

Group A

FOIA/PA NO: 2015-0417

**RECORDS BEING RELEASED IN THEIR ENTIRETY**

**Graff, Mark**

---

**From:** Wallace, Denise  
**Sent:** Wednesday, July 08, 2015 8:15 AM  
**To:** Graff, Mark  
**Subject:** Out of Office: FOIA/PA 2015-0040A Appeal Response Letter (2015-00281)

I will be out of the office July 2 - July 17, 2015. If you need immediate assistance during this time, please contact the Administrative Correspondence Staff at (301) 415-1718.

Thank you,  
Denise Wallace

## Graff, Mark

---

**From:** Ennis, Tina  
**Sent:** Thursday, July 02, 2015 7:57 AM  
**To:** Wallace, Denise  
**Cc:** Blaney, Stephanie; Graff, Mark  
**Subject:** RE: Re: FOIA/PA 2015-0040A Appeal Response Letter (2015-00281)

Please remove Stephanie's name as the POC on these appeals unless she is the specialist assigned to the case. Please add Raheel Johri as POC. Raheel is the Administrative Assistant for FOIA, and is the one responsible for picking up packages.

Thank you,

*Tina Ennis*

Government Information Specialist  
OIS/CSD/FPIB  
U.S. Nuclear Regulatory Commission  
Location: T-5F18 | Mailstop: T-5F09



301-415-5616



[Tina.Ennis@nrc.gov](mailto:Tina.Ennis@nrc.gov)

---

**From:** Wallace, Denise  
**Sent:** Wednesday, July 01, 2015 6:11 PM  
**To:** Blaney, Stephanie; Ennis, Tina; Graff, Mark  
**Subject:** Re: FOIA/PA 2015-0040A Appeal Response Letter (2015-00281)

The subject letter was signed by the DEDCM on 07/01/15 and is ready for pick-up in the OEDO mailroom located at O16E15.

Thank you.

[View ADAMS P8 Properties ML15175A121](#)

[Open ADAMS P8 Document \(FOIA/PA 2015-0040A Appeal Response to 2015-0281 The full denial and refusing to confirm any existence of records of Leah Lynn Plante\)](#)

## Graff, Mark

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**From:** Wallace, Denise  
**Sent:** Wednesday, July 01, 2015 6:11 PM  
**To:** Blaney, Stephanie; Ennis, Tina; Graff, Mark  
**Subject:** Re: FOIA/PA 2015-0040A Appeal Response Letter (2015-00281)

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[Open ADAMS P8 Document \(FOIA/PA 2015-0040A Appeal Response to 2015-0281 The full denial and refusing to confirm any existence of records of Leah Lynn Plante\)](#)

## **Graff, Mark**

---

**From:** Davidson, Cynthia  
**Sent:** Wednesday, June 17, 2015 12:34 PM  
**To:** FOIA Resource  
**Cc:** Graff, Mark; Johri, Raheel  
**Subject:** FW: FOIA/PA-2015-0041A; FOIA/PA-2015-0043A; FOIA/PA-2015-0042A

FYI – FOIA/PA-2015-0040A, (FOIA/PA-2015-0281), will be included in the current envelope with the other FOIA's (see below) for Mark Graff.

cdavidson

---

**From:** Davidson, Cynthia  
**Sent:** Wednesday, June 17, 2015 11:28 AM  
**To:** FOIA Resource  
**Cc:** Johri, Raheel; Graff, Mark  
**Subject:** FOIA/PA-2015-0041A; FOIA/PA-2015-0043A; FOIA/PA-2015-0042A

The above FOIA's are available for pick up from the OGC mailroom located at O-15D21.

Cynthia Davidson  
Team Leader  
Office of the General Counsel  
MS:O-15D21B  
[Cynthia.Davidson@nrc.gov](mailto:Cynthia.Davidson@nrc.gov)  
Ph.: 301-415-3196

## Graff, Mark

---

**From:** QTE Resource  
**Sent:** Thursday, June 11, 2015 12:57 PM  
**To:** Graff, Mark  
**Cc:** Andoh, Roger; QTE Resource  
**Subject:** Files Attached. RE: FOIA-2015-0040A (Mark Graff, OIS)  
**Attachments:** Appeal\_Response\_Letter[1]\_MOD061115\_compare.docx;  
Appeal\_Response\_Letter[1]\_MOD061115\_clean.docx

Mark,

I have attached the clean and compare files for your document.

Please use the clean file for future revisions. The compare file details all recommended changes. Please review the document to ensure I did not change your meaning.

Please consider this e-mail message to be evidence of technical editor concurrence with the suggested changes. The author may accept or reject any of these changes. Please feel free to contact QTE with any questions or concerns.

