public ADAMS unless the records contain information personal to the requester, involve matters that are not likely to be of public interest, or contain privileged or confidential information that should only be disclosed to the requester.

Do any of the records fall under one of these three exceptions to public availability? ☐ Yes ☐ No

Section 9. FEES: If the actual time spent searching or reviewing records, or number of pages, differs from the fee estimate given previously, complete and attach NRC Form 496, Report of Staff Resources for Processing FOIA Requests.

Section 10. COMMENTS: Please include any other comments that we should know about. In lieu of bracketing the responsive records, you may include a description of the records, or information within the records, that you recommend be redacted, including the exemption(s) that should be claimed. (Attach separate pages, if needed).



PERSONAL RECORDS CHECKLIST

Please use this form to determine whether a record you created¹ is a personal or agency record. The Department of Justice's Office of Information Policy has issued guidance, which you can find here: <https://www.justice.gov/oip/blog/foia-update-oip-guidance-agency-records-vs-personal-records>. While the decision whether a record is an agency or personal record is based on the totality of the circumstances of its creation, maintenance and use, answering these questions should allow you to reach a correct result.

If you have any questions, contact your office's FOIA Coordinator. If you remain uncertain whether any record you created is an agency record, please consider it an agency record and send it, along with this completed form, to your office's FOIA Coordinator, who will share it with the FOIA Office.²

NRC Employee Completing this form	Telephone Number	Date
<input type="text"/>	<input type="text"/>	<input type="text"/>
1. Did you create the record on agency time, using agency materials, at agency expense?	<input type="checkbox"/> Yes If yes, go to Question 2. <input type="checkbox"/> No If no, then it is <u>not</u> an agency record.	
2. Does the record contain information relating to agency business?	<input type="checkbox"/> Yes If yes, go to Question 3. <input type="checkbox"/> No If no, then it is <u>not</u> an agency record.	
3. Did the agency (e.g., a directive or a supervisor) require you to create the record?	<input type="checkbox"/> Yes If yes, then it <u>is</u> an agency record. <input type="checkbox"/> No If no, go to Question 4.	
4. Did you create the record solely for your own personal convenience (as opposed to being created to facilitate agency business)?	<input type="checkbox"/> Yes Whether you answered yes or no, it <u>might</u> be an agency record, so go to Question 5. <input type="checkbox"/> No	
5. Did you give/grant access to the record to anyone else relating to agency business?	<input type="checkbox"/> Yes Whether you answered yes or no, it <u>might</u> be an agency record, so go to Question 6. <input type="checkbox"/> No	
6. Was the record actually used by any NRC employee to conduct agency business?	<input type="checkbox"/> Yes If yes, then it <u>is</u> an agency record. <input type="checkbox"/> No If no, then go to Question 7.	
7. Is the record kept in an official agency file, including an office shared drive, an office Sharepoint site, or ADAMS?	<input type="checkbox"/> Yes If yes, then it <u>is</u> an agency record. <input type="checkbox"/> No If no, then it is <u>not</u> an agency record.	

¹ If you are in possession of a record that you did not create, presume that it is an agency record for FOIA purposes, note to whom it should be referred (e.g., another program office, licensee, or other agency), and provide it to your office's FOIA Coordinator.

² Keep in mind that, even if the record you created is an agency record, any PII or other personal information which, if disclosed, would be an unwarranted invasion of personal privacy, can be redacted on the basis of the FOIA's privacy exemption(s).



DOCUMENTATION OF FOIA SEARCH

FOIA OR REFERENCE
NUMBER

DATE

In responding to this FOIA request, you must undertake a search that is reasonably calculated to locate all records that are responsive to the request. You must search in all places where responsive records may be found (electronic and paper). Please have each person in your office who searches for responsive records complete a copy of this form. Then return this form, along with the Form 511, Program Office Response to a FOIA Request, Form 496, Report of Staff Resources for Processing FOIA Requests (if different from original fee estimate), and any responsive records to the assigned Government Information Specialist:

NAME OF PERSON CONDUCTING SEARCH:

ORGANIZATION (Office/Division/Branch):

ELECTRONIC SEARCH:

1. Please list where you searched (e.g., your email, including archived emails, hard drive (C), server (P), shared drives (G), Sharepoint, ADAMS, desktop, laptop, mobile device, etc.):

2. Please list the systems of records and databases that you searched:

3. What search terms (e.g., key words or phrases) did you use?

4. Briefly describe your reasoning for your method of search (e.g., name of nuclear plant, name of case, commonly used acronym, etc.):

DOCUMENTATION OF FOIA SEARCH (Continued)

FOIA OR REFERENCE
NUMBER

DATE

PHYSICAL SEARCH:

1. Please list where you searched (e.g., paper files, microfiche, audio, video, etc.):

2. Please describe how the paper files are organized and maintained (e.g., alphabetical by name, chronological, etc.):

3. Briefly describe your reasoning for your method of search (e.g., name of case, name of nuclear plant, commonly used acronym, etc.):



**U.S. NUCLEAR REGULATORY COMMISSION
REPORT OF STAFF RESOURCES FOR
PROCESSING FOIA REQUESTS**

Office

FOIA or Reference Number

SEARCH - - Time spent by any staff member looking for material subject to a request, either manually or by automated means, including time spent in page-by-page or line-by-line identification of responsive material within records.

REVIEW - - Time spent by any staff member during the initial examination of a record to determine whether information may be withheld, including the time spent preparing a record for release (e.g., bracketing), but not including any time spent resolving general legal or policy issues about whether to apply a particular exemption.

RECORDS - - CENTER Agency records that are retired to Federal Records Centers (FRCs) for permanent retention are not subject to FOIA requests directed to the NRC. However, agency records that are stored at Federal Records Centers (FRCs) until they are destroyed at the end of their life cycle remain NRC agency records subject to a FOIA request. Staff should consider whether records temporarily stored at FRCs are responsive to a FOIA request and, if so, include costs involved in retrieving/shipping the records back to NRC offices.

Report ALL time spent. (Show exact time in hours and minutes.)

CLERICAL RESOURCES (Grades 1-10)

NAME (For staff in the 1811 or 0132 job series, include your position title only instead of your name)	SEARCH		REVIEW	
	HOURS	MINUTES	HOURS	MINUTES
TOTAL				

PROFESSIONAL/MANAGERIAL RESOURCES (Grades 11-15)

NAME (For staff in the 1811 or 0132 job series, include your position title only instead of your name)	SEARCH		REVIEW	
	HOURS	MINUTES	HOURS	MINUTES
TOTAL				

SES/COMMISSIONER RESOURCES

NAME	SEARCH		REVIEW	
	HOURS	MINUTES	HOURS	MINUTES
TOTAL				

FEDERAL RECORDS CENTER: BOX RETRIEVAL COSTS

REGULAR REQUEST			TOTAL	URGENT/EMERGENCY REQUEST			TOTAL
Box Retrieval Cost: \$1.60/per box	\$1.60	# of box(es)	\$0.00	Box Retrieval Cost: \$4.50/per box	\$4.50	# of box(es)	\$0.00
Shipping for box(es) over 25 lbs.: \$18.25/per box	\$18.25	# of box(es)	\$0.00	Shipping for box(es) over 25 lbs.: \$85.00/per box	\$85.00	# of box(es)	\$0.00

Signature and Date -
FOIA Coordinator or Designee

CHAPTER 6

REFERRALS & CONSULTATIONS

As responses come in from the program and regional offices, they may identify records (or portions of records) that originated with other NRC program or regional offices, other Federal agencies, or outside third parties (typically, licensees that may, or may not, have marked the records as confidential proprietary information under 10 CFR 2.390, or predecessor regulation). Keep in mind that referrals to licensees is for them to address the proprietary interests, if any, that they have in the material for which exemption 4 may be applicable¹⁵; it is not an opportunity for licensees to raise personal privacy interests (although sometimes they do).

If the office that locates these records has had any involvement in the subject matter, then its staff should provide its own disclosure recommendations, either subject to, or to be considered along with, the views of whomever they're recommending we consult with. For referrals within the NRC, be sure to include the disclosure recommendations made by the office that located the records when you prepare the referral to the other office.

How you handle these referrals depends on the identity of the originator. For particularly complex requests, involving multiple program and regional offices, it may behoove you to reach out to the FOIA Coordinators in these offices to have a meeting to discuss a strategy for moving forward before sending referrals.

I. PREPARATION OF REFERRAL TO ANOTHER NRC PROGRAM OR REGIONAL OFFICE

- A. To create a referral task in FOIAXpress, select the applicable request from the home page. Select Request for Documents (RFD). Select New. This will bring up a new window (Step 1). The request date will automatically populate to the date you are creating the task. The due date will automatically populate to the date that is ten (10) business days away. Select Add Program Offices, which will bring up a new window. Check the box(es) that correspond to the program and regional offices you intend to task; then Select. FOIAXpress will default to email as the dispatch/delivery mode. Once you have confirmed that

¹⁵ As applicable, the consultation with the licensee should also invite the licensee to provide input whether the records contain information believed to be Critical Energy/Electric Infrastructure Information (CEII). **See Part II-Section D**, *infra*.

everything is correct, select Next. This will bring up another new window (Step 2), which is the email transmittal. Remember to copy yourself on the email. From the drop-down menu, select the Referral of Records Tasking (**Attachment I-6-1**). Make sure that you add your email address to the cc: line. Tailor the template as warranted. Enter the due date, which is ten (10) business days away. Add a copy of the incoming request, as well as the records you are referring. To do that, at the “Attachments to RFD” prompt, choose the location from which you are adding the attachments. You may either upload, or drag and drop, the attachments. Remember to select Add to List. This will bring you back to the email template. You should see the attachment(s) listed. Once you have made the necessary modifications to the template, select Email, which will send the email to the designated recipients. The referral task will then appear in the Correspondence Log.

- B. Once you receive the responses from the program and regional offices, you must close out the task in FOIAXpress. Open the request and select RFD. Highlight the request and click Take Action. This will bring up a new window. From the drop-down menu, update the status of the referral. The Action Date should automatically populate as the date you are closing the task. You should add a brief summary of the response that you received in the Comments box. Check the Completed box, which will trigger a Completion date box. Remember to use the date the program or regional office provided the response, not the date you are closing the task if they differ. Upload, or drag and drop, the program or regional office’s response (which will then automatically appear in the Correspondence Log). Select Save. The program or regional office’s task is now closed. After doing a “sanity check” to ensure what the office has given you is complete, remember to acknowledge receipt of the program or regional office’s response and inform the office that the task has been closed.

II. PREPARATION OF REFERRAL OR CONSULTATION TO ANOTHER FEDERAL AGENCY

- A. If the program or regional office has no equity in a record that originated from another Federal agency, which staff in that office identifies as responsive to a request, then that record is appropriate for a referral to the originating Federal agency.
 - 1. You may choose to use a letter or email for your communication. There is a template in FOIAXpress you may use; alternatively, you may

create the letter in Word, using the template available in the shared drive. (**Attachment I-6-2**). If you create the letter in Word, remember to upload the letter to the Correspondence Log in FOIAXpress. The letter informs the originating Federal agency that the record is being referred for the agency's direct response to the requester. If you choose the email format, you can simply cut-and-paste the body of the letter into the email. Email addressed to .gov or .mil addresses are secure and may be used for the referral of the record (otherwise, due to the potential sensitivity of the record, you should choose a method of transmission for the records that is secure (e.g., encrypted email, BOX). Remember to save a copy of this communication to the Correspondence Log in FOIAXpress.

2. At the same time, prepare an email or letter (whichever is appropriate) to the requester notifying them of the referral and that the requester should expect a response from that other agency (**Attachment I-6-3**). Upload a copy of the referral notification you sent to the requester to the Correspondence Log in FOIAXpress.

B. Where a program or regional office has equity in another Federal agency's record, or information that originated in another Federal agency is contained in an NRC record, then that record (or information contained in the record) is appropriate for a consultation.

1. Create an action that tasks the other Federal agency for a consultation referral in FOIAXpress in the same way that you do for program and regional office referrals. At Step 1, in lieu of selecting the NRC program or regional office, check the box Send To: Other Email Recipients, and then Add the email address manually. Select Next and proceed as you would for program or regional office referrals.
2. Due to the potential sensitivity of the records, you should choose a method of transmission for the records that is secure (e.g., encrypted email, BOX). If you do not use the blank correspondence template in FOIAXpress to create the letter but create it using Word (**Attachment I-6-4**), remember to upload the letter to the Correspondence Log in FOIAXpress. The communication informs the originating Federal agency that we believe it has equities in the record for which their disclosure views are requested. If you choose the email format, you can simply cut-and-paste the body of the template letter into the email.

3. As noted above, you may also choose to handle the consultation through email instead of a letter. Email (including the records for which consultation is sought) addressed to .gov or .mil addresses are secure and may be used for this type of consultation.
- C. Since the agency is given thirty (30) calendar days in which to respond, it is a best practice, at the half-way point, to telephone or email the agency point of contact (POC) to remind the POC of the impending deadline. If the agency does not provide its views timely, reach out to the agency with a follow-up consultation letter (**Attachment I-6-5**). This letter informs the agency that, if NRC does not receive the other agency's views within the next ten (10) business days, NRC subject matter experts will make the best judgment as to how the records should be handled. Ensure that all your status inquiries (and the other agency's responses) are documented; if you contact the agency's POC by email, remember to upload it to the Correspondence Log of FOIAXpress. If you contact the agency's POC telephonically, be sure to memorialize that call in a Note in FOIAXpress.
- D. Under a Memorandum of Understanding (MOU) between the NRC and the Federal Energy Regulatory Commission (FERC) (ML18164A182, as extended, ML24099A224), if NRC staff identifies records (or information contained therein) that they believe fit the definition of Critical Energy/Electric Infrastructure Information (CEII) responsive to a FOIA request, we will initiate this consultation with FERC. Here are the steps to follow:
1. Once NRC staff has identified material within responsive records that they believe constitute CEII, you will need to obtain information from staff that you will include in the transmittal letter you'll prepare for the consultation with FERC (**Attachment I-6-6**). The template for the transmittal letter to FERC may be found in the shared drive, within the FOIA Policies & Processes folder and CEII Matters subfolder.
 2. To obtain the information you'll need, create a (10-business day) task to the applicable program or regional office to ask staff to provide you with:
 - a) A concise summary describing why the NRC believes the material is CEII; and

- b) An explanation as to how long the material should be designated as CEII (up to 5 years) and whether it is likely that renewal of the CEII designation will be needed.
- 3. If any of the records for which CEII designation is to be sought originated with a licensee (or other business submitter), you will also need to do a consultation with that entity. **See Part III**, infra. Tailor the template letter that is used when we consult with licensees about their proprietary interests. That template is also available in the same CEII Matters folder. (Program or regional office staff should have identified such records to you when they provided the records; if a 2.390 affidavit wasn't provided to you, then the office should have provided you with the name and contact information for the licensee's point-of-contact.)
- 4. Tailor the business submitter template to fit the circumstances of your CEII consultation. (In many cases, you may be asking the licensee to weigh in on any proprietary interests at the same time as you ask about CEII designation.) Remember to use a secure method of transmission (e.g., encrypted email, BOX) if you are going to be providing the records to the licensee.
- 5. Once you have received input from the program or regional office and the licensee, you can upload the records to FOIAXpress and then review and redact them appropriately. If staff in the program or regional office and the licensee are not aligned as to what should be considered CEII, you will need to work with both sides to try to reach alignment. (The MOU between NRC and FERC says that the "trigger" to do consultations is when NRC staff believes information should be designated as CEII.) Then, you should finish tailoring the transmittal letter to FERC. You will need to address two additional points:
 - a) How you have marked the records for FERC. You can create a transparent view of the records in PDF format printed from FOIAXpress, or you can mark a clean set of the records in PDF format using Adobe's redaction tool (remember to only mark, not apply, the redactions).
 - b) If the records originated with a licensee or other business entity, state that NRC sought their comments during the FOIA process

and indicate whether there is a 2.390 affidavit. You will enclose with the letter any input from the licensee.

6. Once the transmittal letter is drafted, and you have assembled the relevant background information to be enclosed (e.g., a copy of the incoming request (redacted of any PII, as applicable), records as marked for CEII designation, and any input from licensee), the package is ready for the FOIA Officer's preliminary review.
7. Once the FOIA Officer completes their preliminary review, the package is now ready for OGC's legal review.
8. Once OGC provides its NLO, you are ready to send the transmittal to FERC. You will use FERC's external SharePoint site to upload the package for FERC. Send an email transmittal to FOIA@ferc.gov, which is a resource mailbox that is used to request access to the SharePoint site (note that once you have been given access to the site, your access will not expire unless FERC is notified that you no longer have a need for it). Although there isn't a standard template for that email transmittal, however, here is some sample language that may be used:

Pursuant to the Memorandum of Understanding [MOU] between the U.S. Nuclear Regulatory Commission [NRC] and the Federal Energy Regulatory Commission [FERC], as extended now for a third time, we are consulting with FERC with respect to the designation of certain material as critical energy/electric infrastructure information [CEII] in [describe records briefly] that are responsive to the above-referenced FOIA request.

I have uploaded the NRC's transmittal letter to FERC, a copy of the request, and the records to FERC's external SharePoint site. If you need anything else, please let me know. I would appreciate confirmation that you have received this email and can access the materials that have been uploaded. Thank you.

9. Although the MOU establishes a ten (10) business day baseline for FERC's response, depending on the volume of material to be reviewed, it may take longer. Use your best judgment as to the frequency with which you check in with FERC as to the status of the consultation.
10. Once you receive FERC's consultation response, assuming FERC has designated the material as CEII, you are ready to prepare the response package for the requester. If the entire package was ready to go at the

point at which you had the FOIA Officer and OGC review the FERC transmittal, you could combine those steps together, which would then allow you to ask the FOIA Officer to sign and then send out the response. If you did the steps separately, then you would follow the normal process and prepare the NRC Form 464, have the FOIA Officer review, and then OGC review. If you do the processes separately, be sure that you include in the legal review tasking email that you send to OGC which attorney did the CEI review.

III. PREPARATION OF REFERRAL TO OUTSIDE THIRD PARTIES (e.g., LICENSEES OR OTHER BUSINESS SUBMITTERS WHO HAVE DESIGNATED THEIR RECORDS AS CONFIDENTIAL COMMERCIAL OR FINANCIAL INFORMATION, OR WHOSE RECORDS APPEAR TO CONTAIN SUCH PROPRIETARY INFORMATION)

A. General Rules

1. The obligation to provide notice to a business submitter is triggered whenever the records, or information, come into the NRC with a restrictive legend that indicates the information is confidential proprietary¹⁶ information voluntarily submitted to the NRC under 10 CFR 2.390¹⁷. But there are times when NRC will obtain information (e.g., a resident inspector at a nuclear plant picks up some records when conducting an on-site inspection) as part of their duties and there may be no restrictive legend affixed. In other situations, NRC-originated records may include extensive quotations from, or detailed analyses of, licensee-originated material. If you believe information may be proprietary, you should confer with the FOIA Officer, FOIA Coordinator and the subject matter expert in the program or regional office that provided you the records. If there is a consensus that the information may be proprietary¹⁸, follow these steps.

¹⁶ 10 CFR 2.390 affords the licensee the opportunity to identify not only proprietary interests, but personal privacy interests. The FOIA requires notification to ascertain proprietary interests only.

¹⁷ Prior to 2004, the regulatory text in 10 CFR 2.390 was codified as 10 CFR 2.790.

¹⁸ Staff in the program or regional office should not simply default to considering the information proprietary but rather should use their best judgment whether the information is proprietary, considering what other information may already be widely known, or the passage of time that might affect the sensitivity of the information. Conversely, a program or regional office may identify certain records, or information, as proprietary. Before instituting the business submitter notification process, you should conduct some research (e.g., in ADAMS, on NRC's website, or through an internet service engine, such as Google) to ascertain whether the business submitter has already made this material publicly available.

2. If, however, you determine that there is another exemption that may be claimed to withhold the record, or information (for example, a listing of licensee personnel may be withheld on privacy grounds under exemption 6), there is no need to engage the licensee as part of your consideration whether to claim exemption 4. That said, if staff believes the information may be CEII, you must solicit input from the licensee whether it believes the information fits the definition of CEII.
3. Although the NRC's regulations set forth a detailed procedure for licensees to designate proprietary information when they submit it under 10 CFR 2.390 (including NRC's response to that designation), that procedure may not have occurred, or you may not find documentation of those steps having been followed.
 - a. If you do have that documentation, and the NRC agreed with the licensee's designation, and the FOIA request you're now processing is within one year of that agreement, you can rely on that documentation and claim exemption 4 without further need to engage the licensee.
 - b. If, however, more than one year has passed, given the possibility that the passage of time may affect the proprietary interest, or you don't have such documentation, you should prepare a referral.
4. Use the letter template in FOIAXpress to send the letter to the licensee or other business submitter. (**Attachment I-6-7**). The communication informs the business submitter that we believe they have equities in the record for which their disclosure views are requested. If you choose the email format, you can simply cut-and-paste the body of the template letter into the email. Create an action that tasks the business submitter for a consultation referral in FOIAXpress in the same way that you do for program and regional office referrals. At Step 1, in lieu of selecting the NRC program or regional office, check the box Send To: Other Email Recipients, and then Add the email address manually. Select Next and proceed as you would for program and regional office referrals.
5. Include a set of the records being referred. Most often, these records will have been created by the submitter and there will be no need to do any redaction in this set of records. Keep a copy of what you send to the

submitter. If you are using an email to solicit the licensee or other business submitter's views, you cannot securely send the records via your Outlook account or FOIAXpress. In appropriate situations, you may be able to reference the records without the need to include copies of them; for example, you may identify the licensee's SOPs or other instructions by their name and revision number, allowing the licensee to pull up their own copies. But if you do need to send copies of the records, you should use a secure method of transmission (e.g., encrypted email, BOX).

