

RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) REQUEST

NRC-2018-000013

1

RESPONSE  
TYPE☐

INTERIM

☒

FINAL

REQUESTER:

Julian Tarver

DATE:

12/11/2017

## DESCRIPTION OF REQUESTED RECORDS:

Internal/external communications about FOIA-2017-0038

## 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](mailto: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)

Signature - Freedom of Information Act Officer or Designee

Stephanie A. Blaney

Digitally signed by Stephanie A. Blaney  
Date: 2017.12.11 06:31:21 -05'00'

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

NRC-2018-000013

DATE:

12/08/2017

**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)).

- ☐ 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.
- ☐ 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 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	RECORDS DENIED	APPELLATE OFFICIAL	
			EDO	SECY
Rochelle Baval	Exec Asst to the Secretary to the Commission	employee's personal information	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

Appeals must be made in writing within 90 calendar days of the date of this response by sending a letter or email 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."

CASE NO: 2017-0038  
DATE REC'D: 10/12/2016  
SPECIALIST:  
RELATED CASE:

**From:** John Greenewald  
**To:** FOIA Resource  
**Subject:** [External\_Sender] FOIA REQUEST  
**Date:** Tuesday, October 11, 2016 1:38:02 PM

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To whom it may concern,

This is a non-commercial request made under the provisions of the Freedom of Information Act 5 U.S.C. S 552. My FOIA requester status as a "representative of the news media." I am a freelance television producer often working on documentaries related to my FOIA requests, my work is commonly featured throughout major news organizations, and I freelance writer for news sites as well. Examples can be given, if needed.

I prefer electronic delivery of the requested material either via email to john@greenewald.com, FAX 1-818-659-7688 or via CD-ROM or DVD via postal mail. Please contact me should this FOIA request should incur a charge.

I respectfully request a copy of records, electronic or otherwise, of the following report: SECY-79-263, Apr 16, 1979, Classified Paper.

If this is currently classified, I ask that a MANDATORY DECLASSIFICATION REVIEW (MDR) is conducted to see if it is able to be released.

Thank you so much for your time, and I am very much looking forward to your response.

Sincerely,

John Greenewald, Jr.  
8512 Newcastle Ave.  
Northridge, Ca. 91325

YOU CAN FAX RESPONSES AND DOCUMENTS TO: 1-818-659-7688

Sincerely,

**John Greenewald, Jr.**

**Owner/Founder**

**The Black Vault**

<http://www.theblackvault.com>

**Phone:** (805) 32-VAULT

**Fax:** (818) 659-7688



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

October 14, 2016

FOIA/PA-2017-00038

John Greenewald  
The Black Vault  
8512 Newcastle Avenue  
Northridge, CA 91325

Dear Mr. Greenewald:

We received your Freedom of Information Act (FOIA) request on October 12, 2016.

Your request, which seeks a copy of SECY-79-263, April 16, 1979, "Classified Paper", has been assigned the following reference number that you should use in any future communications with us about your request: **FOIA/PA-2017-00038**.

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 the records you are seeking, we estimate completion of your request will be on or before November 9, 2016.

Please know that this date roughly estimates how long it will take us to close requests ahead of yours in the respective track and complete work on your request. The actual date of completion might be before or after this estimate, based on the complexity of all of the requests in the simple track. We will advise you of any change in the estimated time to complete your request. In an effort to process your request promptly, you may wish to narrow the scope of your request to limit the volume of potentially responsive records.

For purposes of assessing fees in accordance with our regulations (10 CFR 9.33), we have placed your request in the following category: News Media Representative. If applicable, you will be charged appropriate fees for: Duplication Only. Because you have indicated that you prefer to receive our response electronically, you will not incur duplication charges. There will be no fees incurred for this FOIA request.

The following person is the Government Information Specialist who has been assigned responsibility for your request: Karen Danoff at 301-415-5072 or [Karen.Danoff@nrc.gov](mailto:Karen.Danoff@nrc.gov).

If you have questions on any matters concerning your FOIA request, please feel free to contact the assigned Government Information Specialist or me at (301) 415-7169.

Sincerely,

*Stephanie Blaney /s/*

Stephanie Blaney  
Acting FOIA Officer  
Office of the Chief Information Officer

**Stevens, Margo**

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**From:** Danoff, Karen  
**Sent:** Wednesday, November 09, 2016 9:58 AM  
**To:** 'john@greenewald.com'  
**Subject:** track change of your NRC FOIA requests, FOIA 2017-0037, 2017-0038, 2017-0039

Good Morning,

Due to how several NRC offices may need to provide their own FOIA release determinations for these SECY reports, the track for your three FOIA Cases (FOIA 2017-0037, 2017-0038, 2017-0039) has been changed from simple to complex. The original target date of November 9, 2016 has now been revised to November 25, 2016.

I will keep you posted as I receive additional information.