Thanks,

Jay Dougherty

[QTE.Resource@nrc.gov](mailto:QTE.Resource@nrc.gov)  
<http://www.internal.nrc.gov/ADM/techedit/techedit.html>

Jay Dougherty  
Room: O12-G11  
(301) 415-3480

---

**From:** Graff, Mark  
**Sent:** Thursday, June 11, 2015 8:47 AM  
**To:** QTE Resource  
**Cc:** Andoh, Roger  
**Subject:** FOIA-2015-0040A

Technical editing request for the attached appeal response letter (for signature of Darren Ash DEDCM).

Title: "Response to appeal 2015-0040A (FOIA/PA-2015-0281)"

Due date: June 16, 2015

Contact: Mark Graff

Email: [Mark.Graff@nrc.gov](mailto:Mark.Graff@nrc.gov)

Thank you very much.

Mark H. Graff  
Government Information Specialist  
U.S. Nuclear Regulatory Commission  
[Mark.Graff@nrc.gov](mailto:Mark.Graff@nrc.gov)  
(301)-415-8154 (O)



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

Julian Tarver  
Clallam Bay Correction Center D-G9  
Clallam Bay, Washington 98326

NIN RESPONSE REFER TO  
FOIA/PA 2015-00040A  
(FOIA/PA 2015-00281)

Dear Mr. Tarver,

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated May 28, 2015, in which you appealed the agency's May 20, 2015, decision related to your May 6, 2015, Freedom of Information Act/Privacy Act (FOIA/PA) request (FOIA/PA 2015-00281). In the May 28, 2015, letter you appealed the NRC's refusal to confirm or deny the existence of records related to Leah Lynn Plante.

In general, protecting the privacy interests of individuals who are named in investigatory records and are the targets of FOIA requests requires special procedures. Most agencies with criminal law enforcement responsibilities follow the approach of the FBI, which is generally to respond to FOIA requests for records concerning other individuals by refusing to confirm or deny whether such records exist. Such a response is necessary because members of the public may draw adverse inferences from the mere fact that an individual is mentioned in the files of a criminal law enforcement agency.<sup>1</sup>

This is NRC's final decision. As set forth in the FOIA (5 U.S.C. 552(a)(4)(B)), judicial review of this decision is available in a district court in the United States in the district in which you reside or have your principal place of business. Judicial You may also obtain judicial review ~~can also be had~~ 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~~ nonexclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation.

<sup>1</sup> See, Ray v. DOJ, 778 F. Supp. 1212, 1215 (S.D. Fla. 1991); See also, FOIA Update, Vol. X, No. 3, at 5.



You may contact OGIS in any of the following ways:

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

Sincerely,

Darren B. Ash  
Deputy Executive Director  
For Corporate Management  
Office of the Executive Director for Operations

You may contact OGIS in any of the following ways:

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National Archives and Records Administration  
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Fax: 202-741-5769  
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Darren B. Ash  
Deputy Executive Director  
For Corporate Management  
Office of the Executive Director for Operations

Distribution: FPIB r/f  
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ADAMS Accession No.:

\* Concurred via email

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NAME			RAndoh		*				DAsh	
DATE										

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

Julian Tarver  
Clallam Bay Correction Center D-G9  
Clallam Bay, Washington 98326

IN RESPONSE REFER TO  
FOIA/PA 2015-00040A  
(FOIA/PA 2015-00281)

Dear Mr. Tarver,

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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 nonexclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation.

---

<sup>1</sup> See, Ray v. DOJ, 778 F. Supp. 1212, 1215 (S.D. Fla. 1991); See also, FOIA Update, Vol. X, No. 3, at 5.

You may contact OGIS in any of the following ways:

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

Sincerely,

Darren B. Ash  
Deputy Executive Director  
for Corporate Management  
Office of the Executive Director for Operations

You may contact OGIS in any of the following ways:

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

Sincerely,

Darren B. Ash  
Deputy Executive Director  
For Corporate Management  
Office of the Executive Director for Operations

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ADAMS Accession No.:

\* Concurred via email

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OFFICE	OIS/CSD/FPS		OIS/CSD/FPIB		QTE	OGC		DEDCM	
NAME			RAndoh		*			DAsh	
DATE									

OFFICIAL RECORD COPY

## Graff, Mark

---

**From:** QTE Resource  
**Sent:** Thursday, June 11, 2015 9:42 AM  
**To:** Graff, Mark  
**Cc:** Andoh, Roger  
**Subject:** RE: FOIA-2015-0040A

Mark,

We received your submission and can meet your deadline request.

Thanks.