6. When the submitter letter is sent, use the email template in FOIA Xpress (if you have an email address for the licensee) or create a letter (using the template) in FOIAXpress (**Attachment I-6-8**) to notify the requester that certain responsive records have been sent to the submitter for their input.
7. The NRC's regulations require us to afford the business submitter thirty (30) calendar days in which to respond to our letter. If you have not had prior contact with the submitter, it is recommended that you telephone the point of contact¹⁹ to alert them that the package is coming.
8. Upon receipt of the submitter's views, decide whether the submitter has met the requirements for claiming exemption 4. If, ultimately, the records are to be handled in the way the submitter claims, then you can prepare the signature response package and proceed accordingly. But, if the decision is made not to claim exemption 4 for any of the records or information the submitter had marked for redaction (once the FOIA Officer has made a determination and OGC has provided their NLO), then use the letter template in FOIAXpress (**Attachment I-6-9**), which serves to advise the submitter of the determination and give the submitter notification of the impending release of the records, unless the submitter files an injunction action to forestall the release.
9. If there are records at issue in a request that do not need to be referred to a licensee or other business submitter, while you are awaiting the

¹⁹ If the records do not reflect the name and contact information for the business submitter's point of contact, ask the FOIA Coordinator (who may have to ask the subject matter experts) for that name. If they don't know, you can also check the Roster of Reactor Licensees (Rev. March 21, 2025) (ML003698407) (nonpublic) and look for contact information for the Senior Vice President. If possible, telephone the Senior VP to confirm whether they are the right person, or if you should communicate with someone else and get that person's name and email or mail address.

submitter's response to your letter asking for their views, you should consider whether it is viable to prepare an interim response for other (non-proprietary) records.

B. Special Rules (for allegation and investigation records):

1. If the FOIA request seeks allegation records from the Office of Enforcement (OE) or a region, or investigation records from the Office of Investigations (OI), the letter you write to the submitter can tell the submitter that a FOIA request has been received for the submitter's records (or information), but do not reveal the identity of the requester (if the requester is the alleged that prompted the creation of the records) in the letter or if the submitter calls to ask you.
2. Include a set of the records being referred.
 - a. Most often, these records will have been created by the submitter, so the submitter is already aware of the identity of the individuals referenced in the record (e.g., the record is an exhibit to a Report of Investigation (ROI) maintained in an allegation or investigation file). In such cases, the record may be sent to the submitter without any bracketing or redaction; as a best practice, you should check with OE (or the regional allegations staff) before doing so.
 - b. In other instances, the submitter may be unaware of the identities of the individuals referenced in the record that contains the proprietary information. Examples: (a) in a transcript of an interview with an alleged, which is an exhibit in the Report of Investigation (ROI), the special agent conducting the interview references a proprietary record, or its content; (b) the text of the ROI incorporates proprietary information, or (c) in the allegation itself, the alleged references the proprietary information. Precautions need to be taken so that the NRC does not inadvertently disclose to the submitter the identity of individuals who are entitled to exemption 7C or 7D protection, including any alleged. In this situation, the identities of these individuals should be redacted before the record is referred to the submitter for an exemption 4 proprietary review.

Review of Referred Records Tasking (to be used for a referral or consultation assignment from another agency, or when records from one program or regional office need review by another office)

DATE:

TO:

FROM:

SUBJECT: [REQUESTNUMBER]

ATTACHMENT: [Copy of FOIA request (redacted of any PII, as appropriate); referred records if not too large a file]

{Add only if applicable:} Please note that the FOIA Office has retained in its files the necessary identity verification and/or third-party authorization documentation. If your office requires that documentation to locate any responsive records, please contact the assigned FOIA Team member.

The due date is *{insert date that is ten (10) business days from the date of this tasking email}*.

Action needing to be taken:

- ☐ Provide your office's concurrence or non-concurrence in *{name of the program or regional office}*'s recommendations for disclosure or withholding for each record (or portion of record); or
- ☐ Provide a disclosure determination/recommendation for each record that was identified by *{name of the program or regional office}* as a record (or portion of a record) for which your office is responsible and which is subject to this request; or
- ☐ Provide a disclosure determination/recommendation for each record that was referred to the NRC for review/consultation by *{name of other agency}*.

If you do not have equities in each record being referred to you, please advise. (This means that you would have no objection to, or concerns about, its release, should no other office/agency recommend nondisclosure.)

[The records are attached.] [Due to the size of the records, they are being uploaded to BOX, SharePoint or other shared drive].

{Add only if this is a referral of records that came from allegation or investigation records of OE, OI, or OIG, as applicable, if the response is to be made publicly available:} Please note that the NRC has now received three or more FOIA requests for these same records. As such, any

interim or final responses to this request, including these referral records, will be included in public ADAMS.

The FOIA request should be processed in accordance with the standard instructions (How to Respond to an Initial FOIA Request) at ML060590485. NRC Form 511, "Program Office Memo," and Form 496, "Report of Staff Resources for Processing FOIA Requests," are available in the NRC Forms Library for your use.

Please remember to charge time spent on this FOIA, whether billable to the requester or not, to CAC ZF0000.

If you have any questions, please contact me. Please do not reply to noreply@ains.com; this email box does not accept incoming messages. I may be reached by email at [PRIMARYUSERREMAIL] or by telephone at [PRIMARYUSERPHONE].

Thank you.

[PRIMARYUSERNAME]



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

[TODAYDATE]

IN RESPONSE REFER TO
[REQUESTNUMBER]

FOIA Officer
Agency
Agency Street Address
City, State, Zip

Dear FOIA Officer:

In response to the enclosed Freedom of Information Act (FOIA) request, the U.S. Nuclear Regulatory Commission (NRC) has determined that the enclosed records do not fall under the purview of the NRC.

The records are being provided to you to make a disclosure determination. We [DO/DO NOT] have any objection to the release of these records in their entirety. On [DATE], we informed the FOIA requester that we were providing the records to you to make a disclosure determination. Please respond directly to the FOIA requester. If you have any questions regarding this matter, please contact [PRIMARYUSERNAME], at [PRIMARYUSERPHONE] or [PRIMARYUSEREMAIL].

Sincerely,

/s/ Signature of FOIA Officer

Name of FOIA Officer
FOIA Officer
Office of the Chief Information Officer

Enclosures:
as stated

Notification to Requester that NRC has referred a record to another Federal agency for disposition

Date:

To:

From:

Subject: [REQUESTNUMBER]

This email serves to inform you that the U.S. Nuclear Regulatory Commission (NRC) has referred the above-referenced Freedom of Information Act (FOIA) request to the *{name of agency}*. They will respond to you directly with respect to the record(s), which originated with the *{agency}*.

The FOIA contact for the *{name of agency}* should be reaching out to you shortly regarding the status of their processing of your request. But if you need to contact them, the FOIA contact is *{name of point-of-contact}*, who may be reached at either *{email address}* or *{telephone number}*.

This completes our actions regarding your request. We have administratively closed our file.

Thank you.

[PRIMARYUSERNAME]

Initial Consultation Request of Another Federal Agency Template

DATE:

TO:

FROM:

SUBJECT: [REQUESTNUMBER]

ATTACHMENT: Copy of request (redacted of any PII, if applicable)

During our processing of the attached Freedom of Information Act (FOIA) request, submitted by [REQUESTER], the U.S. Nuclear Regulatory Commission (NRC) has located certain records, or information included in records, that fall under the purview of the {name of agency }. Due to the possible sensitivity of the records, I have not attached them to this email. Rather, I will be making them available to you through BOX, which is a secure, file-sharing application that the NRC uses when sharing sensitive records with external stakeholders. Although you may need to register with BOX, there is no cost to you.

The records are being sent to you to allow you to identify any equities you may have in the records, along with your disclosure recommendations¹ before we issue our response to the requester. Please respond directly to the NRC with your views (including a foreseeable harm statement for any record, or portion thereof, that are you recommending be withheld under any discretionary exemption).

The requester has been notified of this consultation.

We would appreciate having your consultation views no later than *{insert day that is 30 calendar days from the date of the email}*. If you have any questions regarding this matter, please contact [PRIMARYUSERNAME], who may be reached by telephone at [PRIMARYUSERPHONE] or via email to [PRIMARYUSEREMAIL].

Thank you.

[PRIMARYUSERNAME]

¹ See 10 CFR Part 9.25(i).

Follow-Up Consultation to Another Federal Agency Template

DATE:

TO:

FROM:

SUBJECT: [REQUESTNUMBER]

This email follows up on our prior email, dated [], in which we sought your consultation views respecting records that U.S. Nuclear Regulatory Commission (NRC) staff had identified as responsive to the above-referenced FOIA request.

We had asked for your views no later than [] but we have not heard back from you. It is now 30 calendar days since we originally asked for your views.

Given this delay, if we have not received your views by *{insert the date that is ten (10) business days from the date of this email}*, the NRC will use its best judgment to make a determination on the record(s) and respond to the requester.

If you have any questions regarding this matter, please contact me. Please do not reply to noreply@ains.com; this email box does not accept incoming messages. I may be reached by email at [PRIMARYUSERREMAIL] or by telephone at [PRIMARYUSERPHONE].

Thank you.

[PRIMARYUSERNAME]



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

[TODAYDATE]

IN RESPONSE REFER TO:
[REQUESTNUMBER]

Benjamin Williams, CEII Coordinator
Acting Director, Office of External Affairs
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Dear Benjamin Williams:

As provided for under Section 2.C. of the Memorandum of Understanding (MOU) between the U.S. Nuclear Regulatory Commission (NRC) and the Federal Energy Regulatory Commission (FERC) regarding Critical Energy/Electric Infrastructure Information (CEII),¹ this letter is to consult with you, as FERC's CEII Coordinator, for a supporting determination of the designation of the material identified in the enclosed documents as being CEII that is exempt from public disclosure under Exemption 3 of the Freedom of Information Act, 5 U.S.C. § 552(b)(3), pursuant to Section 215A of Part II of the Federal Power Act, 16 U.S.C. § 824o-1.

Pursuant to Section 2.C., the NRC staff has provided the following information to assist you in making a CEII determination:

1. *{Staff to fill in concise summary describing why the NRC believes the material is CEII}.*
2. *{Staff to provide an explanation as to how long the material should be designated as CEII (up to 5 years) and whether it is likely that renewal of the CEII designation will be needed}.*
3. The portions or pages of the enclosed documents for which FERC's CEII designation is being requested are clearly identified with *{describe how marked}*.²

¹ Memorandum of Understanding Between U.S. Nuclear Regulatory Commission ("NRC") and the Federal Energy Regulatory Commission ("FERC") Regarding the Treatment of Critical Energy/Electric Infrastructure Information ("CEII") (June 2018, extended April 2024).

² *{Add if applicable:}* Per internal NRC procedures, the portions or pages of the documents for which FERC's CEII designation is being requested will be marked as CEII as well as [OUO-SRI (the general NRC acronym for "Official Use Only – Security-Related Information.") ["CUI-SP-CEII"]

{If the record was submitted to the NRC from a licensee under 2.390, add:} Under 10 CFR 2.390, a submitter can request that a document be withheld from public disclosure because it contains trade secrets, confidential commercial or financial information, or certain other types of sensitive information, including security-related information. *{or} {If the material wasn't submitted under 2.390, but we did a consultation, add:}* Although the licensee did not submit the material to the NRC under 10 CFR 2.390, as part of the processing of the instant FOIA request, we solicited the licensee's views on a number of responsive records; specifically, the NRC inquired whether the licensee had any proprietary or security-related interests, and whether it believed the documents contained information that should be designated as CEII. As reflected in the enclosed *{date}* response letter from the licensee, the licensee communicated to the NRC its view that the drawing is proprietary and security-related information and should be designated as CEII.

The MOU provides that the CEII Coordinator will endeavor to provide the NRC with a determination within ten (10) business days. If additional coordination with the NRC staff by the CEII Coordinator, or their designee, is desired, please contact *{as applicable:}* [PRIMARYUSERNAME], Government Information Specialist, *{or}* [PRIMARYUSERNAME], contractor, Pathfinder Consultants, LLC, who has been assigned to work on this matter in support of the Office of the Chief Information Officer], who may be reached by telephone at [PRIMARYUSERPHONE] or via email at [PRIMARYUSEREMAIL], as soon as practicable.

Sincerely,

/s/ Signature of FOIA Officer

Name of FOIA Officer
FOIA Officer
Office of the Chief Information Officer

Enclosure[s]:

{list documents; if there are licensee views or other relevant information, add here.}

Subject: RE: Tracking Number - Licensee Consultation

Good morning/afternoon .

The records that I am making available to you through BOX, a secure file-sharing platform available to you at no cost, were identified by U.S. Nuclear Regulatory Commission (NRC) staff as responsive to the above-referenced Freedom of Information Act (FOIA) request.

Under the provisions of the FOIA, the NRC must determine whether the responsive records, or any portions of the records, should be withheld from public disclosure. This includes determining whether portion(s) of the records, if any, should be withheld from public disclosure under exemption 4 of the FOIA, 5 U.S.C. § 552(b)(4), and 10 CFR 9.17(a)(4) because they contain trade secret or confidential commercial or financial information ("proprietary information"). We need information from you to assist us in determining whether any information contained in these records falls within FOIA exemption 4. [As appropriate: We note that, when you furnished the records to NRC, you provided an affidavit under 10 CFR 2.390. In light of the passage of time since you submitted the records, and that FOIA obligates us to provide reasonably segregable, nonexempt portions of records, we are requesting that you review the records anew.]

In addition, as the records originated with you, we are soliciting your comments on whether any portions of these records should be considered critical energy/electric infrastructure information (CEII). The NRC and the Federal Energy Regulatory Commission (FERC) have entered into a Memorandum of Understanding (MOU) regarding the treatment of CEII (ADAMS accession no. ML18164A182, as extended by ML24099A224). Any information designated by FERC as CEII would be exempt from disclosure under exemption 3 of the FOIA, 5 U.S.C. § 552(b)(3), pursuant to Section 215A of Part II of the Federal Power Act, 16 U.S.C. § 824o-1.

You may either "mark" electronically (by using Adobe's highlight or comment functionality) or provide a separate narrative identifying any portions that your company believes should be withheld (e.g., by page, section, or paragraph). However, please make sure that you clearly identify which portions your company treats as proprietary, and which portions you believe should be considered CEII. Please return to me your marked copy, or narrative, along with the answers to the following questions in sufficient explanatory detail to permit the NRC to make a determination. If you do not object to the disclosure of the records, you need not answer the questions below.

If you believe any of the information in the enclosed records should be treated as proprietary, please answer the following questions:

1. Does your company customarily keep this information, or this type of information, private or closely-held? Please explain why.
2. Was the information transmitted to, and received by, the NRC in confidence? Please give details as to the circumstances in which the NRC obtained this information.
3. To the best of your knowledge, is the information currently available in any public sources?

4. Did the NRC provide either an express or implied assurance of confidentiality when the information was shared with NRC?
5. Since this information was transmitted to the NRC, have any events altered the proprietary character of the information? If so, please explain.
6. Consistent with 10 CFR 2.390(b)(4)(v), please explain whether public disclosure of the information is likely to cause substantial harm to the competitive position of your company.

If you believe any of the information in the attached records should be considered CEII, please answer the following two questions:

1. Why do you believe the information should be considered CEII?
2. How long do you believe the information should be considered CEII?

We will consider carefully the response you provide to us. If the NRC determines that any information that your company identified in response to this email should be disclosed, we will notify you of our determination, including a description of the information to be disclosed, the reason(s) for the NRC's determination, and the date by which the information will be made available to the public. 10 CFR 9.28(c).

Please provide your response to me no later than [date that is 30 calendar days from date of email]. If we have not heard from you by this date, you will be considered to have no objection to disclosure of any of the records. Please do not reply to noreply@ains.com; this email box does not accept incoming messages. If you have any questions regarding this matter, you may reach me by telephone at [PRIMARYUSERPHONE] or via email at [PRIMARYUSEREMAIL].

Thank you.

[PRIMARYUSERNAME]

Notifying Requester of a Licensee or other Business Submitter Consultation

DATE:

TO:

FROM:

SUBJECT: [REQUESTNUMBER]

This is to notify you that, in accordance with 10 CFR 9.28 of the U.S. Nuclear Regulatory Commission (NRC)'s regulations, record(s) subject to your request *[has/have]* been sent to the submitter of the information for their review of claims of confidential commercial and/or financial information in which they may have a proprietary interest.

Should you have any questions, please contact me. Please do not reply to noreply@ains.com; this email box does not accept incoming messages. I may be reached by telephone at [PRIMARYUSERPHONE] or via email at [PRIMARYUSEREMAIL]. Thank you.

[PRIMARYUSERNAME]

Email to provide advance notification to Licensee or other Business Submitter of Release of their Information (Remember to send with a "read receipt")

DATE:

TO:

FROM:

SUBJECT: [REQUESTNUMBER]

The *{attached records/records listed on the attached listing}* were submitted to the U.S. Nuclear Regulatory Commission (NRC) and have now been identified as subject to the above-referenced Freedom of Information Act (FOIA) request. *{If you intend to provide the records, and the volume is great, use Box and add the following: "Due to the size of the records, we are making the records available to use through Box, a secure file-sharing platform available to you at no cost."}*

Under the provisions of the FOIA, the NRC must determine which portions of the records, if any, should be withheld from public disclosure because they contain trade secret or confidential commercial or financial information ("proprietary information"). *{Add, if applicable: When you submitted the record(s), you requested that the record(s) be withheld from public disclosure in accordance with the provisions of 10 CFR 2.390. However,}* under the provisions of the FOIA, the NRC must make an independent review and determine which portions of the records, if any, must be disclosed to the public. We have completed our review and determined that these records, or portions of these records, must be released.

This information will be released on *{insert date that is 30 calendar days from the date of this email}*, unless you take appropriate legal action to prevent the NRC from doing so or provide additional written justification for withholding this information prior to that date. If you have any questions, please contact me. Please do not reply to noreply@ains.com; this email box does not accept incoming messages. I may be reached by telephone at [PRIMARYUSERPHONE] or via email to [PRIMARYUSEREMAIL].

Thank you.

[PRIMARYUSERNAME]

CHAPTER 7

PROCESSING RECORDS AND PREPARING THE SIGNATURE PACKAGE FOR RESPONSE

For processing closings of FOIA requests (whether for failure to commit to pay the fee estimate or other reasons), see **Section I-Chapter 3**. When you are ready to prepare either an interim or final response package, you will use Part I and, if there is any denial, Part II of the NRC Form 464.

- I. Reviewing Records and Redacting in FOIAXpress
 - A. In response to the Request for Documents (RFD), the program and regional offices will be providing you records,²⁰ separated into several groups: (i) those that will be processed based upon their disclosure recommendations (e.g., released in their entirety, released in part, or withheld in full); (ii) those that should be referred, whether to other NRC offices, other Federal agencies, or licensees or other submitters for their input; (iii) those that are already publicly available; and (iv) those that may be made publicly available. For the latter two groups, the program or regional office may provide you with the actual records or, more typically, they will provide you with a report from ADAMS that contains a description of the record and its ML#, or a listing the FOIA Coordinator created containing the same descriptive information. Only the printout/listing is to be uploaded into FOIAXpress's Review Log (not the actual records). With few exceptions, such as Web-based Licensing (WBL) or NRC Staff Directory spreadsheets, which are easier to handle through use of Adobe's redaction tool, all records in the other groups are to be uploaded into FOIAXpress's Review Log (whether they will need redacting or not).

²⁰ OCIO has urged program and regional offices to provide their FOIA responses in electronic form. These offices are doing so in various ways; some FOIA Coordinators upload their responses to our SharePoint site while others use their own offices' SharePoint sites, or shared drives. While the FOIA Team has access to OI's SharePoint site, we generally do not have access to other offices' SharePoint sites, so you will have to request access. For particularly sensitive information, SECY may decline to provide us with copies of the responsive records and instead provide us an appendix describing them. OGC and OIG will do this for ethics matters involving specific individuals. In records identifying an alleged, when responsive to third-party requests, the OIG will provide us the records, albeit with the alleged's identity already redacted.

