

RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST

NRC-2018-000080

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RESPONSE
TYPE☐

INTERIM

☒

FINAL

REQUESTER:

Julian Tarver

DATE:

12/04/2017

DESCRIPTION OF REQUESTED RECORDS:

"All agency records for FOIA appeals dated January 1, 2010 through current date, and all agency records for NRC responses to FOIA appeals within the date range, that are not already publicly available."

PART I. -- INFORMATION RELEASED

You have the right to seek assistance from the NRC's FOIA Public Liaison. Contact information for the NRC's FOIA Public Liaison is available at <https://www.nrc.gov/reading-rm/foia/contact-foia.html>

- ☐ Agency records subject to the request are already available on the Public NRC Website, in Public ADAMS or on microfiche in the NRC Public Document Room.
- ☐ 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 comments section) for a disclosure determination and direct response to you.
- ☐ We are continuing to process your request.
- ☒ See Comments.

PART I.A -- FEES

NO FEES

AMOUNT*

*See Comments for details

- ☐ You will be billed by NRC for the amount listed.
- ☐ You will receive a refund for the amount listed.
- ☐ Fees waived.
- ☐ Minimum fee threshold not met.
- ☐ Due to our delayed response, you will not be charged fees.

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") 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 by sending a letter or e-mail to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal." You have the right to seek dispute resolution services from the NRC's Public Liaison, or the Office of Government Information Services (OGIS). Contact information for OGIS is available at <https://ogis.archives.gov/about-ogis/contact-information.htm>

PART I.C COMMENTS (Use attached Comments continuation page if required)

This acknowledges receipt of your request. We read your request to be asking for copies of (1) incoming FOIA appeal letters; (2) outgoing NRC responses to appeals; and (3) any records released as part of the NRC's appeal response, to the extent all three items are not already publicly available, for the time period, 01/01/10-11/11/29/17 (the date we received your request). In your prior request, FOIA-2018-0039, you had asked for the released records from FOIA-2017-0114 (which asked for by another requester for the three enumerated items for the time period, 10/01/11-09/30/16). In our response to FOIA-2018-0039, we told you that the number of releasable pages exceeded the threshold at which fees would [continued on next page]

Signature - Freedom of Information Act Officer or Designee

Stephanie A. Blaney

Digitally signed by Stephanie A. Blaney
Date: 2017.12.04 08:40:51 -05'00'

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

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PART I.C COMMENTS (Continued)

be incurred, and since you were neither entitled to a fee waiver nor agreed to pay fees, we administratively closed our file. Inasmuch as your current request asks for almost two more years' worth of these same appeal-related records, and you are neither entitled to a fee waiver (because you still did not address the eight factors set forth in the agency's FOIA regulations, which are needed in order for NRC to consider your entitlement to a fee waiver) nor are you willing to incur fees, we are also administratively closing our file on this request.