Jay

[QTE.Resource@nrc.gov](mailto:QTE.Resource@nrc.gov)  
<http://www.internal.nrc.gov/ADM/techedit/techedit.html>

Jay Dougherty  
Room: O12-G11  
(301) 415-3480

Caroline Hsu  
(301) 415-5638

---

**From:** Graff, Mark  
**Sent:** Thursday, June 11, 2015 8:47 AM  
**To:** QTE Resource  
**Cc:** Andoh, Roger  
**Subject:** FOIA-2015-0040A

Technical editing request for the attached appeal response letter (for signature of Darren Ash DEDCM).

Title: "Response to appeal 2015-0040A (FOIA/PA-2015-0281)"

Due date: June 16, 2015

Contact: Mark Graff

Email: [Mark.Graff@nrc.gov](mailto:Mark.Graff@nrc.gov)

Thank you very much.

Mark H. Graff  
Government Information Specialist  
U.S. Nuclear Regulatory Commission  
[Mark.Graff@nrc.gov](mailto:Mark.Graff@nrc.gov)  
(301)-415-8154 (O)



## Graff, Mark

---

**From:** Ennis, Tina  
**Sent:** Thursday, May 21, 2015 11:11 AM  
**To:** Pearson, Laura; Nguyen, Caroline; Hirsch, Pat; Andoh, Roger  
**Cc:** Argent, Nina; Burkhalter, Cornelia; Danoff, Karen; Dennis, Deborah; Dorsey, Cynthia; Stevens, Margo; Chidichimo, Gabriele; Blaney, Stephanie; Clark, Ross; Johri, Raheel; Whorral, Matthew; Hester, Janice; Salley, Brian; Graff, Mark  
**Subject:** 05/22/2015 FOIA/PA Listing  
**Attachments:** FOIA0522.doc

Good morning,

Attached is the file that contains the listing of FOIA/PAs received and closed for the week ending indicated above.

Thanks,  
Tina Ennis



**FOIA/PA REQUESTS AND APPEALS RECEIVED BY THE NRC**  
**Week Ending May 22, 2015**

Freedom of Information Act (FOIA) and Privacy Act (PA) Requests and Appeals Received  
During the Period of May 15 – May 21, 2015:

Copy of the November 15, 2012, memorandum from Kristy Remsburg to Linda Kilgore on the subject of FOIA 2013-0008 including Appendix A	FOIA/PA-2015-0272
NRC Form 496A referral dated January 25, 2013, in response to FOIA 2013-0262	FOIA/PA-2015-0273
Appeal: Administrative closure of FOIA/PA-2015-0268	FOIA/PA-2015-0031A
Appeal: Withholding of the Office of the Inspector General's records under exemption (b)(7)(a), in regards to FOIA/PA-2015-0228	FOIA/PA-2015-0032A
Appeal: Withholding Information requested for FOIA/PA-2015-0272	FOIA/PA-2015-0033A
Appeal: Withholding information requested for FOIA/PA-2015-0260	FOIA/PA-2015-0034A
Documents related to the Environmental Protection Agency's (EPA's) 40 CFR part 192 Rulemaking, Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings Proposed Rule Federal Register/Volume 80, Number 16	FOIA/PA-2015-0274
San Onofre Nuclear Generating Station Unit 2 and 3 Safety and fire Hazard documents identified to enclosure 2 to ML13182A288	FOIA/PA-2015-0275
Copy of the latest version of all NRC Training materials on potassium iodide (K1) pills and its use	FOIA/PA-2015-0276
Copy of the Homeland Security Presidential Directive (6) and (11)	FOIA/PA-2015-0277
Any internal and external electronic communications that contains term "Black Bloc", 2010-current	FOIA/PA-2015-0278
Copy of PDF file <a href="http://nrc-stp.ornl.gov/special/designee.pdf">http://nrc-stp.ornl.gov/special/designee.pdf</a>	FOIA/PA-2015-0279
Copy of the suit that "San Luis Obispo mothers" served on NRC in 2002	FOIA/PA-2015-0280
Any internal and external communication in electronic format, intelligence reports, bulletins, and investigations that relate to Leah Lynn Plante	FOIA/PA-2015-0281
Petition for rulemaking PRM-71-13 submitted by State of Washington, and the July 16, 2008, notice of closure of named petition filed by Christine O. Gregoire, Governor of State of Washington	FOIA/PA-2015-0282
Copies of the incoming and outgoing emails (including attachments) between agency emails accounts and email accounts listed from 2007 to present	FOIA/PA-2015-0283

Requests Completed:

2014-0466  
2015-0024A  
2015-0026A Non-Public  
2015-0097  
2015-0099  
2015-0193  
2015-0239 Non-Public  
2015-0241  
2015-0254 Non-Public  
2015-0272  
2015-0260  
2015-0263 Non-Public  
2015-0277 Non-Public  
2015-0279  
2015-0281 Non-Public  
2015-0192  
2015-0232 Non-Public  
2015-0234 Non-Public  
2015-0248  
2015-0268  
2015-0269