- B. Make sure that when you close out the RFD task to each program or regional office, you include the response provided by the office, including all response documentation (e.g., NRC Form 511, NRC Form 511A, any ADAMS printouts, etc). This documentation will then appear in the Correspondence Log.
- C. If you are not going to use FOIAXpress's Electronic Document Discovery Review (EDR) module to eliminate duplicates (see **Sections II-IV**, below), FOIAXpress offers several options for how you will upload records into the Review Log. First, select the Add/Search/View Documents tab for the request. At the top of the screen, you'll see the Review Log Documents section. Select Add Documents. Select from the drop-down menu the File Cabinet Drawer where you want the records to be saved. You should choose the drawer corresponding to the fiscal year in which the request was opened (regardless of the year you are working on the request). For example, it's October 2023, and you've been assigned FOIA-2022-000001. The records responsive to this request are uploaded into the FY2022 drawer. You will then see the Option for Adding Pages. On the left-hand side of the window, you are initially given two choices: (i) to add each file (record) as its own folder or (ii) to add all files (records) to a single folder. If you choose the second option, you are then given another choice: to add all the files into the folder (as one section) or add each file (record) as its own section. Which of these options you choose should depend on the request you're processing, considering such factors as whether you have records from multiple program or regional offices; whether you have hundreds of records or only a few; and whether you expect to process the records in a single response or multiple responses.
1. If you choose to add each file as a separate folder, you will then Add Documents into the Drag and Drop Zone. The records will then appear on the Files List. You may use the arrows to reorder them. Then select Add. This will prompt a window to open, asking you to confirm that you want to add the records from the Files List. Select Yes.

2. There is also one other option, which appears on the right-hand side of the window under Other Option. If you select this option, another window will open. The naming convention for each folder you create is the request's tracking number (including the prefix, so as to distinguish requests received directly by NRC, which uses the FOIA- prefix, referrals that come in from other agencies (which uses the REF- prefix), or consultation requests from other agencies (which uses the CON- prefix)), followed by your initials in parentheses, e.g., FOIA-2022-000001 (ABC). Leave the document format to the default, separate single page files. Then select Create Folder. This will open the ADX file you've created. To create multiple sections, right click on the file name, select Create Section, and then name that section. Then select Create Section. You will now see the section you created. You may do this for as many sections as you want.
- D. For the program offices that have RedactXpress, you will be able to import the ADX file the office created in RedactXpress into FOIAXpress. To do that, select the request. Under the Document Management tab, select Import ADX. This will bring you to the Step 1 screen, where you should drag-and-drop the ADX file you wish to import. Select Next. At the Step 2 screen, choose the program office (from which the records came), the File Cabinet Drawer (the fiscal year in which the request was opened), and select from the drop-down menu "FOIA" as the Redaction Code Type. Then select Finish. Go back to the Request Information screen; select Add/Search/View Documents, to bring you to the Review Log. Select "Add documents from DM" and at the window, enter the necessary information to search for and locate the imported ADX file. Once you locate it, select it, and then select Open Folders. The folder will open; right click on its name and select "Add to Review Log." The folder is now imported into the Review Log.
- E. Keep in mind that the released set of records you ultimately produce needs to be clean of any bracketing and exemption claims that a program or regional office may have proposed, whether we ultimately agree or disagree with them. The ellipse functionality (make sure that you have chosen white for the color of the border in Tools) in FOIAXpress is

available to erase these stray markings.²¹ Where a record consists of single-spaced text, it is often difficult to make effective use of the ellipse because you may end up obscuring text along with the stray marking. Since we ask the offices to provide us both a clean and marked-up set of records, you may choose to upload the clean, rather than the marked-up, set of records into the Review Log. You then would use the marked-up set as a guide as you make redactions. If you choose to upload the clean set into the Review Log, be sure to include the marked-up set as part of the response documentation that will be available in the Correspondence Log.

- F. De-duplication. In order to minimize fees for the requester, eliminate the risk of inconsistent treatment, and to lessen the time it takes to process records, you are expected to de-duplicate the responsive records (although this is a responsibility for FOIA Coordinators for records within their own offices, sometimes this may still be needed, and you will certainly have to de-duplicate records coming from multiple offices). For this purpose, a duplicate is either the identical record, or, in the case of email strings, a shorter email string that is fully included in a longer email string (including any attachments appearing in the shorter strings). Whatever methodology you use, even if multiple offices provide you with the same record, you are only going to process the record once. For the duplicates, you will use the “duplicate” review flag (either right-click on the page, select “set review flag” and then select “duplicate” or choose the “duplicate” option in the exemption menu). By doing so, when you open the folder (if you set your general preferences at the FOIAXpress home page to “show review flags”), next to the page number, you’ll be able to see readily see the pages that are duplicates, which you then won’t reproduce when you are assembling the response package.
- G. Keep in mind that emails or memoranda that have attachments, or letters that have enclosures, are considered a single record. When an attachment or enclosure is already a publicly available record, instead of uploading that already publicly available record (see **Section I-A**), use the Comment²² feature to insert the ML# (e.g., “Attachment is publicly available in ADAMS as ML#”) on, or near, the Attachment line of the

²¹ You may also use the ellipse to “erase” the staff name that appears at the top of emails when staff produces an email to you by “printing to Adobe” (since the name does not appear in the email’s native format in Outlook).

²² Be mindful that, when you print the Released Set of records, you will want the Comment feature (Review Object) to appear.

email.²³ By doing this, the requester will be able to look up any records that are already publicly available. If there are records responsive to a request that are already publicly available, include the ML# in the Comments Section of Part I of the NRC Form 464, or if the number of publicly available records is large, create a separate listing that will be part of the response package.

- H. Make appropriate use of the Sticky Note²⁴ feature to provide any other salient information about the record for a reviewer (e.g., a prior release of the same record, or the same or similar information).
- I. Prepare the NRC Form 464 and assemble the signature package, emailing the FOIA Officer that the signature package is ready for their (preliminary) review in FOIAXpress. Provide the FOIA Officer with the name of the folder and its drawer location, so that it may easily be found. Although the salient background information for the request should already be included in FOIAXpress, if the signature package is to be reviewed by OGC (see **Section V-M**), you may also wish to let the FOIA Officer know of its availability in the FOIA Cases folder as another way they can access the background information.

II. Using Electronic Discovery Review (EDR) to de-duplicate emails and other records

- A. Once you have selected the request, on the left-hand side of the Request Information screen, select “Electronic Document Review”. This will open a new window to begin the two-step process for ingesting records.
- B. At Step 1, Under Data Source, select “From Local Disk/Network”. This will open a new window. You can select several files from your desktop if the total size of the files is less than 10GB.
 - 1. Select the files to be uploaded by clicking on “Select” once you locate the file on your computer, select open. Files will add in the window; once added, the circle next to the file name will turn green.

²³ If the ML# of the publicly available version is already included in the Attachment line, you don’t need to do this. But if the ML# is of the non-public version, or the document is otherwise described, then you will need to add the ML# of the publicly available version. If the attachment is publicly available elsewhere on NRC’s website, you can also use the Comment feature to include the link to the webpage.

²⁴ Be mindful that, when you print the Released Set of records, you will not want the Sticky Note feature (Review Object) to appear.

2. When all files have been added, select "Upload" in the left-hand corner of the window.
 3. A pop-up window will open with the following message "Are you sure you have finished uploading all files? Once uploaded, you cannot add more files without overriding existing files." Select OK.
- C. Under Clustering Settings, if not already checked, check the boxes for "Enable Clustering" and "Create Email Containment Clusters."
- D. Under Data Source Processing Settings, there are two choices to be made. First, under the Document Review section, select "De-dup across all document types." Second, under the Email Attachment section, select "Keep email body and attachments as single document." Select "Next" at the bottom of the page.
- E. You are now at Step 2. Note the four items of information under Cluster Settings and then select "Finish." FOIAXpress will create a job to upload and process your records into the EDR Module. You can keep the window open to review the status of the job. This process may take several minutes depending on the size of the records being added. Feel free to move onto another task. An email notification will be sent when the job is complete. Once the records have been successfully added to the EDR Module, you will see the message, "Documents have been successfully added to EDR." From this window, select "Go to Document Review."
- F. If you need to add additional records after you ingested the first group of records, at the EDR Home screen, Select "All Documents." This will bring you to a new screen. Select "Data Sources." This will open a new window.
1. Select "Add", Name the Data Source (It is recommended that you use the tracking number and applicable program or regional office). At the Locate Data Source prompt, select "From Local Disk/Network. This will open a new window.
 2. Select the files to be uploaded by clicking on "Select." Once you locate the files on your computer, select open. Files will add in the window; once added, the circle next to the file name will turn green. (If a record is encrypted or password protected, or otherwise corrupted, it will not upload. You will be able to identify any problematic records and remove them from the EDR Module.)
 3. When all files have been added, select "Upload" in the left-hand corner of the window.

4. A pop-up window will open with the following message “Are you sure you have finished uploading all files? Once uploaded, you cannot add more files without overriding existing files.” Select OK.
5. Select “Index and Identify Containment” in the bottom right-hand corner of the window. You should see the data sources you have added. Select Close. This will return you to the EDR Home screen.

III. Document Review

- A. From the EDR Home screen, select “Review Lists.” In this view, the system has identified records that may be duplicates or near duplicates. To be able to compare emails that are a part of a longer string, check the boxes next to the Doc ID corresponding to the emails that you wish to compare, and select “Containment Compare.” This will open a new window to review the metadata and record contents. Once the review is complete, you may close the window.
- B. To compare the other records (e.g., Word, Excel, or PowerPoint) check the box next to the records you want to review and select “Compare.” This will open a new window to review the metadata and record contents. Once the review is complete, you may close the window.
- C. To view the contents of any record, you can click on the underlined record name. Once the review is complete, you may close the window.

IV. Adding to Review Log

- A. From the EDR Home screen, select “All Documents.” On the panel on the left-hand side, open “Exclude Documents” and check the boxes next to “Contained,” “Duplicates,” and “Blanks.” Then select “Search.” Sort the records into the desired date order.
- B. Select “Add to Review Log.” Under “Add Documents From,” select “Documents” and “All.” Under “Folder Structure in DM” (Document Manager), select “Add All the Documents into One Folder Separated by Sections.” Under “Folder Information,” select the File Cabinet Drawer that corresponds to the tracking number. Name the Folder using the tracking number and your initials in parentheses (for example, FOIA-2023-000001 (ABC)).
- C. Under Start Time, select “Start Now” and then select “Add to Review Log”. A pop-up window will open with the following message “Do you want to update the request status to 'Documents Added to Review

Log'?" Make the appropriate selection. Another pop-up window will open with the EDR JOB ID and the message "Add to Review Log is being processed. Note: The records will be added to the request, however additional processing time may be required to view the pages if more than one folder is created." Select OK.

- D. To close the EDR Module, click close in the upper right-hand corner. From the Request Information screen, click on the "Add/Search/View Documents" on the left-hand side of the screen to access your de-duplicated records.

V. Preparation of Signature Package

- A. Unless there is a full grant of records, or a "no record" response, you will use both Parts I and II of the NRC Form 464 (**Attachments I-7-1 and I-7-2**). Except for responses containing OIG records only (see **Section II-Chapter 2**), the FOIA Officer is the signatory.
- B. There are instances where we may issue an interim response to provide greater customer service. Sometimes it is not practicable to wait until all responsive records can be processed to do a response. For example, where there is a need to send records to a business submitter, or to consult with another Federal agency, it may be appropriate to do interim response packages.
 - 1. When doing an interim response, in Part I of the NRC Form 464, check the "interim" box, insert the appropriate number of the interim response, and remember to check the box indicating "we're continuing to process your request." Do not insert anything in the Part I.A., Fees section, until you do the final response.
 - 2. Check the box in Part I.B, informing the requester that administrative appeal rights will be afforded upon issuance of the final response.
- C. For records that are already publicly available in ADAMS, elsewhere on www.nrc.gov, such as in the Document Collections area or made available through the National Technical Information Service (NTIS) or the Government Publishing Office (GPO), create a listing of each record by its date, brief description, and ML# or link to where the record is already publicly available from the U.S. Government site (**Attachment I-7-3**).

1. If a record's availability in ADAMS is listed as "non-publicly available", and the program or regional office (and you) agree that the record is to be released in its entirety, then you will need to initiate steps to have the record's availability in ADAMS changed from "non-publicly available" to "publicly available." The record may also be profiled as "sensitive" because it contains restrictive legends (e.g., official use only, submitted under 2.390, sensitive internal information). But, if after the program or regional office and you (and the licensee, as applicable) agree that the record may be released in its entirety, you will also need to initiate steps to have the record's profile and availability in ADAMS changed from "sensitive" to "non-sensitive" and "non-publicly available" to "publicly available." When the FOIA Coordinator recommends that such a record can be made publicly available in ADAMS, you may rely on that recommendation and send an email to the ADAMS IM resource mailbox asking that the record be made publicly available immediately (**Attachment I-7-4**).²⁵ By doing so, the record carries only one ML# and it will be designated as publicly available, allowing anyone researching it, whether NRC staff or a member of the public, to quickly locate it in public ADAMS.
 2. If a requested record is profiled as publicly available in the Legacy Library (a database that contains only citations to the records on microfiche), but it has not been added to the Main Library in PDF format as part of the Digitization Project, and therefore remains only available on microfiche, the record should be added to the Main Library under a new accession number so that it is widely available from this point forward.
- D. Except for certain sensitive records, responses to media requesters and most other responses (and the incoming request, with personally identifiable information (PII) redacted), are placed in public ADAMS. See 10 CFR 9.27(a). To ensure consistency in our treatment of FOIA responses, except as listed herein, FOIA responses, including released sets of records) will be placed in public ADAMS:
1. Privacy Act records (a first-party requester's own records, which are maintained by the NRC in a system of records and retrievable by that first party's name or another unique identifier);

²⁵ Note that if a record in ADAMS has not been declared an official agency record, the record's owner will first have to request, through the ADAMS IM resource mailbox, that the record be declared an official agency record. Then you can follow the steps above to have its profile and availability changed.

2. Investigation/allegation (OI/OE/OIG) records, whether sought by a first- or third-party requester²⁶; and
 3. Consultation responses we provide another Federal agency (since the NRC does not make the final determination as to the records).
- E. For each response, in the area to the right of the signature block, select from the drop-down menu the appropriate box, “public” or “non-public.”
- F. In Part I.B, if either box 1 (no record found) or 2 (record denial) is checked, then you must check box 3 (if it’s an interim response) or box 4 (administrative appeal rights). Conversely, if the request is being granted in its entirety, boxes 2 and 4 are not checked.²⁷
- G. In Part I.C, include in the Comments section any information about fees if there is a change from the estimate, or describe any modification to the scope of the request.
- H. In Part I.C, include in the Comments section which program and regional offices conducted searches for responsive records (and whether they located records or not); any consultations (with licensees or other business submitters or other Federal agencies) were done; and any other salient information.
- I. Be sure to include in the Distribution field the program and regional offices whose records are the subject of the response. If you are doing interim responses, just include the offices whose records are addressed in that interim response. Even if an office that searched had no records, you should include that office in the Distribution field. By so doing, the office learns that the response has been issued to the requester.

²⁶ The FOIA Amendments Act of 2016 requires agencies to make publicly available records that have been released in response to three or more requests or are expected to be the subject of multiple FOIA requests. So, even though allegation and investigation records are generally not included in ADAMS, those that are released in response to three or more third-party requests are included in public ADAMS.

²⁷ Under the FOIA, an agency must afford requesters administrative appeal rights when an adverse determination is issued. A request for “Record A” that is released in its entirety is a full grant and not an adverse determination. So, the administrative appeal box is not checked. However, a request for “all records about A,” when we released in full every record we found, is considered an adverse determination as the requester may challenge the adequacy of the search. Accordingly, the administrative appeal box is checked.

- J. In Part II.B, Denying Officials section, except for records originating with SECY, OGC, or OIG, the FOIA Officer is the denying official for the records being denied in part of in their entirety. The denying official for records of the Commission, SECY, a current or former Commissioner, and a Commission Advisory Committee is the Deputy Executive Secretary to the Commission. The denying official for OGC Records is the General Counsel. The appellate official for the records of the Commission, SECY, a current or former Commissioner, and Commission Advisory Committee, as well as OGC records, is the Executive Secretary to the Commission. For all other offices, the appellate official is the EDO. (Note: The OIG uses its own version, NRC Form 464-OIG). See **Section III-Chapter 3** for a listing of program and regional offices and their acronyms.
- K. If you have prepared the records as the program or regional office recommended, you do not have to let those offices know how you have prepared the signature package. SECY, OGC, and OIG have their own independent authority. So, generally, when processing these offices' records, you follow their bracketing. But if you see an oversight, or what you believe is a clear error (e.g., a failure to bracket personally identifiable information (PII), or an inconsistency in bracketing, etc.), you should raise this to the appropriate FOIA Coordinator. For other offices, if there are changes, as a best practice, you should communicate with the FOIA Coordinator or subject matter expert (SME) within that office with whom you've been working, to reach alignment as to the change.
- L. A signature package for a third-party request (containing allegation or investigation records other than records arising from an allegation of discrimination) is sent to the Office of Enforcement (OE) for a "back-end" review (except in the rare circumstance where there is no alleged and there is no pending enforcement action) before OGC does its review and the FOIA Officer signs the Form 464. Since OE is one of the program offices using RedactXpress, the FOIA Coordinator's review is done electronically. OE has ten (10) business days to complete that review. As discussed in Chapter 6 on Referrals, remember to task OE in FOIAXpress for that review using the Program Office Appeal Letter Review or OE Back-End Review template (**Attachment I-7-5**), ensuring that when you create the Request for Documents (RFD) task in FOIAXpress that you select "OE Back-end Review" rather than "OE" as the program office to which you are sending the tasking email.
- M. If you did not already coordinate with OE during your processing of the records, whenever records originating with other program or regional offices were part of the non-concurrence process (NCP) or differing

professional opinion process (DPO), the signature package should be coordinated with OE as it administers the NCP and DPO processes.

- N. Generally, we must consult with OGC before the FOIA Officer may finalize a signature package. For OGC to do this legal review, be sure to include anything of significance you want the reviewer to know about the request when you tailor the review tasking email. This includes the name of the OGC attorney who previously reviewed the package, if applicable, or if the request is related to, or deals with the same records as, another request recently reviewed by an OGC attorney. In the folder (named with the request's tracking number followed by your initials in parentheses) you create in the FOIA Cases folder, be sure to include a copy of the FOIA request (redacted of any personally identifiable information (PII), as applicable); the program or regional office's disclosure recommendations, including any harm statements; a copy of OGC's response from a previous review of the package, if any; documentation of any modification the requester made to the request; licensee or other business submitter or other Federal agency consultation input; and any other pertinent information that would assist the OGC attorney reviewing the signature package. This will also assist the OGC manager when the OGC manager is deciding to whom to assign the review. It generally takes about 48 hours between the time the OGC FOIA Coordinator is notified that a signature package is ready for review and its assignment to an attorney. If you want to know to whom it's been assigned, you may send an email to the OGC FOIA Coordinator to inquire. When creating the Request for Documents (RFD) task for OGC's review in FOIAXpress, using the "OGC Legal Review template (**Attachment I-7-6**)", select the "OGC Reviews" rather than "OGC" as the program office. If the OGC attorney suggests changes with which you do not agree, if after discussing it with the attorney you cannot reach alignment, then discuss it with the FOIA Officer.
- O. Once you obtain the necessary "No Legal Objection" (NLO) from OGC, and alignment from OE whenever a third-party request for allegation or investigation records other than discrimination is at issue, the signature package is ready to go to the FOIA Officer for final review and signature. Because the FOIA Officer has already done a preliminary review of the records in FOIAXpress, the FOIA Officer needs only a truncated signature package (i.e., NRC Form 464 and any salient background information, such as foreseeable harm statements). The FOIA Officer can view the request, any modifications to the request reflected in emails that you should have uploaded into the Correspondence Log in FOIAXpress, and the records. The FOIA Officer will digitally sign the response. Ensure that

the date the FOIA Officer signed the NRC Form 464 is added to the first page.

- P. Once the signature package has been finalized, you will move the records from the Review Log to the Request Folder in FOIAXpress.²⁸ To do so, select the request. Select the Add/Search/View Documents tab. The Review Log documents will appear at the top of the screen. Check the applicable folder and select Open Documents. Load the applicable review layer. Once the folder opens, right click on the folder name, and from the drop-down menu, select Add Folder to the Request Folder. This will open a new window; confirm that the folder you want to move to the Request Folder is checked. At the Review Status prompt, select from the drop-down menu “Review Complete/Approved for Release.” (If the request is closed without finalizing a signature package, for example, or the requester withdraws the request after receiving an interim response, then you would select “Review-Other” and include a Note explaining the circumstances.) Then select “Add Folder(s)” at the bottom of the window. FOIAXpress will ask for your confirmation. Select OK. Once the action is completed, close the window. At the screen showing the Review Log and Request Folder documents, you should see that the folder you selected has been moved from the Review Log to the Request Folder. You must remember to do this before closing the request in FOIAXpress, as you cannot perform this action once the request is closed.
- VI. Final Steps. In finalizing the signature package, the steps you take will depend on whether the response is to go into public ADAMS.
- A. If the response is to go into public ADAMS, and the requester has not asked for paper records, you may email the response to the requester. You should use the Send Correspondence tab in FOIAXpress to deliver the response to the requester electronically.
 - 1. To transmit the signature package, select the request. At the Request Information screen, select the Correspondence tab. This will open the Send Correspondence screen. You’ll first prepare the transmittal email. Note that any correspondence you send from FOIAXpress will show the sender as noreply@ains.com. Choose the Transmittal email language for Interim or Final Response template, as appropriate. Since you are sending the transmittal of

²⁸ If you had exported the ADX file from FOIAXpress to the FOIA Cases folder for OGC’s legal review, and there are changes to the ADX file, you will need to import that (revised) ADX file back into FOIAXpress (and then move it from the Review Log to the Request Folder so that it is part of the administrative record.)

the signature package to the requester, you may select the Requester option, which will automatically populate the requester's email address in the "to" line. Be sure to include your own email address in the "cc" line, so you'll receive a copy at the same time the requester does. Make changes to the body of the email, if appropriate. (Note that the delivery receipt/read receipt options in FOIAXpress do not work in NRC.)

