

CASE NO: 2016-0726
DATE REC'D: 09/12/2016
SPECIALIST:
RELATED CASE:

From The Desk Of:
Lucas Hixson
P.O. Box 273
Bath, MI 48808
(312) 725-6596
lhixson@environserve.com

U.S. Nuclear Regulatory Commission
Mail Stop T-5 F09
Washington, DC 20555-0001
FOIA.resource@nrc.gov

Monday, September 12th, 2016

SUBJECT: FOIA Request – FOIA Exemption Guidances

To Whom It May Concern;

In a Presidential Memo dated January 21st, 2009, President Barack Obama declared the following policy for Executive Branch agencies:

The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails. ... All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA.

The President's policy of openness was reiterated in guidelines issued on March 19th, 2009 by Attorney General Eric Holder. Contained in those guidelines was the following direction:

First, an agency should not withhold information simply because it may do so legally. I strongly encourage agencies to make discretionary disclosures of information. An agency should not withhold records merely because it can demonstrate, as a technical matter, that the records fall within the scope of a FOIA exemption.

Pursuant to the federal Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. et seq. I request the following records:

1. All guidance that the NRC provides to its staff for determining the applicability of FOIA Exemption 4.
2. All guidance that the NRC provides to its staff for determining the applicability of FOIA Exemption 5.
3. All guidance that the NRC provides to its staff for determining the applicability of FOIA Exemption 6.
4. All guidance that the NRC provides to its staff for determining the applicability of FOIA Exemption 7(A).
5. All guidance that the NRC provides to its staff for determining the applicability of FOIA Exemption 7(C).
6. All guidance that the NRC provides to its staff for determining the applicability of FOIA Exemption 7(E).
7. All guidance that the NRC provides to its staff for determining the applicability of FOIA Exemption 7(F).

“Records” is defined broadly to encompass all print, non-printable, electronically stored information, memoranda, reports, notes, transcripts, files transferred through 3rd party file sharing sites, electronic mail, CD’s, DVD’s, Powerpoint Presentations, spreadsheets, photos, videos, drawings, actions documenting oversight, voicemails, text messages, etc.

This request also includes copies of any indices relating to the responsive records, including shared drive folder structures, or other documents referring to the formal file structure maintained for these records.

I would prefer that the responsive records be copied to disk or thumb drive in the form of searchable pdfs and mailed to me by overnight courier.

I expect to receive all information not prohibited from release by law and that redactions will not be made “*merely because [an Agency] can demonstrate, as a technical matter, that the records fall within the scope of a FOIA exemption.*” I am interested in all portions of the records assembled. That is, nothing should be marked as “Out of Scope” except, as mentioned above, for cases of the appearance of the name of an individual specifically granted confidentiality.

I also request that fees be waived pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), (“Documents shall be furnished without any charge ... if 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.”), since the disclosure is significantly in the public interest, and I don’t stand to benefit from it.

If my fee waiver request is denied, please inform me in advance if this request is expected to cost more than \$250.00.

Please provide all applicable records, in their native form, to:

Enformable
Attn: Lucas Hixson
PO Box 273
Bath MI 48808

When I receive a response with the FOIA number assigned to this request, I would also appreciate an estimate of how soon I can expect to receive the responsive documents.

I routinely make complex information to the public through a variety of platforms and plan to disseminate any information found through this request to the public. I will use my resources and contacts in both electronic and print media outlets to provide broad outreach to the public on the requested records.

I am the Editor-in-Chief for Enformable, a digital news service that has diligently worked to make thousands of FOIA documents available to the public online without fee or membership required. Enformable provides resource material to electronic and print media outlets with very broad outreach to the interested public at large. Additionally, Enformable maintains a web site at www.enformable.com where postings on the requested material will be made publicly available.

I am also the Acting Librarian of Environmental Archives, a free to the public digital library that promotes transparency, accountability and integrity in government, politics and law by providing records obtained through Freedom of Information Act requests filed with various State and Federal Agencies.

Every record will be analyzed and, as necessary, outside experts will be called upon to provide additional analysis and understanding of oversight and enforcement actions.

If my request is denied in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all aggregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

The requested information will significantly contribute to a better public understanding of the operations of the federal government by providing the public with the information the government uses to decide how to act. The information should be released as quickly as possible to help public officials and citizens alike to make more informed decisions about ongoing efforts and to raise concerns.

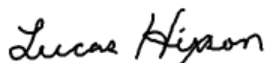
In recognition of the FOIA policy declared by the President and the guidelines promulgated by the Attorney General, I expect that all records requested be released in their entirety except where release is prohibited by law. That is, I expect that this FOIA request be handled in a manner such that the “*presumption of disclosure*” is applied “*to all decisions involving FOIA*” and such that the agency will “*not withhold records merely because it can demonstrate, as a technical matter, that the records fall within the scope of a FOIA exemption*”.

I will expect your response to this request within 30 days, as the statute requires. If it is not possible for all the requested records to be released within the time limits set forth in the FOIA and in its own regulations, then I expect every effort be made to provide every record possible within the prescribed time limits and to regularly provide partial responses as records become available for release.

Please feel free to contact me with any questions at (312) 725-6596 or lhixson@enviromserve.com.

I look forward to working with you on this FOIA request.

Sincerely,

A handwritten signature in black ink that reads "Lucas Hixson". The signature is written in a cursive, slightly slanted style.

Lucas Hixson
Acting Librarian, Environmental Archives
Editor-in-Chief, Enformable
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Bath MI, 48808
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