Current Backlog: 23 cases (of these 23 cases 2 still remain backlogged from FY14)

## Graff, Mark

---

**From:** Graff, Mark  
**Sent:** Thursday, June 11, 2015 8:47 AM  
**To:** QTE Resource  
**Cc:** Andoh, Roger  
**Subject:** FOIA-2015-0040A  
**Attachments:** Appeal\_Response\_Letter[1].docx

Technical editing request for the attached appeal response letter (for signature of Darren Ash DEDCM).

Title: "Response to appeal 2015-0040A (FOIA/PA-2015-0281)"

Due date: June 16, 2015

Contact: Mark Graff

Email: [Mark.Graff@nrc.gov](mailto:Mark.Graff@nrc.gov)

Thank you very much.

Mark H. Graff  
Government Information Specialist  
U.S. Nuclear Regulatory Commission  
[Mark.Graff@nrc.gov](mailto:Mark.Graff@nrc.gov)  
(301)-415-8154 (O)



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Julian Tarver  
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(FOIA/PA 2015-00281)

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<sup>1</sup> See, Ray v. DOJ, 778 F. Supp. 1212, 1215 (S.D. Fla. 1991); See also, FOIA Update, Vol. X, No. 3, at 5.

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Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-free: 1-877-684-6448

Sincerely,

Darren B. Ash  
Deputy Executive Director  
For Corporate Management  
Office of the Executive Director for Operations

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NAME			RAndoh		*			DAsh	
DATE									

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## Graff, Mark

---

**From:** Graff, Mark  
**Sent:** Thursday, June 11, 2015 9:43 AM  
**To:** QTE Resource  
**Cc:** Andoh, Roger  
**Subject:** RE: FOIA-2015-0040A

Thanks so much, Jay—I appreciate the quick turnaround! Have a great day—

Mark

---

**From:** QTE Resource  
**Sent:** Thursday, June 11, 2015 9:42 AM  
**To:** Graff, Mark  
**Cc:** Andoh, Roger  
**Subject:** RE: FOIA-2015-0040A

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Jay

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Jay Dougherty  
Room: O12-G11  
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Caroline Hsu  
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Email: [Mark.Graff@nrc.gov](mailto:Mark.Graff@nrc.gov)

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Mark H. Graff  
Government Information Specialist  
U.S. Nuclear Regulatory Commission  
[Mark.Graff@nrc.gov](mailto:Mark.Graff@nrc.gov)  
(301)-415-8154 (O)

## **Graff, Mark**

---

**From:** Graff, Mark  
**Sent:** Tuesday, July 07, 2015 11:36 AM  
**To:** Johri, Raheel  
**Subject:** FW: Re: FOIA/PA 2015-0040A Appeal Response Letter (2015-00281)

Hey Raheel,

Here is the email saying it is ready for pickup, but it wasn't in the packages on my desk this morning, so it's probably still up there. Thanks again!

Mark

---

**From:** Wallace, Denise  
**Sent:** Wednesday, July 01, 2015 6:11 PM  
**To:** Blaney, Stephanie; Ennis, Tina; Graff, Mark  
**Subject:** Re: FOIA/PA 2015-0040A Appeal Response Letter (2015-00281)

The subject letter was signed by the DEDCM on 07/01/15 and is ready for pick-up in the OEDO mailroom located at O16E15.

Thank you.

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## Graff, Mark

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**From:** Graff, Mark  
**Sent:** Wednesday, July 08, 2015 8:15 AM  
**To:** Wallace, Denise  
**Cc:** Ennis, Tina; Johri, Raheel  
**Subject:** RE: Re: FOIA/PA 2015-0040A Appeal Response Letter (2015-00281)

Hello Denise,

Raheel came by yesterday, and the package was not there at the OEDO mailroom. Did someone else already pick up this particular package? All of the others(0041A-0046A) were ready and Raheel picked those up last week, but I still seem to be missing 2015-0040A. Thanks again for the help.

Mark H. Graff  
Government Information Specialist  
U.S. Nuclear Regulatory Commission  
[Mark.Graff@nrc.gov](mailto:Mark.Graff@nrc.gov)  
(301)-415-8154 (O)

---

**From:** Wallace, Denise  
**Sent:** Wednesday, July 01, 2015 6:11 PM  
**To:** Blaney, Stephanie; Ennis, Tina; Graff, Mark  
**Subject:** Re: FOIA/PA 2015-0040A Appeal Response Letter (2015-00281)

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Thank you.

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