2. At the top of the screen, you'll see the option to add attachments to your transmittal. Presumably, you have saved the NRC Form 464 response and released set(s) of records on your laptop. Choose Add from Disk, which will open a new window. Upload the items to the Drag-and-Drop zone, then select Add to List. This will close that window. Back at the Send Correspondence screen, you should see the attachments listed. Once you have confirmed that the transmittal is ready to send, select Send Email in the lower right-hand corner of the screen. The window will close; since you copied yourself on the transmittal, you will know that it is sent once you receive a copy in your Outlook account. You should also confirm that it appears in the Correspondence Log.
 3. If the released set is too large to email through FOIAXpress, then use BOX to make the records available for the requester (and remember to adjust the language of the transmittal template accordingly). You may want to provide the requester with the documentation on how an external party may use BOX (**Attachment I-7-7**) to assist them in this process.
 4. If the response is to be mailed to the requester, follow the steps 1-3 above, except that you would change the dispatch mode (which defaults to email) to print when you are at the email transmittal screen. By doing it this way, the transmittal will populate in the Correspondence Log, so the administrative record is complete. Ask whoever has dropped the signature response package in the Mailroom to email you when this has been done and add that email to the Correspondence Log.
- B. Once you have sent the response to the requester, you are ready to take the steps needed to have the signature package included in public ADAMS. If you haven't already done so, check the Properties tab of the PDF set of released records. Ensure that the Fast Web View is toggled to yes; if the file is large, try to reduce its file size as well. Confirm that the file has been OCR'd so that it is text-searchable. Then you should provide a

copy of the NRC Form 464 response (pages 1 and 2 of the NRC Form 464) and the released set(s) of records to the administrative staff for uploading to the shared drive for DPC. Upload a copy of your email to the administrative staff in the Correspondence Log.

- C. If the requester had submitted an advance payment of the estimated fees and is now entitled to a refund, you will need to obtain from the requester their tax identification number (social security number for an individual; employer identification number for a business or other entity), and include it in your email to the administrative staff with the package, so that the refund can be processed on a timely basis.
- D. Be sure that all actions tasked in FOIAXpress have been closed out (see **Section III-Chapter 2**).
- E. Ensure that your communications with licensees or other business submitters, as well as other Federal agencies, regarding the treatment of the responsive records, have been uploaded to the Correspondence Log.
- F. Double-check that the concurrence copy (pages 3 and 4 of the NRC Form 464), along with the signature copy, has also been uploaded to the Correspondence Log.
- G. To enter the final disposition in FOIAXpress, follow these steps:
 - 1. From the FOIAXpress home page, select Create/View Requests. Locate your request and select Actions.
 - 2. Select Final Actions. Enter the date the FOIA Officer (or Assistant Inspector General for Investigations for OIG requests) signed the NRC Form 464 (or NRC Form 464-OIG) in the Disposition Accepted field.
 - 3. Choose the appropriate Action, and select the exemptions applied, if applicable (and, if a discretionary disclosure was made, note that).
 - 4. Change the Action Date so that it is the same as the Disposition Date, if needed.
 - 5. Double-check that all the information entered in the Final Actions screen is correct (this the source of the FOIA Annual Report).

6. Select Apply, then Save.
7. Once you have entered the final disposition information, email the administrative staff that you have done so. The administrative staff will take the remaining final steps (including preparation of the appropriate NRC Form 665 for inclusion of the signature package that is to be uploaded to the shared drive for DPC staff to place in public ADAMS, and sending a copy of the signature package (or link to ADAMS once replicated) to the program and regional offices involved in the request.
8. If the signature package is to be included in public ADAMS, you should receive a copy of the email that the administrative staff sent to DPC staff, as well as a copy of the DPC staff's notification that the signature package has been replicated. About two business weeks after the response is completed, if you have not received the DPC staff's notification, circle back with the administrative staff to check on the status.



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA or Reference Number

Response Number

Response
Type

☐

Interim

☐

Final

Requester:

Date:

Description of Requested Records:

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>.



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

Response
Type

☐

Interim

☐

Final

PART I.D -- COMMENTS

Signature - Freedom of Information Act Officer or Designee



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

Response
Type

☐

Interim

☐

Final

Requester:

Date:

Description of Requested Records:

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>.

7

7

Final

--	--

DATE _____

Select

Select

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

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
	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"/>
	Select Title/Office from drop-down list		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FOIA-2015-0294

Final Response #2

Records Already Publicly Available

1. ML15117A059 – Pacific Gas & Electric-prepared slides for the April 28, 2015 Category 1 Public Meeting on Diablo Canyon Seismic Hazard Re-evaluation.
2. ML15125A186 – Summary of the April 28, 2015 Category 1 Public Meeting with Pacific Gas & Electric to discuss Diablo Canyon’s Seismic Hazard Re-evaluation Associated with Implementation of Japan Lessons-Learned Near-Term Task Force Recommendation 2.1-Seismic.
3. ML15118A021 – Announcement of Forthcoming Webcast Public Meeting to discuss Diablo Canyon’s Seismic Hazard Re-evaluation Associated with Implementation of Japan Lessons-Learned Near-Term Task Force Recommendation 2.1-Seismic.
4. ML13273A601 – COMSECY-13-0030, Staff Evaluation and Recommendation for Japan Lessons-Learned Tier 3 Issue on Expedited Transfer of Spent Fuel, dated November 12, 2013.
5. ML13282A632 – Non-concurrence Process Record for NCP-2013-013.
6. ML15113B360 – Email from Nicholas DiFrancesco, NRR, to Philippe Soenen, PG&E, dated April 23, 2015, discussing NRC Technical Focus Areas for Support of Public Meeting on April 28, 2015.
7. ML14268A516 – NRC letter to Power Reactor Licensees on the Enclosed List, Request for Additional Information Associated with Near-Term Task Force Recommendation 2.1, Seismic Re-evaluations Related to Southeastern Catalog Changes, dated October 23, 2014.
8. ML15134A258 – Email from Rochelle Becker, Alliance for Nuclear Responsibility, transmitting three attached Independent Peer Review Panel Reports: No. 8, “Comments on PG&E’s Central Coast California Seismic Imaging Project Report Part 2, Onshore Seismic Studies intended to reduce the uncertainty in seismic hazard at Diablo Canyon Power Plant”, dated December 17, 2014; No. 6, “Site Shear Velocity at Diablo Canyon, Summary of Available data and comments on analysis by PG&E for Diablo Canyon seismic hazard studies”, dated August 12, 2013; and No. 9, Comments on PG&E’s Central Coast California Seismic Imaging Project Report Part 2, Onshore Seismic Studies intended to reduce the uncertainty in seismic hazard at Diablo Canyon Power Plant”, dated March 6, 2015.
9. ML14111A147 – NRC letter to All Power Reactor Licensees and Holders of Construction Permits in Active or Deferred Status on the Enclosed List, Screening and Prioritization Results Regarding Information Pursuant to Title 10 of the Code of Federal Regulations 50.54(f) Regarding Seismic Hazard Re-evaluations for Recommendation 2.1 of the Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident, dated May 9, 2014.

**Email to Send to ADAMS IM Staff to Change the Availability of a Record maintained in non- public ADAMS
that is to be Released in its Entirety Pursuant to a FOIA Request**

DATE:

TO: ADAMS IM

FROM: Assigned FOIA Team Member

SUBJECT: [REQUESTNUMBER]

As a result of a release of documents under [REQUESTNUMBER]. please change the availability to public, sensitivity to non-sensitive, the release date to immediate release, and add SUNSI Review Complete and FOIA to the keyword field of MLXXXXXXXXX and MLXXXXXXXXX.

Please advise when complete.

Thank you.

[PRIMARYUSERNAME]

Program or Regional Office Appeal Letter Review or Office of Enforcement (OE) Back-end Review

DATE:

TO:

FROM:

SUBJECT: [REQUESTNUMBER]

ATTACHMENT:

You have been assigned action on the above-referenced FOIA request, which is being assigned to your office for your review and concurrence/clearance today.

{Add only if applicable:} Please note that the FOIA Office has retained in its files the necessary identity verification and/or third-party authorization documentation. If your office requires that documentation to locate any responsive records, please contact the assigned FOIA Team member.

The due date is *{insert date that is ten (10) business days from the date of the tasking email}*.

{Include whichever action is needed to be taken:}

☐ OE: The records are available to you in FOIA Cases under folder *{name of folder}*.

☐ Program or Regional Office: The proposed appeal response letter is attached for your review and clearance. *{Add only if this is an appeal that addresses the denial of information in allegation or investigation records of OE, OI, or OIG, as applicable, and the response is to be made publicly available:}* Please note that the NRC had received three or more FOIA requests for these same records. As such, the appeal response letter will be included in public ADAMS (as were the interim and final responses, as applicable, to the underlying request).

Please remember to charge time spent on this FOIA to CAC ZF0000.

If you have any questions, you may contact me at [PRIMARYUSERPHONE] or via email to [PRIMARYUSEREMAIL]. Please do not reply to noreply@ains.com; this email box does not accept incoming messages.

Thank you.

[PRIMARYUSERNAME]

Form 464 or Appeal Letter Legal Review Tasking (to be used when a FOIA response or appeal package is sent to OGC for legal review)

DATE:

TO:

FROM:

SUBJECT: [REQUESTNUMBER]

An *{interim} {final}* response package in the above-referenced FOIA *{request} {appeal}* is now ready for OGC's legal review. *{If an appeal package legal review, also include}*: Please note that the statutory due date is *{insert date}*.

{If an appeal legal review, also include one of the following sentences, as applicable;} Name of attorney provided the NLO on the underlying request/Because the request involved a 7A certification to withhold the requested records in their entirety, or a 7C Glomar response, or otherwise did not require OGC legal review, no OGC legal review was done at the request stage.

The due date is *{insert date}*.

A copy of the incoming FOIA request, the proposed *{Form 464 response} {appeal letter}*, the ADX file of the records, and additional background material has been uploaded to our restricted "FOIA Cases" folder on the shared drive. The particular *{folder} [file]* to look for in the "OGC, OE, SECY" subfolder is: *{insert name of folder/file}*.

{Add only if this is a request for allegation or investigation records of OE or OI, as applicable, and the response is to be made public:} Please note that the NRC has now received three or more FOIA requests for these same records. As such, any interim or final responses to this request or the appeal response letter will be included in public ADAMS.

Please remember to charge time spent on this FOIA to CAC ZF0000.

If you have any questions, please contact me. Please do not reply to noreply@ains.com; this email box does not accept incoming messages. I may be reached by telephone at [PRIMARYUSERPHONE] or by email to [PRIMARYUSEREMAIL].

Thank you.

[PRIMARYUSERNAME]

NRC BOX-EFSS Login Guide for External Collaborators

December, 2018



ATTACHMENT I-7-7

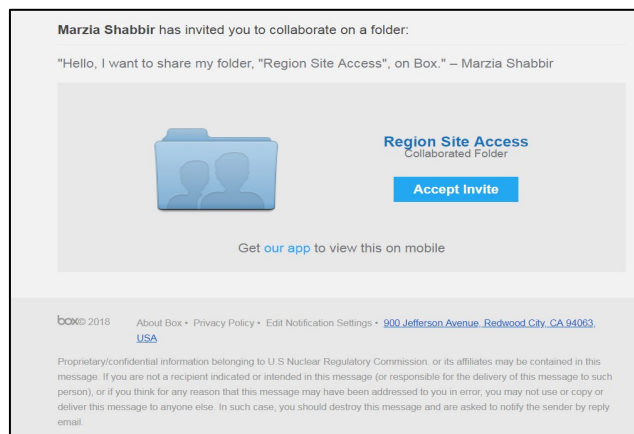
This document will provide detailed steps and screens to aid an external collaborator through the NRC BOX EFSS login process and access the shared files.

In order to collaborate on files that has been shared by NRC, the external collaborator needs to login to BOX and accept pending notification to access the shared files.

There are two ways to access the shared files:

Invitation Email from NRC

- i. Once a NRC collaborator invites an external user to collaborate on a file/folder, an invitation email as follows would be received by the external collaborator.



- ii. To proceed, the external collaborator should click the '**Accept Invite**' button available in the email.

If the external collaborator,

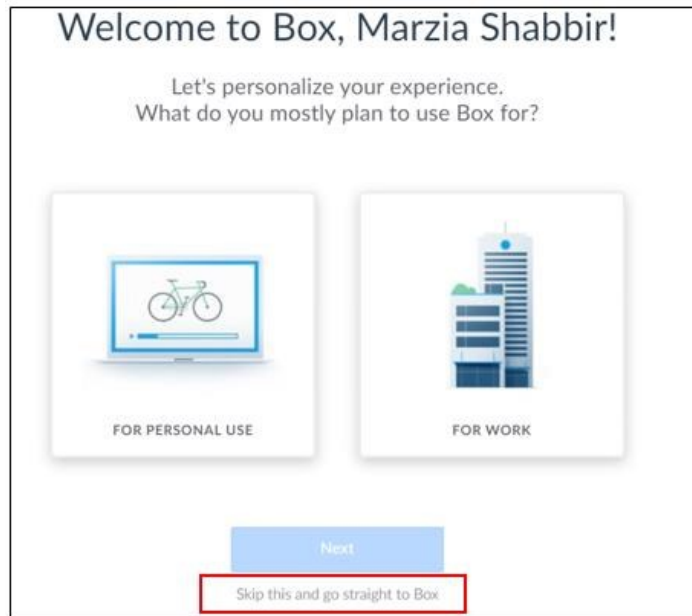
- a. **Does not have an existing BOX account,** they will see the following account creation screen once they click the '**Accept Invite**' button from their emails.

The image shows a "Create Your Account" form. At the top, it says "Create Your Account" and "Marzia Shabbir has invited you to collaborate on 'Region Site Access'". The form is divided into two main sections. The left section is titled "Signup for a Box account to accept invite" and contains input fields for "Full Name", "Email Address" (with the example "marzia.abbas0709@gmail.com"), "Password", and "Phone Number (optional)". A blue "Submit" button is at the bottom of this section. Below the button, a small disclaimer states: "By submitting this form, you confirm that you agree to the storing and processing of your personal data by Box as described in our Terms of Service and Privacy Policy." The right section is titled "You're invited to collaborate on:" and shows a blue folder icon with two person silhouettes, followed by the text "Region Site Access" and "Shared by Marzia Shabbir". At the bottom of the right section, there is a logo for the "Nuclear Regulatory Commission".

The collaborator should Sign up for a BOX account by filling the required information in the account creation form and click **'Submit'**.

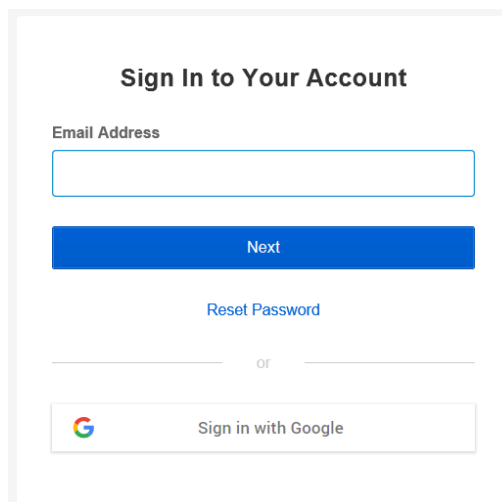
Please note: To sign up, the user should use the same email address where the NRC collaborator has sent an invitation email to collaborate.

Once the user clicks **'Submit'** following 'Welcome' screen would be displayed. The collaborator can navigate through these screens by clicking **'Next'** or choose to skip by selecting the **'Skip this and go straight to Box'** link.

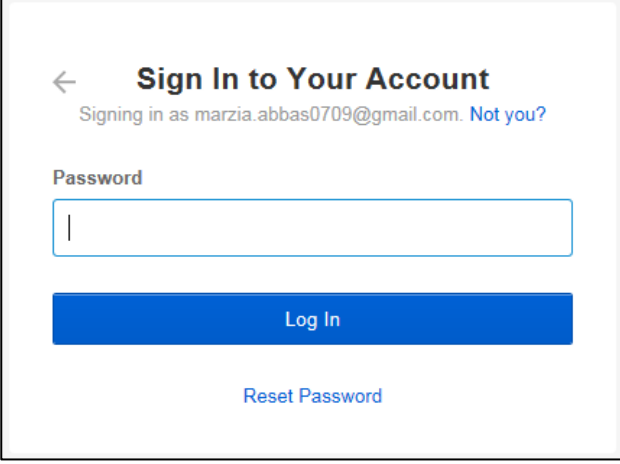


User would now have been able to successfully log into to BOX.

- b. **Has an existing BOX account,** they will see the following Sign in screen once they click the **'Accept Invite'** button from the invitation email. To sign in, user should enter the email address where they have received the Box invitation to collaborate and click **'Next'**.

The image shows a 'Sign In to Your Account' screen. It has a white background with a thin grey border. At the top, it says 'Sign In to Your Account' in a bold, dark font. Below this, there is a label 'Email Address' followed by a white input field with a blue border. Underneath the input field is a solid blue button with the word 'Next' in white. Below the button is a link that says 'Reset Password' in a smaller, blue font. Further down, there is a horizontal line with the word 'OR' in the center. At the bottom, there is a white button with a blue border that contains the Google 'G' logo and the text 'Sign in with Google'.

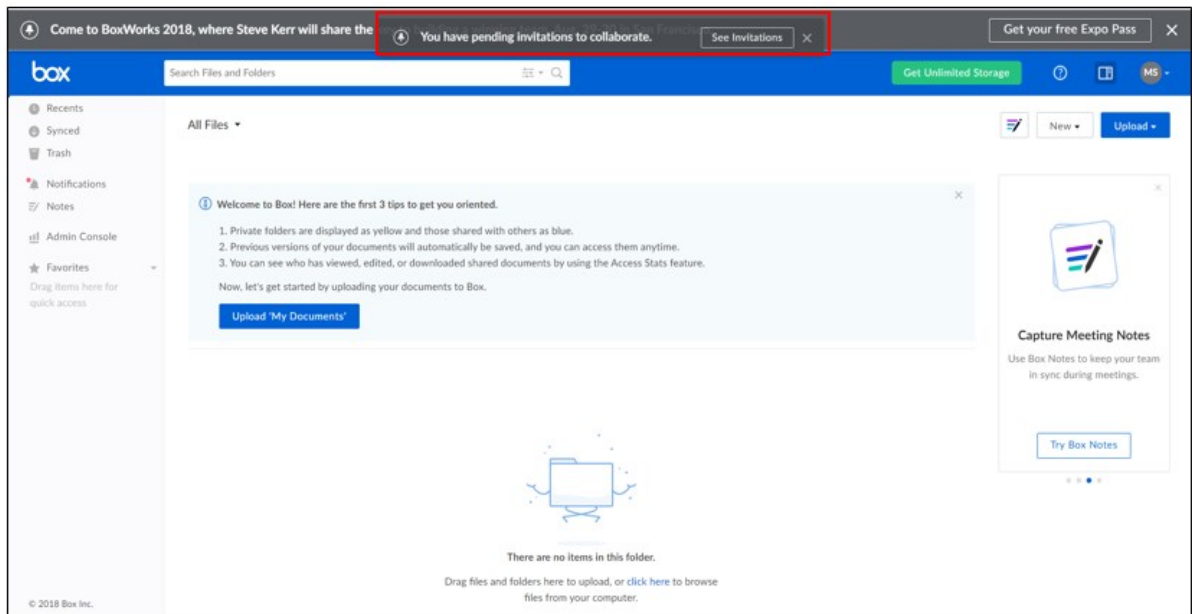
Clicking '**Next**' will launch the following screen where the user needs to enter the password they have setup to access their Box account.



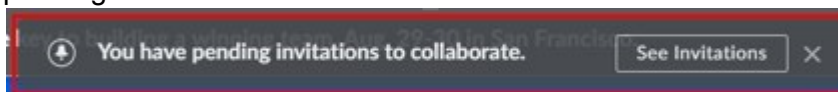
The image shows a 'Sign In to Your Account' screen. At the top, there is a back arrow and the title 'Sign In to Your Account'. Below the title, it says 'Signing in as marzia.abbas0709@gmail.com. Not you?'. There is a 'Password' label above a text input field. Below the input field is a blue 'Log In' button. At the bottom, there is a link for 'Reset Password'.

- c. **External Collaborator whose organization is already using BOX** should navigate to the '**Notifications**' section after logging in to Box. All pending invitations could be found here. Please follow the steps 4 - 6 to accept the invitation

- iii. Following BOX-EFSS home screen would be displayed after the user has successfully logged in to BOX.

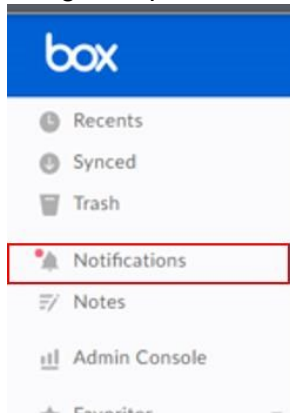


Please note the user will not see the folder to which they have been invited to collaborate yet. There will be a notification on the top of the screen stating, "You have pending invitations to collaborate".

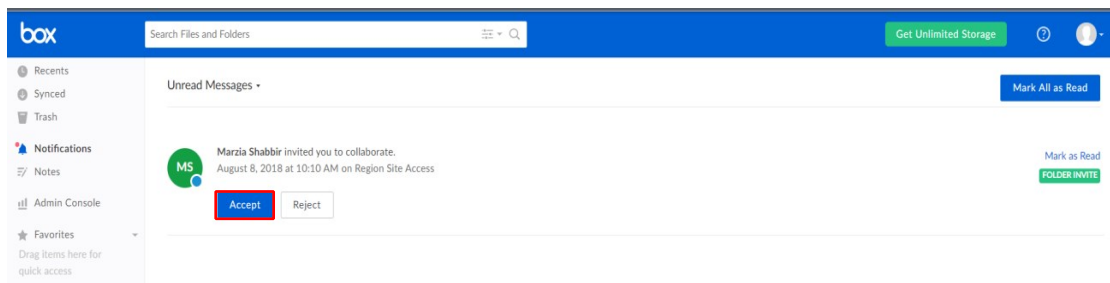


Select “**See Invitations**” button to go to the invitations screen.

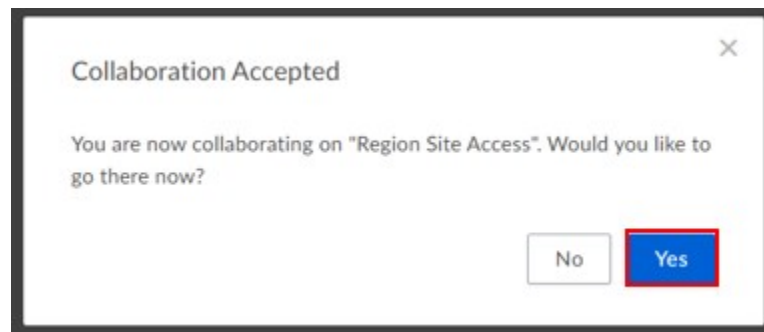
Alternatively, users can also click on the ‘**Notifications**’ section available on the left navigation panel to view pending invitations.



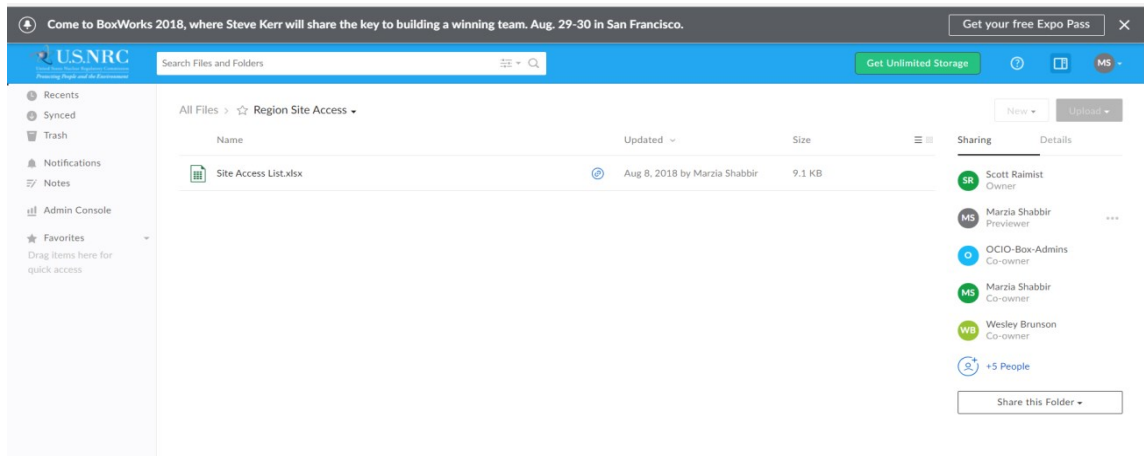
- iv. Once the user is in the notifications view, they would be able to see all the pending invitations that needs to be accepted before they can view and collaborate on shared files/folders.



- v. Click ‘**Accept**’ and following confirmation window will be displayed. To view the folder, click ‘**Yes**’ from the following screen.



- vi. The file/folder the user has been invited to collaborate should be now available in the ‘**All Files**’ view.



Using Box EFSS URL

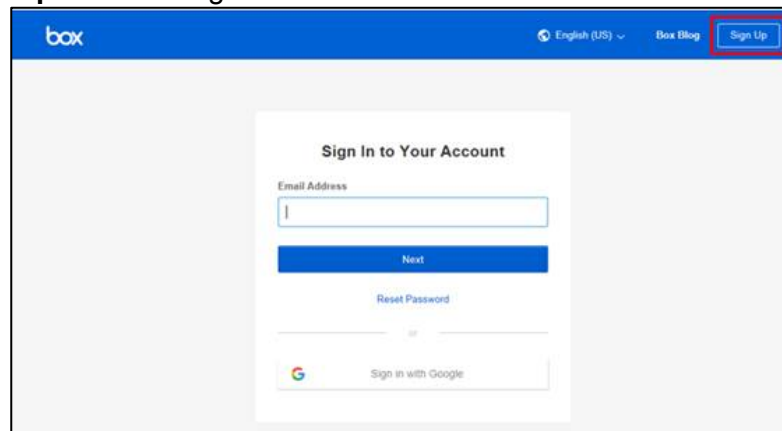
There could be times when an invitation email to collaborate could get accidentally deleted or lost in a collaborators mail box. In that case the external collaborator could use the BOX EFSS URL to log in to BOX and accept the invitation to collaborate.

Follow the steps below to log in to BOX EFSS and accept pending invitation to collaborate.

- i. Go to <https://usnrc.account.box.com/login>.
- ii. Select **'Not a part of Nuclear Regulatory Commission?'** from the screen below.



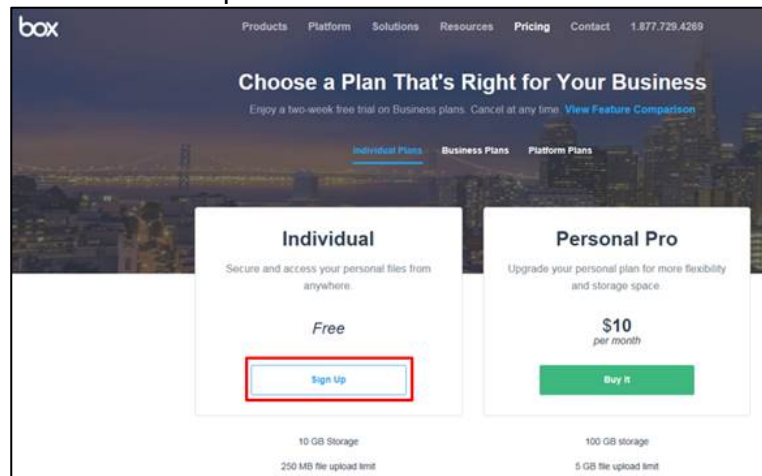
- iii. Select **'Sign Up'** from the login screen below.



- iv. Select 'Individual Plans' from the following 'Choose a Plan' screen.



- v. Sign up for the free individual plan.



- vi. Enter the required information in the following sign up screen. Ensure you use the same email address that has the invitation from NRC individual to collaborate.

Box Individual
Let's Get Started

Your Information


Full Name

Email Address

Password

Phone Number

Country
United States

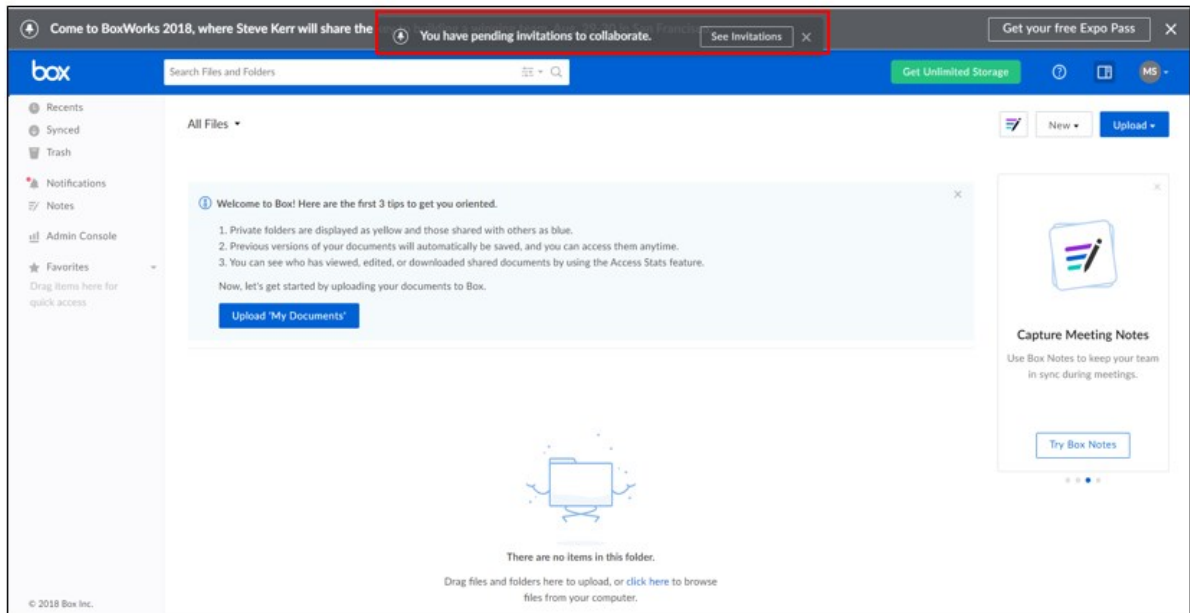
☐ I'm not a robot 

Submit

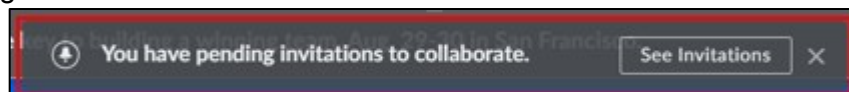
By submitting this form, you confirm that you agree to the storing and processing of your personal data by Box as described in our [Terms of Service](#) and [Privacy Policy](#).

Box Individual
Free
10GB Storage
Securely Access Your Content from Anywhere
Selected

- vii. Once you have created the account, log in to Box at <https://usnrc.app.box.com/> using the credentials used to create the account in last step.
- viii. Following BOX-EFSS home screen would be displayed after the user has successfully logged in to BOX.

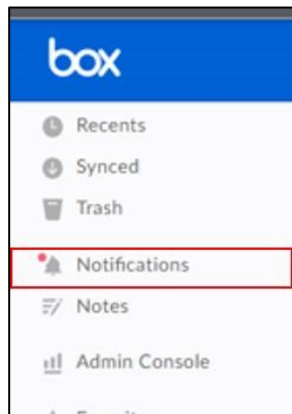


Please note the user will not see the folder to which they have been invited to collaborate yet. There will be a notification on the top of the screen stating, "You have pending invitations to collaborate".

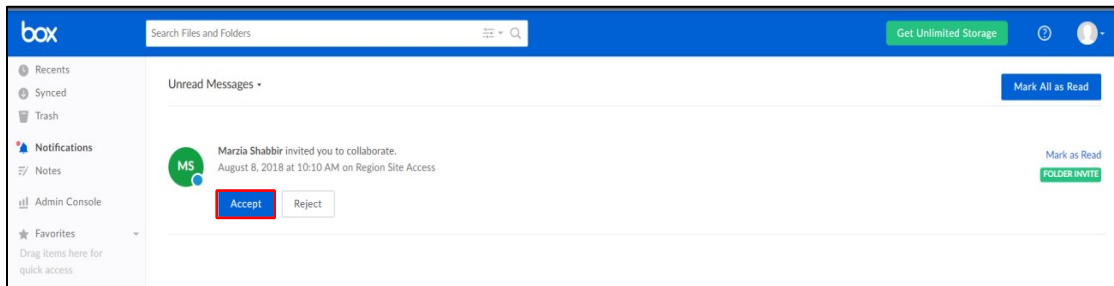


Select "**See Invitations**" button to go to the invitations screen.

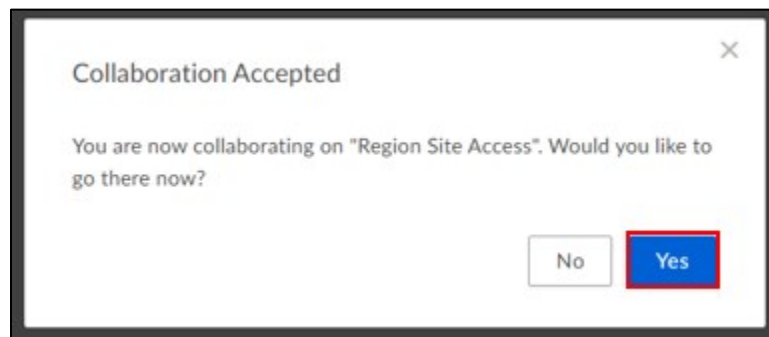
Alternatively, users can also click on the '**Notifications**' section available on the left navigation panel to view pending invitations.



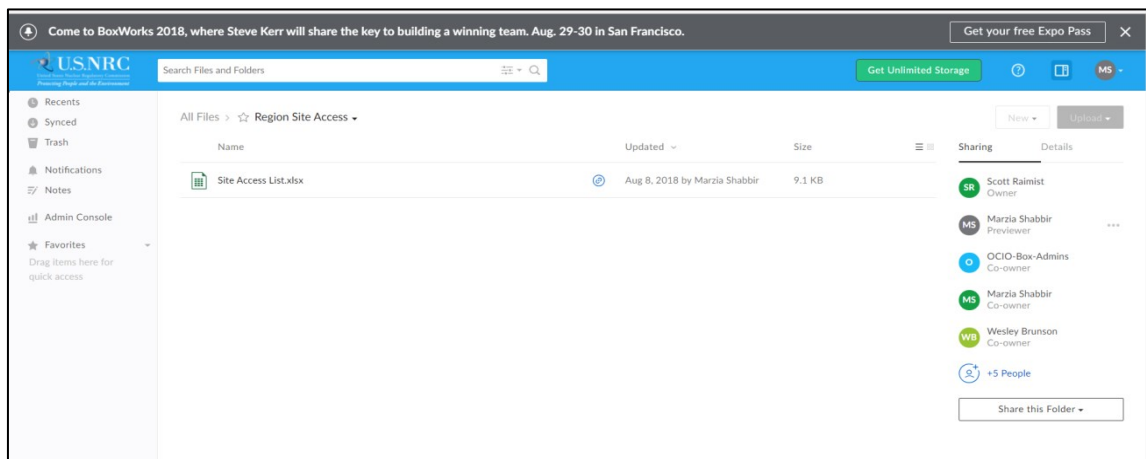
- ix. Once the user is in the notifications view, they would be able to see all the pending invitations that needs to be accepted before they can view and collaborate on those files/folders.



- x. Click '**Accept**' and following confirmation window will be displayed. To view the folder, click '**Yes**' from the following screen.



- xi. The file/folder the user has been invited to collaborate should be now available in the '**All Files**' view.



CHAPTER 8

ADMINISTRATIVE APPEAL PROCEDURES²⁹

I. Initial Processing Steps

- F. Like requests, appeals may come to the NRC via “snail mail”, fax, hand delivery, email to FOIA.Resource@nrc.gov, completion of the online form linked to the NRC Public Access Link (PAL), <https://foia.nrc-gateway.gov/app/PalLogin.aspx>, or through the National FOIA Portal, <https://www.foia.gov/>. Unless submitted directly through PAL, the administrative staff will log in the appeal in FOIAXpress, which will trigger an assignment to you. Normally, if you handled the request that is the subject of the administrative appeal, the appeal will be assigned to you.
- G. In FOIAXpress, select Send Correspondence. Select the Send Correspondence tab. For most appeals, we will have an email address for the requester/appellant. At the Email Options screen, the default will show that the email is sent from noreply@ains.com. Leave that as it is. Toggle the addressee to the requester (rather than other) so that the requester’s email address will populate the “to” line. Remember to include your own email address on the “cc:” line. Select the email template from the drop-down menu: “Transmittal Email Language of ACK Letter.” At the “Add From” prompt, choose the “Appeal Acknowledgement Letter” template. Make any modifications that are appropriate. You then need to add the ACK Letter itself. Select the Letter Template tab. Select the Appeal Acknowledgment Letter from the drop-down menu (**Attachments I-8-1A or 1-8-1B**). Select Customize for Final Response. Make the appropriate modifications to the template. Once you have finished, select Save for Pending Final Response. Back at the Send Correspondence tab, at the “Add From” prompt, choose the Pending Letter, which should allow you to see the ACK Letter as an attachment to the transmittal email. Once you’ve confirmed that everything is as it should be,

²⁹ An appeal that is to be administratively closed can be handled in the same way as a request (using a letter that is issued under the FOIA Officer’s signature). For example, a “constructive denial” appeal that becomes moot once the response to the initial request is issued, or a fee waiver appeal that can be resolved by an exercise of administrative discretion to simply waive a small amount even though the criteria for fee waiver aren’t met, can be handled in this way.

select Send Email (in the lower right-hand corner of the screen). The email transmitting the ACK Letter should now appear in the Correspondence Log.

- H. If the appeal arises from a request for Office of Inspector General, Commission (including current and former Commissioners), or Office of General Counsel records, the appeal response letter will be prepared for the signature of the Inspector General or the Secretary to the Commission³⁰, respectively. These letters are written by those offices rather than the FOIA Office. Select Request for Documents (RFD). At the RFD screen, select New. You'll see the New Request for Documents – Step 1 screen. In the RFD Information window, the date you are creating the RFD will automatically populate. Note that the due date will automatically populate using the NRC's 10 business day metric that is used for search and referral tasks. For the appeal response letter, it is recommended you change the due date, choosing a due date that is about 2 business days before the statutory due date, allowing enough time for the response letter to come back to the FOIA Office and for you to add the date to the response letter (if undated), make and distribute the necessary copies, issue the response and perform the actions needed to close the appeal. At the Send To: Program Offices screen, select Add Program Offices. This will open a window with the program and regional offices listed. Select the appropriate office; then choose Select in the lower right-hand corner. This will return you to the New RFD – Step 1 screen. In the Dispatch Mode window, it will default to email, which is fine. Then choose Next in the lower right-hand corner. This will bring you to the Attachments to RFD screen. Be sure to copy yourself on the email; select the correct template from the drop-down menu, "Assignment to Prepare an Appeal Response Letter." Make the appropriate modifications to the template. Then select Email in the lower right-hand corner. To verify that the RFD has been sent, you should see it listed under the Request for Documents at the Home Screen.
- I. For all other appeals, you may use the referral template (refer to **Attachment I-7-5**) to task the appropriate program or regional office if the appeal is based on an initial denial of records, adequacy of search³¹, or a failure to respond

³⁰ If the appeal involves records of both the Commission and the EDO Offices (for which the FOIA Officer signed the NRC Form 464 response), the Commission (aided by the Office of General Counsel) will prepare the appeal response letter.

³¹ During the processing at the initial request stage, if the NRC Form 511A, Documentation of Search, submitted by the program or regional offices reflect that an adequate search was conducted, you do not need to task the office(s) to do a second search at the appeal stage.

timely (if the FOIA Office had not yet received the records and disclosure recommendations from the program or regional office). Check the correct box to indicate that it is an appeal. Keep in mind that if you use the referral template, the action will automatically be included in FOIAXpress. To do that, select Action. Select RFD. Note that the due date will automatically populate using the NRC's 10 business day metric that is used for search and referral tasks. Using the drop-down menu, select the program/regional office. Where it says "Email Template", select Referral of Records. Make any adjustments, as appropriate, to the email; be sure to copy yourself on the email. Select Send. Then, go back into the RFD action you just sent out. Select Take Action. Select Referral as the status. Be sure to that the Completed box is not checked. Select Save.

- J. A constructive denial appeal takes issue with the failure of the agency to issue its final response by the statutory due date (or later). The final response may be delayed because you are still awaiting responses from one or more program or regional offices. If that is the case, contact the FOIA Coordinator of the applicable program and regional offices to establish a date by which these offices' responses (i.e., records and disclosure recommendations) will be provided.

II. Preparing the Appeal Signature Package

- A. Once you receive response(s) from the program or regional office(s), prepare a draft response letter for the signature of the Chief FOIA Officer. You may prepare the appeal response letter in Word; there is a sample available for you to tailor appropriately in the shared drive. Or you may use the Appeal Response Letter template in FOIAXpress (**Attachment I-8-2**). If you choose to create the appeal response letter in Word, email a copy of the draft letter to the FOIA Officer. If you choose to create the appeal response letter using the FOIAXpress template, simply let the FOIA Officer know that your draft response is ready for their review (as a pending letter). Whichever way you choose to submit the draft response for the FOIA Officer, be sure to make available to them any salient background documentation and refer them to the location of the records in FOIAXpress where they can review them, if applicable. Generally, the letter should not include extensive legal citations. Be sure to close out the program and regional offices' actions in FOIAXpress.

- B. Include the following officials on the concurrence page of the letter:

You

FOIA Officer

Office Director or Regional Administrator whose records are appealed
(*via email, if appropriate)³²

Office of the General Counsel (OGC)

Chief FOIA Officer

- C. Like the electronic signature package used for requests, you will prepare an electronic signature package for the administrative appeal. This package should include copies of: (1) the incoming request; (2) the agency's denial (e.g., the NRC Form 464 if a denial of information, or the acknowledgment letter that denied a fee waiver or expedited processing request); (3) all documentation of searches done, at both the initial request and appeal stages, as applicable (if the appeal is challenging the search); (4) foreseeable harm statement(s), if applicable; (5) the incoming appeal; (6) the draft appeal response letter; and (7) any other information that would be helpful to the reviewers who are asked to concur on the draft appeal response, as well as the Chief FOIA Officer. The package should be uploaded to the shared drive's FOIA Cases.
- D. The concurrence review process for the appeal response letter consists of: (1) the FOIA Officer; (2) the program and regional offices affected by the response; (3) the Office of General Counsel (OGC); and (4) the Chief FOIA Officer. Once the FOIA Officer concurs, to obtain the concurrence of the program and regional offices, prepare an email to the office(s) to request that the applicable FOIA Coordinator obtain the Office Director or Regional Administrator's (or delegated official's³³) concurrence on the draft appeal letter that you've attached. Typically, an email reflecting that official's concurrence will suffice. You should place the Director or Regional Administrator's (or delegated official's) initials and the date on the concurrence grid (including the asterisk to reflect that the concurrence was obtained via email). Upload the email documenting the concurrence to FOIAXpress's Correspondence Log. Also remember to include a copy of this concurrence in the appeal response electronic package. It is your responsibility to keep track of which office has the appeal package for concurrence and to keep the package moving.

³² If the draft appeal response letter affirms the adequacy of the search at the request stage, you do not need to obtain the Office Director or Regional Administrator's concurrence.

³³ Generally, the official will be at the 15 level or equivalent, depending on the program or regional office's processes and procedures.

- E. Once you have the Director or Regional Administrator's (or delegated official's) concurrence, if applicable, the appeal response electronic package is now ready for OGC's legal review. From the RFD screen, initiate the concurrence review task to "OGC Reviews" (refer to **Attachment I-6-1**). That email will include a link to the shared drive's FOIA Cases where the appeal response electronic package is maintained.
- F. Once OGC provides the No Legal Objection (NLO), you will prepare an email informing the Chief FOIA Officer that the appeal response letter is now ready for their review and signature. Copy the Chief FOIA Officer's administrative staff on this email. (**Attachment I-8-3**). Make sure that you include the statutory due date for the appeal response in this email. The statutory response date can be taken from the target date appearing in FOIAXpress. This will convey the urgency with which the response should be reviewed. The email should also state whether the appeal response letter will be made publicly available in ADAMS; the general rule is that if the request response was made publicly available, then the appeal response letter will also be made publicly available. After the Chief FOIA Officer signs electronically, the administrative staff will email you a copy of that response. (If the letter wasn't dated, be sure to add the date of the Chief FOIA Officer's signature.)
- G. If the appeal response is to be made publicly available, the administrative staff will put the response letter, incoming appeal and released records, if applicable, in public ADAMS. You will then be responsible for closing out the appeal in FOIAXpress. To do that, ensure that all salient information is included in FOIAXpress and that all actions tasked in FOIAXpress are closed. Enter the appropriate final disposition in FOIAXpress as well (see **Section I-Chapter 7** for how to do that).

III. On remand from the Chief FOIA Officer

- A. If the Chief FOIA Officer determines the initial search for records was inadequate, or that records previously withheld should be released in their entirety or in part, the Chief FOIA Officer will generally remand the request back to the FOIA Office to take actions consistent with that determination.³⁴

³⁴ In cases where the Chief FOIA Officer determines that a single record, or a small number of records, should be released in full, or that as a matter of courtesy, a record should be provided to the requester, such records may accompany the appeal response letter granting the appeal instead of there being a remand.

1. The remanded request will receive a new FOIA request tracking number, which you will receive from the administrative staff. Double-check that the tracking numbers of the FOIA request, the appeal, and the remanded (new) FOIA request number are linked in FOIAXpress. To do this, at the Request Information screen for each matter, open the Link Request(s) tab, and click Manage Link Requests. A new window will open, click on search and in that window, enter the tracking number of the request or appeal you want to link. Click on Search. Find the correct request or appeal; check the box to the left of the item; and then click on Link Request(s). That linked request or appeal should now appear in the Link Request(s) tab.
 2. Take whatever actions are appropriate, including the preparation of an acknowledgment letter, tasking actions to obtain new fee estimates, or requests for documents, to process the request anew.
- J. If the records are to be treated differently than at the initial request stage, be sure that you create a separate layer in FOIAXpress's Document Manager to reflect the new disclosure determinations.



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

[TODAYDATE]

[REQUESTNUMBER]
[REFERENCE]

sent via email to [RQREMAIL]

[REQUESTERNAME]
[STREET1]
[CITY], [STATESHORT] [ZIPCODE]

Dear [REQUESTERNAME]:

We have logged your [RECEIVEDDATE] correspondence as an appeal for the [APPEALTYPE] to you under [REFERENCE], which requested [REQUESTDESCRIPTION].

Your appeal has been assigned the following reference number that you should use in any future communications with us about your appeal: [REQUESTNUMBER].

The following person has been assigned responsibility for your appeal: [PRIMARYUSERNAME] at [PRIMARYUSERPHONE].

If you have questions on any matters concerning your FOIA appeal, please feel free to contact [PRIMARYUSERNAME], the [PRIMARYUSERTITLE], assigned to your appeal, or me. I can be reached at 301-415-2749. Should you wish to check on the status of your appeal at any time, please refer to NRC's Public Access Link (PAL) at <https://foia.nrc-gateway.gov/app/Home.aspx>.

Sincerely,

Alecia S. Sillah /s/

Alecia S. Sillah
FOIA Officer
Office of the Chief Information Officer



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

[TODAYDATE]

[REQUESTNUMBER]
[REFERENCE]

sent via email to [RQREMAIL]

[RFNAME][RLNAME]
[STREET1]
[STREET2]
[CITY][STATESHORT][ZIPCODE]

Dear [RFNAME][RLNAME]:

We have logged your [REQUESTEDDATE] correspondence as an appeal for the [APPEAL TYPE] to you under [REFERENCE], which sought access to [REQUESTDESCRIPTION]. Your appeal has been assigned the following reference number that you should use in any future communications with us about your appeal: [REQUESTNUMBER].

[REQUESTOWNER] (Contractor, Pathfinder Consultants, LLC), the person assigned responsibility for your request in support of the NRC's Office of the Chief Information Officer, may be reached by telephone at [REQUESTOWNERPHONENUMBER] or via email to [REQUESTOWNEREMAIL]. Should you wish to check on the status of your request at any time, please refer to <https://foia.nrc-gateway.gov/app/Home.aspx>

If you have questions on any matters concerning your FOIA appeal, please feel free to contact [REQUESTOWNER] or me. I can be reached at 301-415-3722.

Sincerely,

Signature of FOIA Officer/ls

Name of FOIA Officer
FOIA Officer
Office of the Chief Information Officer



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

[TODAYDATE]

IN RESPONSE REFER TO:
[REQUESTNUMBER]
[REFREQUESTNUMBER]

[As applicable:] Sent via e-mail to: [[RQREMAIL]

[RFNAME][RLNAME]
[COMPANY]
[STREET1]
[STREET2]
[CITY], [STATESHORT] [ZIPCODE]

Dear [RFNAME] [RLNAME]:

I am responding to your **[letter][e-mail]** dated [RECEIVEDDATE], in which you appealed the U.S. Nuclear Regulatory Commission's (NRC) **[INSERT DATE OF FOIA RESPONSE]** response to your [REQUESTEDDATE] Freedom of Information Act (FOIA) request, [REQUESTNUMBER]. You appealed the **[INSERT WHICHEVER BASES ARE APPLICABLE: DENIAL OF EXPEDITED PROCESSING, DENIAL OF FEE WAIVER, DENIAL OF INFORMATION, ADEQUACY OF SEARCH, FAILURE TO RESPOND TIMELY, OR OTHER]**.

Acting on your appeal, I have **[reviewed the records] [considered the matter]** and have determined **[insert result and appropriate rationale/analysis]**. Therefore, I have **[granted] [denied]** your appeal.

This is the final agency decision. As set forth in the FOIA (5 U.S.C. 552(a)(4)(B)), you may seek judicial review of this decision in the district court of the United States in the district in which you reside or have your principal place of business. You may also seek judicial review in the district in which the agency's records are situated or in the District of Columbia.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

[RLNAME],[RFNAME]

- 2 -

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740
E-mail: ogis@nara.gov
Telephone: 202-741-5770
Toll-free: 1-877-684-6448
Fax: 202-741-5769

Sincerely,

Scott Flanders
Acting Chief Information Officer
Office of the Chief Information Officer

[RLNAME], [RFNAME]

- 2 -

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740
E-mail: ogis@nara.gov
Telephone: 202-741-5770
Toll-free: 1-877-684-6448
Fax: 202-741-5769

Sincerely,

Scott Flanders
Acting Chief Information Officer
Office of the Chief Information Officer

Distribution: FLICB r/f

ADAMS Accession No.: MLXXXXXXXXXX

* Concurred via e-mail

OFFICE	OCIO/DIME/FLICB	OCIO/DIME/FLICB	PROGRAM OR REGIONAL OFFICE	PROGRAM OR REGIONAL OFFICE	OGC
NAME					
DATE					

OFFICE	OCIO				
NAME	SFlanders				
DATE					

OFFICIAL RECORD COPY

Administrative Appeal Response Letter ready for Chief FOIA Officer's review and signature

DATE:

TO: Chief FOIA Officer

CC: *{Name of Chief FOIA Officer's administrative assistant}*

FROM:

SUBJECT: [REQUESTNUMBER]

ATTACHMENT:

The above-referenced FOIA appeal response letter is now ready for your review and signature. The affected program and regional offices have concurred and the Office of General Counsel has provided an NLO.

The statutory due date for this appeal is {TARGETDATE}.

The appeal response letter *{will}* *{will not}* be included in public ADAMS.

Copies of the relevant background, as well as the draft letter, are attached.

Should you have any questions, please do not hesitate to reach out to me. Please do not reply to noreply@ains.com; this email box does not accept incoming messages. I may be reached by telephone at [PRIMARYUSERPHONE] or by email to [PRIMARYUSEREMAIL].

Thank you.

[PRIMARYUSERNAME]

SECTION II: SPECIALIZED GUIDANCE

CHAPTER 1

PROCESSING OF CLOSED ALLEGATION (OE/Regions) AND INVESTIGATION (OI) RECORDS

- I. To assist in the processing of FOIA requests for records relating to allegations and investigations once the Office of Investigations (OI) case is closed and any initial enforcement action has been issued/cited, the former FOIA Coordinator for the Office of Enforcement (OE) created guidance (**Attachment II-1-1**). The current version is dated May 2024. Once processing has been completed, and the FOIA Officer has done their preliminary review of the records in FOIAXpress, OE performs a “back-end” (concurrence) review only if the FOIA request is from a third party (non-allegor) and the matter does not involve a discrimination allegation (in which, as a practical matter, the allegor has self-identified). For this back-end referral to OE, when you are creating the Request for Documents (RFD) in FOIAXpress, take care to select “OE Back-End Reviews” as the program office (rather than “OE”). For the steps to create the task, refer to **Section I-Chapter 5**.
- A. Whether processing a first-party (allegor) or third-party (e.g., licensee, media, external stakeholder or other member of the public) request, the approach to be taken is to redact information that is reasonably expected to identify an individual to whom privacy interests attach (i.e., “core privacy” and “fingerprint” information), generally from the perspective of a person unfamiliar with the matter that is the subject of the allegation or investigation. However, redactions from a broader perspective may be necessary to protect the privacy of allegors that are not widely known.
- B. When protecting the identities of third parties³⁵ who appear in allegation and investigation records, remember to consider whether the position they hold is a unique one. If so, then redact not only the person’s name, but that unique title. Conversely, if there are multiple persons in the same location that have the same position title, redact only the name and not the title. Since artificial entities, such as corporations and other businesses, do not have personal privacy protections under the FOIA, only redact the entity names when they would indirectly identify an individual in the entity. For example, John X.

³⁵ Often you will find transcripts of recorded interviews of third parties in these OI files; Neil R. Gross Court Reporters and Transcribers holds a contract with NRC. The company’s identifying information (i.e., name, address, telephone number, and website) that appears at the bottom of each page of the transcript does not get redacted. The name of the transcriber is redacted, however.

Lawyer is a sole practitioner in his firm, John X. Lawyer, P.C. You would redact both his name and the law firm's name because release of the firm's name would indirectly identify the lawyer. But the same would not be true if Ms. Lawyer worked for the law firm of Smith, Jones & Williams (its letterhead shows multiple partners and associates). In that instance, you would redact Ms. Lawyer's name, but not Smith, Jones & Williams.

- C. Although the names and job titles of NRC Senior Managers, Resident Inspectors, NRC Technical Experts, Regional Counsel and other NRC employees are generally released in allegation and investigation records, if such employee is acting as an investigator on behalf of the agency (for example, one of the resident inspectors at plant A is present during a transcribed interview of a witness who is testifying as to what occurred at plant A, and is providing the OI special agent with technical expertise, including asking questions of the witness), then such employee's name and job title (if indirectly identifying) should also be redacted.
- D. With respect to the names and titles of OI investigators, while the names should be redacted on privacy grounds, the titles of "special agent" and "senior special agent" should not be redacted as they are not sufficiently unique as to be indirectly identifying. However, the name and title of the one Special Agent in Charge (SAIC) and Field Director (the previous title) for each region is to be redacted. The names and titles of OI administrative staff are not redacted.
- E. For the close-out memorandum that is sent from OI to the appropriate office director or regional administrator at the conclusion of the investigation, do not redact the name or title of the official to whom the memorandum is sent.
- F. Remember that discretionary exemptions (e.g., exemption 5's deliberative process privilege) must be accompanied by a foreseeable harm statement before being applied. Accordingly, you must ensure that OI, OE, or the regional allegation staff, as applicable, has provided you with a written articulation of the foreseeable harm that would come from releasing such material.
- G. The NRC's Policy on Protecting the Identity of Allegers and Confidential Sources, which may be found at 10 CFR 21.2(d) (published in 61 FR 25924, May 23, 1996) and Management Directive 8.8, "Management of Allegations" means that if a third-party requester (e.g., licensee, representative of the news media or anyone else that is not the alleged or the alleged's

representative) asks for an allegation file or other records by the name of an alleged, we cannot confirm the existence of records because that would confirm that the named individual is an alleged³⁶. In such cases, you should utilize a “Glomar” response (i.e., to the extent such records exist, they would be exempt from disclosure under FOIA exemption 7C).

- H. If the FOIA Office has already processed allegation or investigation records from a first-party requester, and a subsequent request comes in from a third-party requester (or vice versa), use the existing ADX file (which will be stored in FOIAXpress in that earlier request’s Request Folder) to facilitate your review and redaction.
- I. Generally, investigation records are not included in ADAMS, so FOIA responses involving allegation and investigation records are not either. However, given the statutory requirement that agencies must post to their websites FOIA responses releasing records that have been the subject of (and released in response to) three or more third-party requests, responses involving these records will now also be included in public ADAMS when there are three or more requests. (The template that tasks OE/regions and OI to search for responsive records – refer to **Attachment I-5-1** -- includes language informing these offices that we expect to make the response publicly available.)
- II. How to handle OI staff names in NRC Staff Directories – Generally, the names, positions, duty stations/physical locations, and telephone numbers of NRC staff are publicly available and should not be redacted. However, there are some exceptions, including for some who work for the OI. Here are the guidelines to apply:
 - 1. All information about 1811/special agents, including branch chiefs, SAICs, and Field Office Directors, is redacted.
 - 2. The telephone numbers and duty stations/physical locations of OI executives, which are not included on the OI webpage,

³⁶ Of course, if the alleged is “widely known”, then you can proceed to process the request, releasing the name of, and other information associated with, the alleged where such information has also been made publicly known. As reflected in the redaction guidance (**Attachment II-1-1**), a “widely known” alleged is an individual who has publicly identified themselves to the media, held a press conference, or is otherwise identified in a public setting as the individual who raised a specific allegation concern to the NRC. Keep in mind that if an alleged also brings that concern to the attention of the Department of Labor (DOL), at the OSHA stage, the investigation is not a matter of public record. It is only if the alleged appeals the results of that investigation to an administrative law judge at DOL that the proceeding becomes a matter of public record. At that juncture, the alleged would be considered “widely known.” Consult with OE’s FOIA Coordinator if you believe the facts support the conclusion that the alleged in the FOIA request you’re handling is “widely known.” That determination is made by the Agency Allegation Advisor in OE.

<https://www.nrc.gov/about-nrc/organization/oifuncdesc.html>, are to be redacted.

FOIA Processing Guidance for Investigation and Allegation Related Material
(After OI Case and Allegation is Closed and Initial Enforcement Action is Issued/Cited)¹

FOIA Processing Guidance for Allegation and Investigation Records^{1,2}

Outsider's Perspective: Whether processing a first-party request (i.e., from an individual, such as the alleged or subject, discussed in the allegation or investigation records^{1,2}) or third-party request (e.g., from a licensee, media, external stakeholder or other member of the public), redact information that is reasonably expected to identify an individual to whom privacy interests attach (i.e., "Personally Identifiable Information (PII)" and "fingerprint" information), generally from the perspective of a person unfamiliar with the matter that is the subject of the allegation or investigation. However, redactions from a broader perspective may be necessary to protect the identity of alleged who are not widely known.³

First-Party Requests (from an individual discussed in the allegation or investigation records, or their representatives):

- Release the individual's names, job titles/description of duties, PII, and other information they provided about themselves.
- Redact the names, sufficiently distinctive job titles/description of duties, PII, and "fingerprint" information of witnesses and other third parties alleged to be involved in the matter, or who may have knowledge of the matter, which is the subject of the allegation or investigation under exemption (b)(7)(C).
- Redact the names and "fingerprint" information of OI special agents; redact the job title of SAIC (formerly Field Director) under exemption (b)(7)(C).
- Except for intelligence specialists, release names and job titles of NRC staff (e.g., resident inspectors, technical experts, regional counsel, etc.) unless the individual is a witness or alleged in the matter.

Third-Party Requests (all requests that are not first-party requests):

- Redact the names, sufficiently distinctive job titles/description of duties, PII, and "fingerprint" information of alleged, witnesses, and other individual(s) alleged to be involved in the matter, or who may have knowledge of the matter, which is the subject of the allegation or investigation under exemption (b)(7)(C).
- Redact the names and "fingerprint" information of OI special agents; redact the job title of SAIC (formerly Field Director) under exemption (b)(7)(C).
- Except for intelligence specialists, release names and job titles of NRC staff (e.g., resident inspectors, technical experts, regional counsel, etc.) unless the individual is a witness or alleged in the matter.

¹ This guidance applies once the allegation is closed; any Office of Investigation (OI) case is closed; and any initial enforcement action (i.e., Notice of Violation (NOV), Order, Confirmatory Order, NCV/Exercise of Discretion/Closeout Letter) has been issued or taken.

² Whenever any enforcement action taken is a matter of public record (e.g., inclusion in public ADAMS, notice in the Federal Register, etc.), the names of, and other details concerning the actions of, officials who are the subject of that enforcement may be released, consistent with what has previously been made public.

³ A "widely known alleged" is an alleged who has publicly identified themselves to the media, held a press conference, or has been otherwise identified in a public setting as the individual who raised a specific concern to the NRC. This determination is made by the Agency Allegation Advisor. If an alleged is determined to be a "widely known alleged", then the alleged's name and job title/description of duties are not redacted.

- Except where otherwise noted, whether a first-party or third-party request, the following types of information about persons other than the requester, which are typically found in allegation and investigation files, should be redacted under FOIA exemption (b)(7)(C).
 - Personally identifiable information (PII) – NRC defines PII as information that can be used to identify or contact a person uniquely and reliably or can be traced back to a specific individual. PII is a person's name, in combination with any of the following items of information: relatives' names, home address, social security number, personal characteristics, personal email address, date or place of birth, mother's maiden name, biometric records, educational history, medical or disability information, bank account PIN or security code, credit card information, bank account number, driver's license number, citizenship, criminal history, passport numbers, and home telephone or personal cellular numbers.
 - "Fingerprint" information - Employee badge numbers, direct work telephone numbers, performance appraisals (both narratives and appraisal ratings), disciplinary letters, performance improvement plans, training certificates, start and termination dates of employment should be redacted. If sufficiently distinctive, job titles/description of duties, office location, unique personal/professional information, and training attendance records should also be redacted. In a first-party request, give consideration whether references to dates of meetings and events, or to supervisors, may also be reasonably expected to identify any of the third parties whose identities are being protected. Although the details, and dates of, disciplinary actions should be redacted, the fact and nature of discipline (e.g., suspension, termination) need not be redacted.
- Whether in a first-party or third-party request, the following types of information may be redacted for the reasons described below:
 - Regional Counsel/Office of General Counsel (OGC) Opinion – A Regional Counsel's or OGC's memorandum or email, containing their legal advice, may be withheld under exemption 5's attorney-client privilege. For allegations of discrimination, be mindful that counsel's prima facie determination (a yes/no box) may be reflected on ARB Disposition Records or similar forms. The line containing both boxes should be redacted (if one of the boxes is checked) under exemption (b)(5). A foreseeable harm state is not required or withholding under the attorney-client privilege.
 - Drafts and other predecisional/deliberative material – If supported by a foreseeable harm statement, drafts of letters, memos, or other documents and other predecisional/deliberative material may be redacted under exemption 5's deliberative process privilege.
 - Teleconference bridge lines/passcodes or Teams recurring meeting IDs/PINs – These items should be redacted under exemption (b)(7)(C).

- NRC intranet or shared drive (including ADAMS) pathways – If such information appears at the end of a document (e.g., above the concurrence grid, or at the bottom of a page printed from the intranet), it may be redacted as a nonresponsive record, depending on the language included in the FOIA request. If such information appears in the body of a document, rely on exemption (b)(7)(F) to redact it if an argument exists that the information can reasonably be expected to endanger the life or physical safety of an individual.
- Licensee-originated material, including Condition Reports, Employee Concern Program (ECP) Reports, Standard Operating Procedures or other operating manuals, as well as any other records submitted by a licensee under 10 CFR 2.390 (some older documents may refer to 10 CFR 2.790), may be withheld in their entirety, or in part, if it is commercial or financial information the licensee both customarily and actually treats as private. Consider whether the NRC provided an express or implied assurance of confidentiality when the material was shared with NRC; whether the material is currently available in any public sources, and whether any events since the material was shared with NRC have altered the proprietary character of the material. Proprietary material is withheld/redacted under exemption (b)(4). Licensees may also claim personal privacy interests on behalf of their employees whose names appear in the material; such information may be redacted under exemption (b)(7)(C).
- Security-related material: Records, whether created by the NRC or a licensee, that – if disclosed – would provide potential adversaries with insight into security-related strategies, which can reasonably be expected to undermine the physical security at nuclear facilities; or provide bad actors with specific information useful to their ability to plan or execute a malevolent act, and adversely affect the ability of the licensee and governmental authorities to detect, assess, and respond to such an act. Such material may be redacted under exemption (b)(7)(F).

If the allegation or investigation file includes records that originated with another Federal agency, do a consultation with that Federal agency, and then address the records in the NRC's FOIA response. As a general rule, it is preferable to handle such records as a consultation, rather than as a referral to the other Federal agency for direct reply to the requester.⁴

⁴ Because it is likely that the NRC will have equities of its own in the records, it is preferable to handle such records as a consultation, rather than as a referral to the other Federal agency for direct reply to the requester. Be mindful that some Federal agencies, such as Tennessee Valley Authority, are also licensees. You need to determine whether they are acting in their capacity as a sister agency or a commercial entity. If the records were obtained from the agency because it has an NRC license, the records are treated the same as records from any other licensee. If the records were obtained from the agency in its capacity as another Federal agency, then treat the records the same as we would from any other Federal agency and consult with the agency.

CHAPTER 2

OFFICE OF INSPECTOR GENERAL (OIG) GUIDANCE

- I. Except as noted below, the processing of FOIA requests for records of the Office of Inspector General (OIG) will be the same as for other records.
 - A. The Assistant Inspector General for Investigations (AIGI) is the signatory for responses to FOIA requests for OIG records (whether the records pertain to an audit, investigation, or other OIG matter).³⁷
 - B. When you send the email tasking the OIG to search for responsive records, do it separately from other program or regional offices and remember to check the box for the “ADX file.” It allows OIG to use Redact Express when providing the records to us, which we can then import into FOIAXpress.
 - C. The OIG FOIA Coordinator is responsible for providing fee estimates, conducting searches, and providing you with the responsive records, as OIG proposes they be processed. The OIG FOIA Coordinator will have uploaded the responsive records, and completed the redactions, in RedactXpress. (Recall that the OIG has independent FOIA determination authority.)
 - D. How the responsive records maintained by the OIG will be handled, and the signature response package prepared, depends upon which program or regional office(s) (including the OIG) have equity in the records.
 - A. When the responsive records are purely OIG records, and no other equities are involved:
 1. Use the Form 464-OIG (**Attachments II-2-1 and II-2-2**);
 2. No Concurrence by the FOIA Officer;
 3. The AIGI signs; and
 4. OIG listed in distribution block.

³⁷ In the absence of the AIGI, the Deputy IG is the signatory.

- B. When the responsive records are located by OIG in their files, but originated with one or more program or regional offices, and the OIG has not indicated any of its own equities in the records:
 - 1. You will have referred these records to the other program or regional offices for their disclosure recommendations;
 - 2. Use the Form 464;
 - 3. Concurrence by you (and for contractors, the team lead);
 - 4. FOIA Officer signs; and
 - 5. OIG, as well as the program or regional office, listed in distribution block.
- E. When the responsive records are located by OIG in their files, but the OIG has equity in these records, as do one or more program or regional offices:
 - 1. You will have referred these records to the program or regional offices for their disclosure recommendations;
 - 2. Use the Form 464-OIG;
 - 3. Concurrence by you (and for contractors, the team lead);
 - 4. Concurrence by the FOIA Officer;
 - 5. The AIGI signs; and
 - 6. OIG, as well as the other program or regional office(s), listed in distribution block.
- F. Since the OIG has independent FOIA determination authority, should you come across inconsistencies in the redaction of the records provided you, or you believe an inapplicable exemption has been claimed for the information (e.g., a claim of 7D for investigative techniques when 7E was intended), you may bring these matters up to the OIG FOIA Coordinator to address before you complete the response package.

II. Keep in mind the following aspects of OIG's approach to redaction:

- A. Whenever you receive a FOIA request for an OIG allegation or investigation file from, or on behalf of, a current or former NRC employee

(or contractor), make sure that your ACK letter includes the language soliciting identity verification and third-party release authorization, as appropriate (if the incoming request does not already include this documentation). See **Section I-Chapter 2**. Once you have received the necessary documentation (or the 15-calendar day deadline has passed and the requester has not provided it, in which case we will process the request as a third-party request), you would then task OIG for a fee estimate or search, as appropriate. Be sure to include the documentation you receive (with any personally identifiable information (PII) redacted, as appropriate), along with the request, when you task OIG.

- B. In the typical OIG allegation or investigation file, names of NRC staff may appear in various roles: (1) as alleged; (2) as subjects (i.e., those accused of wrongdoing), (3) as witnesses (i.e., persons with direct knowledge of the alleged wrongdoing), and (4) as subject matter experts providing background or technical information known to them as part of their official duties³⁸. The OIG will protect on privacy grounds (Exemption 7C), the names and (unique) position titles of NRC staff below the Senior Executive Service (SES) or Senior Level (SL) level, regardless of their role in the investigation. Generally, OIG will also protect the names and (unique) position titles of SES and SL officials who are alleged, subjects³⁹, or witnesses. OCHCO has provided a listing of SES positions, which is housed in the FOIA Policies & Processes/Exemption 6 or 7C Guidance folder on the shared drive, which you may use to assist you in making appropriate privacy-based redactions. While OIG will not redact the identities of Senators and members of Congress, congressional staff members' identities are afforded privacy protection.
- C. If the records deal with a work group that is very small, or where there are only a few women in a particular occupation being mentioned, to protect sufficiently the identity of these third parties, the OIG redacts both the feminine and masculine pronouns in these records. This is the same practice that the Office of Investigations (OI) follows. Given that we

³⁸ Even if an SES or SL official is interviewed under oath (as reflected in a memorandum of interview or transcript), they are not necessarily considered witnesses. Rather, it depends on the reason for the interview, and the type of information the official provides. If the official has direct knowledge of the wrongdoing alleged to have occurred, they are considered a witness, whose identity is redacted. If, however, the official is interviewed in their official capacity to provide context or other background for OIG, then they are not considered a witness. Additionally, in an OIG investigation file, you may see a memorandum sent to the EDO or Human Capital Officer (and copied to others) for appropriate management action at the conclusion of the investigation. The names of SES or SL officials on such memoranda would not be redacted as they are receiving the memorandum in their official capacity.

³⁹ If an SES or SL official is the subject of the investigation, and that individual's alleged wrongdoing is publicly known due to actions taken by the NRC or OIG, the public interest/private interest balance may shift, and OIG may then release the name of the SES or SL official who is the subject of the investigation.

process these records from an “outsider’s perspective”, it is rare that this will be necessary to do.

- III. Generally, ADAMS does not include OIG investigation records, so it also does not include FOIA responses issued by the AIGI. However, given the statutory requirement that agencies must post to their websites FOIA responses that have been the subject of (and released in response to) three or more requests, public ADAMS will now include OIG responses in this category. If any FOIA responses involving OIG will be posted in public ADAMS, please notify OIG beforehand so that it can review these responses to identify any potential issues with publication. Do not provide the response package to DPC to post until obtaining approval to do by the AIGI, IG General Counsel, Deputy Inspector General, or Inspector General. When DPC staff has notified you that the records have been added to ADAMS, you should forward the notification to the OIG FOIA Coordinator for awareness.
- IV. How to handle OIG staff names in NRC Staff Directories – Generally, the names, positions, duty stations, physical locations, and telephone numbers of NRC staff are publicly available and should not be redacted. However, there are some exceptions, including those who work for the OIG. Here are the guidelines to apply:
 - i. The names and positions of OIG executives, as well as several key personnel, appear on the public OIG webpage, <https://nrcoig.oversight.gov/about-us/organization>, so their names and positions are not redacted. However, since the telephone numbers, duty stations, and physical locations of these OIG executives and key personnel are not included on <https://nrcoig.oversight.gov/about-us/organization>, that information should be redacted.
 - ii. All information about staff who work under the AIGI, regardless of their position, is to be redacted.
 - iii. Information about any other staff of the OIG (e.g., auditors, technical support, HR staff) may be released, except for their telephone numbers as they are not listed in the public NRC phone directory at <https://www.nrc.gov/about-nrc/contactus/phone-directory.html>.



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

Response
Type

☐

Interim

☐

Final

Requester:

Date:

Description of Requested Records:

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 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**

Response
Type

☐

Interim

☐

Final

PART I.D -- COMMENTS

Signature - Assistant Inspector General for Investigations or Designee



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA or Reference Number

Response Number

Response
Type

☐

Interim

☐

Final

Requester:

Date:

Description of Requested Records:

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>.



RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST

FOIA or Reference Number

Response Number

Response
Type

Interim

Final

PART I.D -- COMMENTS

Signature - Assistant Inspector General for Investigations or Designee

Distribution

OFFICE	OIG FOIA COORDINATOR	SPECIALIST	TEAM LEAD (contractors)	AIGI	Select
NAME					
DATE					



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

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 an individual.
- ☐ Other

PART II.B -- DENYING OFFICIAL

In accordance with 10 CFR 9.25(g)(1) of the U.S. Nuclear Regulatory Commission regulations, the official listed below has made the determination to withhold certain information, described below, responsive to your request.

DENYING OFFICIAL	TITLE/OFFICE	INFORMATION DENIED	APPELLATE OFFICIAL
	Assistant Inspector General for Investigations		Inspector General

CHAPTER 3

Processing Requests for Web-based Licensing (WBL) (formerly Materials Licensing Tracking System) Records

I. Processing Steps

A. Fee Estimate - FOIA requests for a listing of active or retired materials licensees typically come from commercial use requesters. As such, these requests will entail billable fees that exceed the \$250 threshold.

1. Since the FOIA Office receives requests for WBL records on a recurring basis, we worked with staff in the Office of Nuclear Material Safety and Safeguards (NMSS) to develop fee estimates (for active materials licensees only, or for both active and retired materials licensees) that should be sent to requesters, as applicable. These fee estimates can be found in the shared drive within the Fees & Billing folder. Using these fee estimates will eliminate the need to task NMSS each time a FOIA request for WBL records is received.
2. Prepare the fee estimate to send to the requester; see **Section I-Chapter 3**.
3. When you send the fee estimate to the requester, remember to Stop the Clock in FOIAXpress. See **Section I-Chapter 3**.

B. Search Task to NMSS

1. Once the requester has submitted the advance payment, you will Start the Clock on the request in FOIAXpress, provide payment documentation to the administrative staff for submission to the Office of the Chief Financial Officer, and then prepare the Request for Documents (RFD) to NMSS to conduct the search and provide disclosure recommendations. See **Section I-Chapters 3 and 5**.
2. The WBL is handled by a contractor in NMSS, who will generate an EXCEL spreadsheet of the responsive information. The NMSS contractor will provide you with two versions of the spreadsheet;

one will be a clean version and the other will have FOIA exemption 6 (cell phone) or FOIA exemption 7F (precise location) substituted for the sensitive information contained on the spreadsheet, color-coded to show which type of information it is.

C. Processing

1. Using the clean version of the spreadsheet as a guide, you will undertake your own review of the redacted version, ensuring that the guidelines, which may be found in the FOIA Policies & Processes/Exemption 7F Guidance folder, have been followed.
2. The spreadsheet is not uploaded to FOIAXpress's Review Log. Instead, it will be processed in Excel. Once the FOIA Officer completes their review, the released set will be provided in Excel (which is the manner the requesters typically prefer) rather than as an Adobe PDF (as it becomes very difficult to read and cannot be sorted by the requester in whatever presentation they prefer).
3. Before the spreadsheet is ready to be released to the requester, you will need to purge it of metadata. To do that, follow these steps:
 - a. Open the Excel file.
 - b. Go to the "File" tab and select "Info."
 - c. Choose "Inspect Document".
 - d. Check for metadata and remove it.
 - e. Save the cleaned file.
 - f. Right-click on the file; select Properties; go to "Details" tab and click on "Remove Properties and Personal Information".
 - g. Save.
4. Although there is nothing in the released set that could not be made publicly available, because they are in spreadsheet format, these FOIA requests and their responses are not added to ADAMS.

SECTION III: ADMINISTRATIVE MATTERS

CHAPTER 1

RECORD MANAGEMENT PRACTICES

I. Working Folder Retention

- A. Since October 1, 2018 (FY2019), the FOIA Office no longer creates physical working folders that contain the records required to be maintained under General Records Schedule (GRS) 4.2 (**Attachment III-1-1**). The records required to be maintained under the GRS are now maintained electronically in FOIAXpress. The records reflecting our processing of FOIA requests, consultations, referrals, administrative appeals, and litigation are maintained for six years.
- B. For requests, consultations, referrals, administrative appeals, and litigation received before October 1, 2018, the working folders of those matters are stored off-site for their remaining retention period at the Federal Records Center in Suitland, Md. To initiate a retrieval of one of these working folders, send an email to Records.Resource@nrc.gov. Note that FOIAXpress contains the administrative record for requests, consultations, referrals, administrative appeals and litigation going back six years.

II. Documentation of FOIA Processing

- A. During the time in which a FOIA matter (request, consultation, referral, administrative appeal, or litigation) is assigned to you, you are responsible for ensuring that the administrative record in FOIAXpress reflects all significant actions taken on the matter since it was assigned to you. If documentation is not created directly in FOIAXpress, which automatically saves a copy in the Correspondence Log), be sure to upload it to maintain a complete administrative record. Examples of documentation to maintain are: all tasks to program or regional offices and their responses; all communications between you and the requester (e.g., acknowledgment letter, status updates, clarifications; fee commitments; transmittals of interim and final responses, etc.); all communications with licensees, business submitters, or Federal agencies with whom you may consult; notes taken at meetings

between you and the program or regional offices, the requester, or both; a copy of a www.pay.gov payment receipt, etc.

- B. You may use the Notes feature in FOIAXpress to note any significant developments for which you do not have documentation, such as related requests, phone or MS Teams calls with staff, licensees or other business submitters, other Federal agency personnel, etc.

GENERAL RECORDS SCHEDULE 4.2: Information Access and Protection Records

This schedule covers records created in the course of agencies (1) responding to requests for access to Government information and (2) protecting information that is classified or controlled unclassified, or contains personal data that is required by law to be protected.

Agencies must offer any records created prior to January 1, 1921, to the National Archives and Records Administration (NARA) before applying disposition instructions in this schedule.

Item	Records Description	Disposition Instruction	Disposition Authority
001	<p>FOIA, Privacy Act, and classified documents administrative records.</p> <p>Records on managing information access and protection activities. Records include:</p> <ul style="list-style-type: none"> correspondence related to routine implementation of the FOIA and Privacy Act and administration of document security classification associated subject files feeder and statistical reports <p>Exclusion: This item does not cover records documenting policies and procedures accumulated in offices having agency-wide responsibilities for FOIA, Privacy Act, and classified documents. These records must be scheduled by the agency on an agency-specific schedule.</p>	Temporary. Destroy when 3 years old, but longer retention is authorized if needed for business use.	DAA-GRS-2019-0001-0001
010	<p>Superseded (General information request files.) DAA-GRS-2013-0007-0001 was superseded by DAA-GRS-2022-0009-0001 (GRS 5.2, item 010).</p>		
020	<p>Access and disclosure request files.</p> <p>Case files created in response to requests for information under the Freedom of Information Act (FOIA), Mandatory Declassification Review (MDR) process, Privacy Act (PA), Classification Challenge, and similar access programs, and completed by:</p> <ul style="list-style-type: none"> granting the request in full granting the request in part denying the request for any reason including: <ul style="list-style-type: none"> inability to fulfill request because records do not exist inability to fulfill request because request inadequately describes records inability to fulfill request because search or reproduction fees are not paid final adjudication on appeal to any of the above original settlements final agency action in response to court remand on appeal <p>Includes:</p>	Temporary. Destroy 6 years after final agency action or 3 years after final adjudication by the courts, whichever is later, but longer retention is authorized if required for business use.	DAA-GRS-2016-0002-0001

Item	Records Description	Disposition Instruction	Disposition Authority
	<ul style="list-style-type: none"> • requests (either first-party or third-party) • replies • copies of requested records • administrative appeals • related supporting documents (such as sanitizing instructions) <p>Note 1: Record copies of requested records remain covered by their original disposal authority, but if disposable sooner than their associated access/disclosure case file, may be retained under this item for disposition with that case file.</p> <p>Note 2: Agencies may wish to retain redacted copies of requested records for business use after the rest of the associated request case file is destroyed.</p>		
030	<p>Information access and protection operational records.</p> <p>Records tracking and controlling access to protected information. Includes:</p> <ul style="list-style-type: none"> • records documenting receipt, internal routing, dispatch, or destruction of classified and controlled unclassified records • tracking databases and other records used to manage overall access program • requests and authorizations for individuals to have access to classified and controlled unclassified records and information <p>Note: Records documenting individuals' security clearances are covered under GRS 5.6, items 180 and 181.</p>	<p>Temporary. Destroy 2 years after last form entry, reply, or submission; or when associated documents are declassified, decontrolled, or destroyed; or when an individual's authorization expires; whichever is appropriate. Longer retention is authorized if required for business use.</p>	DAA-GRS-2019-0001-0002
031	<p>Access control records. Includes:</p> <ul style="list-style-type: none"> • safe and padlock combinations • names or other personal identifiers of individuals who know combinations • comparable data used to control access into classified document containers 	<p>Temporary. Destroy when superseded or obsolete, but longer retention is authorized if required for business use.</p>	DAA-GRS-2013-0007-0020

Item	Records Description		Disposition Instruction	Disposition Authority
032		<p>Records relating to classified or controlled unclassified document containers. Includes forms placed on safes, cabinets, or vaults that record opening, closing, and routine checking of container security, such as SF-701 and SF-702.</p> <p>Note: Forms involved in investigations are not covered by this item. They are instead retained according to the schedule item for records of the investigation.</p>	Temporary. Destroy 90 days after last entry on form, but longer retention is authorized if required for business use.	DAA-GRS-2016-0002-0003
040	<p>Records of accounting for and controlling access to records requested under FOIA, PA, and MDR. Records documenting identity of, and internal routing, control points, and accountability for information to which access has been requested. Includes:</p> <ul style="list-style-type: none"> • forms, registers, ledgers, logs, and tracking systems documenting requester identity and contact information, request date, and nature or purpose of request • inventories • forms accompanying documents to ensure continuing control, showing names of people handling the documents, inter-office routing, and comparable data • agent and researcher files 		Temporary. Destroy 5 years after date of last entry or final action by agency, as appropriate, but longer retention is authorized if required for business use.	DAA-GRS-2019-0001-0003
050	<p>Privacy Act accounting of disclosure files. Files maintained under the provisions of 5 U.S.C. §552a(c) for an accurate accounting of the date, nature, and purpose of each disclosure of a record to any person or to another agency. Includes:</p> <ul style="list-style-type: none"> • forms with the subject individual's name • records of the requester's name and address • explanations of the purpose for the request • date of disclosure • proof of subject individual's consent 		Temporary. Dispose of in accordance with the approved disposition instructions for the related subject individual's records, or 5 years after the disclosure for which the accountability was made, whichever is later.	NC1-64-77-1 item 27 [DAL-GRS-2023-0001-0001]
060	<p>Erroneous release records. Files relating to the inadvertent release of privileged information to unauthorized parties, containing information the disclosure of which would constitute an unwarranted invasion of personal privacy. Includes:</p> <ul style="list-style-type: none"> • requests for information 	Records filed with the record-keeping copy of the erroneously released records.	Temporary. Follow the disposition instructions approved for the released record copy or destroy 6 years after the erroneous release, whichever is later.	DAA-GRS-2015-0002-0001

Item	Records Description		Disposition Instruction	Disposition Authority
061	<ul style="list-style-type: none"> • copies of replies • all related supporting documents May include: <ul style="list-style-type: none"> • official copy of records requested or copies 	Records filed separately from the record-keeping copy of the released records.	Temporary. Destroy 6 years after the erroneous release, but longer retention is authorized if required for business use.	DAA-GRS-2015-0002-0002
065	Privacy complaint files. Records of privacy complaints (and responses) agencies receive in these categories: <ul style="list-style-type: none"> • process and procedural (consent, collection, and appropriate notice) • redress (inquiries seeking resolution of difficulties or concerns about privacy matters not specifically outlined in the Privacy Act) • operational (inquiries regarding Privacy Act matters but not including Privacy Act requests for access and/or correction) • complaints referred to another organization 		Temporary. Destroy 3 years after resolution or referral, as appropriate, but longer retention is authorized if required for business use.	DAA-GRS-2019-0001-0004
070	Agency reports to the Congress, Department of Justice, or other entities regarding FOIA, MDR, PA, and similar access and disclosure programs. Note: This item does not apply to summary reports incorporating government-wide statistics. These must be scheduled separately by the summarizing agent.		Temporary. Destroy 2 years after date of report, but longer retention is authorized if required for business use.	DAA-GRS-2013-0007-0006
080	Legal and regulatory compliance reporting records. Reports prepared in compliance with federal laws and regulations, such as the E-Government Act (Public Law 107-347), Federal Information Security Modernization Act of 2014, and Title V (Confidential Information Protection and Statistical Efficiency Act), as codified in 44 U.S.C. §101.	Annual reports by agency CIO, Inspector General, or Senior Agency Official for Privacy. Legal citation: OMB M-07-16.	Temporary. Destroy 5 years after submission of report, but longer retention is authorized if required for business use.	DAA-GRS-2013-0007-0022
081		All other agency reports and internal reports by individual system owners to the Senior Agency Official for Privacy (SAOP).	Temporary. Destroy 2 years after submission of report, but longer retention is authorized if required for business use.	DAA-GRS-2013-0007-0023

Item	Records Description		Disposition Instruction	Disposition Authority
090	Privacy Act amendment request files. Files relating to an individual's request to amend a record pertaining to that individual under 5 U.S.C. §552a(d)(2), to the individual's request for review of an agency's refusal to amend a record under 5 U.S.C. §552a(d)(3), and to any civil action or appeal brought by the individual against the refusing agency under 5 U.S.C. §552a(g). Includes: <ul style="list-style-type: none"> • requests to amend and to review refusal to amend • copies of agency's replies • statement of disagreement • agency justification for refusal to amend a record • appeals • related materials 		Temporary. Destroy with the records for which amendment was requested or 4 years after close of case (final determination by agency or final adjudication, whichever applies), whichever is later. Longer retention is authorized if required for business use.	DAA-GRS-2013-0007-0007
100	Automatic and systematic declassification review program records. Files related to the review of permanent records in anticipation of automatic declassification at 25, 50, or 75 years per Executive Order 13526, and the periodic review of records exempted from automatic declassification. Files include program records documenting declassification decisions.		Temporary. Destroy or delete after conducting next review or when subject records are transferred to NARA, but longer retention is authorized if required for business use.	DAA-GRS-2020-0002-0001
110	Fundamental classification guidance review files. Reports, significant correspondence, drafts, received comments, and related materials responding to "fundamental classification guidance review" as required by Executive Order 13526 Section 1.9. Note: This item does not cover reports and correspondence received at the Information Security Oversight Office (ISOO).		Temporary. Destroy 5 years after report is submitted to ISOO, but longer retention is authorized if required for business use.	DAA-GRS-2013-0007-0011
120	Classified information nondisclosure agreements. Copies of nondisclosure agreements, such as SF 312, Classified Information Nondisclosure Agreement,	Records maintained in the individual's official personnel folder.	Apply the disposition for the official personnel folder.	

Item	Records Description		Disposition Instruction	Disposition Authority
121	signed by civilian and military personnel with access to information that is classified under standards put forth by executive orders governing security classification.	Records maintained separately from the individual's official personnel folder. Legal citations: ICD 703, Protection of Classified National Intelligence; 32 CFR 2001.80(d)(2)(vii).	Temporary. Destroy when 50 years old.	DAA-GRS-2015-0002-0003
130	Superseded (Personally identifiable information extracts.) DAA-GRS-2013-0007-0012 was superseded by DAA-GRS-2022-0009-0001 (GRS 5.2, item 010).			
140	Personally identifiable information extract logs. Logs that track the use of PII extracts by authorized users, containing some or all of: date and time of extract, name and component of information system from which data is extracted, user extracting data, data elements involved, business purpose for which the data will be used, length of time extracted information will be used. Also includes (if appropriate): justification and supervisory authorization for retaining extract longer than 90 days, and anticipated disposition date.		Temporary. Destroy when business use ceases.	DAA-GRS-2013-0007-0013
150	Privacy Act System of Records Notices (SORNs). Agency copy of notices about the existence and character of systems of records, documenting publication in the Federal Register when the agency establishes or revises the system, per the Privacy Act of 1974 [5 U.S.C. 552a(e)(4) and 5 U.S.C. 552a(e)(11)], as amended. Also significant material documenting SORN formulation, other than Privacy Impact Assessment records (see item 161).		Temporary. Destroy 2 years after supersession by a revised SORN or after system ceases operation, but longer retention is authorized if required for business use.	DAA-GRS-2016-0003-0002
160	Records analyzing Personally Identifiable Information (PII). Records documenting whether certain privacy and data security laws, regulations, and agency policies are required; how the agency collects, uses, shares, and maintains PII; and incorporation of privacy protections into records systems as required by the E-	Records of Privacy Threshold Analyses (PTAs) and Initial Privacy Assessments (IPAs). Records of research on whether an agency should conduct a Privacy Impact Assessment (PIA).	Temporary. Destroy 3 years after associated PIA is published or determination that PIA is unnecessary, but longer retention is authorized if required for business use.	DAA-GRS-2016-0003-0003

Item	Records Description	Disposition Instruction	Disposition Authority
161	<p>Government Act of 2002 (Public Law 107-347, section 208), the Privacy Act of 1974 (5 U.S.C. 552a), and other applicable privacy laws, regulations, and agency policies. Includes significant background material documenting formulation of final products.</p> <p>Records of Privacy Impact Assessments (PIAs).</p>	Temporary. Destroy 3 years after a superseding PIA is published, after system ceases operation, or (if PIA concerns a website) after website is no longer available to the public, as appropriate. Longer retention is authorized if required for business use.	DAA-GRS-2016-0003-0004
170	<p>Computer matching program notices and agreements.</p> <p>Agency copy of notices of intent to share data in systems of records with other federal, state, or local government agencies via computer matching programs, and related records documenting publication of notice in the Federal Register per the Privacy Act of 1974 [5 U.S.C. 552a(e)(12)], as amended. Also agreements between agencies, commonly referred to as Computer Matching Agreements, prepared in accordance with Office of Management and Budget Final Guidance. Includes documentation of Data Integrity Board (DIB) review and approval of matching programs and agreements, and significant background material documenting formulation of notices and agreements.</p>	Temporary. Destroy upon supersession by a revised notice or agreement, or 2 years after matching program ceases operation, but longer retention is authorized if required for business use.	DAA-GRS-2016-0003-0005
180	<p>Virtual public access library records.</p> <p>Records published by an agency on line to fulfill the requirement in 5 U.S.C. 552(a)(2)(A) through 5 U.S.C. 552(a)(2)(D) and 5 U.S.C. 552(g)(1) through 5 U.S.C. 552(g)(3) that agencies must make those records available for public inspection and copying. Includes:</p> <ul style="list-style-type: none"> • final concurring and dissenting opinions and orders agencies issue when adjudicating cases • statements of policy and interpretations the agency adopts but does not publish in the <i>Federal Register</i> • administrative staff manuals and instructions to staff that affect a member of the public • copies of records requested under the Freedom of Information Act (FOIA) which, because of the nature of their subject matter, the agency determines are, or are likely to become, the subject of subsequent requests for substantially the same records or which have been requested three or more times 	Temporary. Destroy when no longer needed.	DAA-GRS-2016-0008-0001

Item	Records Description	Disposition Instruction	Disposition Authority
	<ul style="list-style-type: none"> indexes of agency major information systems descriptions of agency major information and record locator systems handbooks for obtaining various types and categories of agency public information <p>Exclusion: This item refers only to copies an agency publishes on line for public reference. The agency record copy of such material may be of permanent value and the agency must schedule it.</p> <p>Not media neutral. Applies to electronic records only.</p>		
Controlled Unclassified Information (CUI) program records. Exclusion: Records of the Controlled Unclassified Information Executive Agent office at the National Archives (NARA must schedule these records separately).			
190	CUI program implementation records. Records of overall program management. Includes: <ul style="list-style-type: none"> records documenting the process of planning agency policy and procedure agency submissions to the CUI Executive Agent of authorities (laws, federal regulations, or Government-wide policies containing safeguarding or dissemination controls) the agency proposes to include in the CUI Registry to designate unclassified information as CUI agency submissions to the CUI Executive Agent of proposed laws, federal regulations, or Government-wide policies that would establish, eliminate, or modify a category of CUI, or change information controls applicable to CUI correspondence with CUI Executive Agent <p>Exclusion 1: CUI directives and formal policy documents (agencies must schedule these separately).</p> <p>Exclusion 2: Records of CUI self-inspections (GRS 5.7, item 020 covers these).</p> <p>Exclusion 3: Records of annual program reports to the CUI Executive Agent (GRS 5.7, item 050 covers these).</p>	Temporary. Destroy when 7 years old, but longer retention is authorized if required for business use.	DAA-GRS-2019-0001-0005
191	CUI information sharing agreements. Agreements in which agencies agree to share CUI with non-executive branch entities (e.g., state and local police) and foreign entities that agree to protect the CUI. <p>Exclusion: Contracts involving CUI and contractor access to CUI; GRS 1.1, item 010 covers contracts.</p>	Temporary. Destroy 7 years after canceled or superseded, but longer retention is authorized if required for business use.	DAA-GRS-2019-0001-0006

Item	Records Description		Disposition Instruction	Disposition Authority
192	Records of waivers of CUI requirements. Description of and rationale for each waiver, documentation of alternate steps the agency takes to ensure it sufficiently protects the CUI covered by the waiver, and records of the agency notifying authorized recipients and the public of the waiver.		Temporary. Destroy when waiver is rescinded, system is no longer in use, or all affected records are destroyed, as applicable, but longer retention is authorized if required for business use.	DAA-GRS-2019-0001-0007
193	Records of requests for decontrol and challenges to CUI designations. Requests to decontrol CUI or challenging a CUI marking as incorrect (either improperly assigned or lacking), responses to requests, records of adjudication, and records of dispute resolution if adjudication is appealed.	Records filed with the record-keeping copy of the CUI-marked records.	Follow the disposition instructions approved for the records at issue.	
194		Records filed separately from the record-keeping copy of the CUI-marked records.	Temporary. Destroy 6 years after change in CUI status, but longer retention is authorized if required for business use.	DAA-GRS-2019-0001-0008
195	Records of CUI misuse. Allegations of CUI misuse, records of internal investigations, communications with and reports of findings from the CUI Executive Agent, and records of corrective actions. Exclusion: If the agency assigns such investigations to its Inspector General (IG), the agency schedule for IG records covers the records created in the IG office.		Temporary. Destroy 5 years after completing the investigation or completing all corrective actions, whichever is later, but longer retention is authorized if required for business use.	DAA-GRS-2019-0001-0009

CHAPTER 2

PROGRAM AND REGIONAL OFFICE ACRONYMS

ACMUI	Advisory Committee on the Medical Uses of Isotopes
ACRS	Advisory Committee on Reactor Safeguards
ADM	Office of Administration
ASLBP	Atomic Safety and Licensing Board Panel
EDO	Office of the Executive Director for Operations
NMSS	Office of Nuclear Material Safety and Safeguards
NRR	Office of Nuclear Reactor Regulation
NSIR	Office of Nuclear Security and Incident Response
OCA	Office of Congressional Affairs
OCAA	Office of Commission Appellate Adjudication
OCFO	Office of the Chief Financial Officer
OCM	Office of the Commission
OE	Office of Enforcement
OGC	Office of the General Counsel
OCHCO	Office of the Chief Human Capital Officer
OI	Office of Investigations
OIG	Office of the Inspector General
OIP	Office of International Programs
OCIO	Office of the Chief Information Officer
OPA	Office of Public Affairs
RES	Office of Nuclear Regulatory Research
SBCR	Office of Small Business and Civil Rights
SECY	Office of the Secretary
RI	Region I
RII	Region II
RIII	Region III
RIV	Region IV

CHAPTER 3

INTAKE

I. FOIAXpress

- A. The administrative staff will check each morning and afternoon for new FOIA requests, appeals, referrals, and consultations in FOIAXpress. Note, however, that in addition to submissions that come to NRC directly through FOIAXpress's Public Access Link (PAL) (which includes submissions through the National FOIA Portal), new matters may come to the FOIA Office through "snail mail," fax, or email to the FOIA.Resource@nrc.gov mailbox.
- B. For requests/appeals/referrals/consultations that do not come to the FOIA Office through PAL, the administrative staff will first search to see if a requester profile already exists in FOIAXpress. To do that, from the FOIAXpress home page, Select Search Requesters. Enter the requester's first and last name; select Search.
 1. If a profile already exists, it will appear under Requesters. By placing the cursor somewhere along that entry (but not the underscored last name), select it, and then select Create Request (or Appeal/Consultation/Referral, as applicable). The requester's profile will then populate on the Create Request screen.
 2. If a profile does not already exist, the administrative staff will first need to create the profile.
 3. For each request that is to be logged into FOIAXpress, the administrative staff will upload the original incoming request to the Request Information screen (named "Incoming Request-Clean"), as well as another copy that has any Personally Identifiable Information (PII) redacted, to the Correspondence Log (named "Incoming Request-Redacted").⁴⁰ To enter the request, select Create Request (or Appeal, Consultation, or Referral, as applicable).

⁴⁰ PII that may be found in the incoming request includes the individual's social security number, date of birth, personal email address, home and cell phone numbers. Requests on an organization's letterhead that contain the organization's domain (e.g., John Smith@business.com) or office telephone number need not have that information redacted.

- a. Under Requester Details, enter the requester's name, organization (if any) and, if known by virtue of the incoming request, the fee category^{41, 42}, and if the request specifies it is being made on behalf of someone else, enter that name.
- b. Under Request Details, select from the various drop-down menus: the appropriate request type, received mode, requested date (which is the date of the incoming matter) and received date (which is the date NRC received the matter). The multi-track type will default to simple; it will be up to the assigned FOIA Team member to change it, if necessary). The other fields may be left blank.
- c. Under Description, if a date range is included in the request, enter the beginning and ending dates. Then enter a description of the requested records, taking care not to include any personally identifiable information (PII). For example, if A makes a request for the investigation file of B, do not include B's name in the description. Use "named individual" instead. For requests that are very lengthy in the description, try to summarize it. (This is the description that populates the publicly available log, as well as the weekly reports.) Then drag-and-drop the request in the Zone. If the request contains any PII, save both the original request, and – using Adobe's redaction tool - redact the PII and drag-and-drop a copy of the redacted request as well.
- d. If a request includes a request for expedited processing or fee waiver, toggle to Yes and leave the determination as TBD. The free-form field is for the FOIA Officer to complete once a determination is made.

⁴¹ If a request comes in on business letterhead, or from a licensee, it typically will mean that the requester is a commercial use requester. If a lawyer makes a request on behalf of a client, look to who that client is. If the client is an individual, then the fee category is non-excepted. If the client is a licensee, then the fee category is commercial.) If a request is from a journalist, or from a stakeholder group that hosts a website where they not only post records received from FOIA requests made to agencies, but the group analyzes the records, then the fee category is representative of the news media. We rarely see requests from scientific institutions or educational institutions (which can include students if they explain how the requested records fit into their field of studies). If there is a question whether a requester fits within the educational institution category, include in the ACK Letter appropriate language affording the requester additional time in which to provide justification for that favored fee category. (**See Section I – Chapter 2**).

⁴² For consultations, the name of the requester should be entered in the requester's name field. The agency from which the consultation request is received, and that agency's point of contact, should be entered in the Other Address Details section of the Request Information screen.

- e. If a request is asking for records about a named individual, the requester may furnish identity verification documentation or third-party authorization, as appropriate. If so, then toggle to Yes and drag-and-drop the documentation in the Zone.
 - f. If the request specifies a dollar amount of fees, enter that amount in the Willing Amount box, or if the request states a willingness to pay all fees, then check that box. If the request is silent, leave the \$25.00 amount that is FOIAXpress's defaulted amount.
 - g. Select Save.
- 4. Email the FOIA Officer that there is a new matter waiting to be assigned. They will then go into FOIAXpress and make the assignment.
 - 5. Once the FOIA Officer assigns the matter in FOIAXpress, go back into FOIAXpress and substitute the assigned person for yourself as the request owner and primary user. If the matter is assigned to a contractor as the primary user, add the team lead as the secondary user. Check the email notification box so that the assigned primary user (and secondary user, as applicable) will learn of the new assignment. The administrative staff may delete themselves as a user. Select Save.

CHAPTER 4

CLOSE OUT

- I. Inclusion in Public ADAMS and Notification to Program Office(s)
 - A. When an interim or final response is issued that is to be included in public ADAMS, you will send to the administrative staff an email containing (a) the incoming request (redacted of any PII, if applicable); (b) the NRC Form 464 response; (c) any released set(s) of records⁴³; and (d) the program and regional offices to which a link to the package in ADAMS will be sent once the package has been replicated. The administrative staff will prepare the NRC Form 665, upload items (a)-(c) to the shared drive, and email Document Processing Center (DPC) staff that the package is ready for inclusion in public ADAMS. You will be copied on this email. (If there had already been an interim response, the administrative staff will check whether the package includes the incoming request; if so, another copy is not necessary to include in the shared drive). For requests that already had one or more interim responses, the administrative staff will also include the ADAMS ML accession number of any existing package in the email to DPC staff.
 - B. If the response package is to be included in public ADAMS, upon notification from DPC that the package has been replicated, the administrative staff will forward that notification email (with the link to ADAMS) to the program and regional offices with the following language: “The FOIA Officer recently issued an [interim][final] response to FOIA request [fill in tracking #]. Thanks to you and your staff for your assistance during our processing of the request. You may find a copy of the response package at the accession number found in DPC’s email.” The administrative staff will need to choose whether it’s an interim or final response, and insert the FOIA or other tracking number, as applicable. You will be also copied on this email. Remember to upload this email to the Correspondence Log in FOIAXpress. (Note: If the administrative staff is unavailable, you should forward the notification email to the program or regional offices involved in the processing of the request.)
- II. Responses not included in public ADAMS and Notification to Program Office and Regional Office(s)
 - A. For interim or final responses that are not to be included in public ADAMS, you should still send an email to the administrative staff, noting that the response will not be included in public ADAMS. In such cases, you should

⁴³ The name of the released set of records should follow this format: Tracking Number – Resp X (whether this is the first, second, or whichever response issued in this request) – Interim or Final.

send a copy of the response and any released set(s) of records, so that the administrative staff can inform the program and regional offices that were involved in the processing of the request. The administrative staff will send an email to the program and regional offices with the following language: "The FOIA Officer recently issued an [interim][final] response to FOIA request [fill in tracking #]. Thanks to you and your staff for your assistance during our processing of the request. Attached for your information is a copy of the NRC Form 464 response and released set(s) of records." You will be copied on this email. Remember to upload a copy of the email that is sent to the program and regional offices to the Correspondence Log in FOIAXpress. If there is no released set, the last part of the sentence should be eliminated. If the released set(s) of records are too voluminous to email, the administrative staff will work with you to place those records in BOX and adjust the language of the email accordingly: "The FOIA Officer recently issued an [interim][final] response to FOIA request [fill in tracking #]. Thanks to you and your staff for your assistance during our processing of the request. Attached for your information is a copy of the NRC Form 464 response. Due to the size of the released set(s) of records, the records have been shared with you via BOX."

III. PROCESSING BILLINGS AND REFUNDS

A. Billings

1. If the NRC Form 464 reflects an amount to be billed to the requester, the administrative staff will create a memorandum (**Attachment III-4-1**) to the Office of the Chief Finance Officer (OCFO), which is then emailed to NonFeeInvoices.Resource@nrc.gov, with a copy to the FOIA.Resource@nrc.gov mailbox, and you, as the assigned FOIA Team member.

B. Refunds

1. If the NRC Form 464 reflects an amount to be refunded to the requester, you will need to reach out to the requester to obtain the appropriate Taxpayer Identification Number (TIN) and then provide it to the administrative staff.
2. The administrative staff will create a memorandum (**Attachment III-4-2**) to the OCFO, which is then emailed to the NonFeeInvoices.Resource@nrc.gov, with a copy to the FOIA.Resource@nrc.gov mailbox, and to you, as the assigned FOIA Team member.