Thanks,  
Karen

Karen Danoff  
Government Information Specialist  
U.S. Nuclear Regulatory Commission  
Office of the Chief Information Officer  
FOIA, Privacy, Information Collections Branch/FOIA Team  
301-415-5072  
[Karen.Danoff@nrc.gov](mailto:Karen.Danoff@nrc.gov)

**From:** Danoff, Karen  
**Sent:** Tuesday, November 01, 2016 1:33 PM  
**To:** 'john@greenewald.com' <john@greenewald.com>  
**Cc:** FOIA Resource (FOIA.Resource@nrc.gov) <FOIA.Resource@nrc.gov>  
**Subject:** update on your NRC FOIA requests, FOIA 2017-0037, 2017-0038, 2017-0039

Good Afternoon,

This is an update on 3 of your FOIA requests, FOIA 2017-0037, 2017-0038, 2017-0039, all submitted to the NRC on October 11<sup>th</sup>. I am the FOIA specialist working on all three cases. Another requester submitted a FOIA request to us on October 10<sup>th</sup> asking for 16 SECY reports, including the 3 that were asked for in all of your requests. I am also the FOIA specialist assigned to that case.

I am now waiting for a response from the NRC's Office of the Secretary (SECY), their due date back to our office is November 7<sup>th</sup>. When they provide me with the three documents responsive to your requests, they will be provided to you as well.

We are also hoping, when the SECY documents are released to the other requester, the FOIA response (including the SECY documents) will also be made publicly available on the public NRC web site in the NRC's Agencywide Documents Access and Management System (ADAMS) at <http://www.nrc.gov/reading-rm/adams.html>.

Thanks,  
Karen

Karen Danoff  
Government Information Specialist  
U.S. Nuclear Regulatory Commission  
Office of the Chief Information Officer  
FOIA, Privacy, Information Collections Branch/FOIA Team  
301-415-5072  
[Karen.Danoff@nrc.gov](mailto:Karen.Danoff@nrc.gov)

**From:** Danoff, Karen [<mailto:foia.resource@nrc.gov>]  
**Sent:** Friday, October 14, 2016 1:08 PM  
**To:** [john@greenewald.com](mailto:john@greenewald.com)  
**Cc:** FOIA Resource <[FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov)>; Danoff, Karen <[Karen.Danoff@nrc.gov](mailto:Karen.Danoff@nrc.gov)>  
**Subject:** FOIA/PA-2017-00037 Acknowledgment Letter

Acknowledgment letter signed by Stephanie Blaney, Acting FOIA Officer. No hard copy to follow. If you are unable to open the document, please let us know by return email ([FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov)) or call 301-415-7169.

If you are interested in receiving information from the NRC FOIA program, subscribe to our [distribution list](#).

**Stevens, Margo**

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**From:** FOIAPASECY Resource  
**Sent:** Tuesday, November 15, 2016 4:14 PM  
**To:** FOIA Resource  
**Cc:** Danoff, Karen; Bates, Andrew; Lewis, Antoinette; Craver, Patti; McCloskey, Bridin; Baval, Rochelle  
**Subject:** FOIA/PA-2017-00034 - Partial Response  
**Attachments:** FOIA 2017-0034 - Partial Response.pdf

Good Afternoon,

Please see attached memo for FOIA 2017-0034. Per your request, the records will be available for pickup in my office (O-4 E17).

Note: SECY is still searching for SECY-79-263.

Thanks,

**Kristy**

Kristy Remsburg  
Correspondence and Records  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Office: 301-415-1667

**From:** Danoff, Karen [mailto:foia.resource@nrc.gov]  
**Sent:** Tuesday, October 25, 2016 10:05 AM  
**To:** FOIAPASECY Resource <FOIAPASECY.Resource@nrc.gov>  
**Cc:** Danoff, Karen <Karen.Danoff@nrc.gov>; FOIA Resource <FOIA.Resource@nrc.gov>  
**Subject:** FOIA/PA-2017-00034 Action Item/Instructions Search for Records in Perfected Request

Offices Assigned Action on October 25, 2016:  
SECY

Per the SECY search estimate, there are no billable fees. The request is now considered "perfected." Please provide the Government Information Specialist, who is named below, with the responsive records on or before **November 7, 2016**, which is ten (10) working days from the date of this e-mail.

The Government Information Specialist for this request is **Karen Danoff**, who can be reached at **301-415-5072** or [Karen.Danoff@nrc.gov](mailto:Karen.Danoff@nrc.gov).

*SECY-79-669 was later retro-fitted into ADAMS as non-public at ML041960029 (it's an OAR, but not replicated to be publicly available). If this document can be made publicly available, could a SUNSI review be completed to retain the same accession number?*

The FOIA request should be processed in accordance with the standard instructions (How to Respond to a FOIA Request) at **ML16123A164**. NRC Form 511, "Program Office Response to a FOIA Request" is available in the NRC Forms Library for your use.

In order to document the search conducted, in the event of an appeal challenging the adequacy of the search, please also have each member of your staff who conducts a search complete NRC Form 511A, "Documentation of a FOIA Search," which is also available in the NRC Forms Library for your use. Please review these forms to ensure that an adequate, and consistent, search has been performed within your office. Then include copies of the completed NRC Forms 511A along with the NRC Form 511 you return to the assigned specialist. Alternatively, you may complete the NRC Form 511A on behalf of your office, based upon the descriptions of searches provided to you by your office staff.

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 also available in the NRC Forms Library for your use.



When you respond, please make sure that you are sending your response to FOIA.Resource@eoc.gov, as well as the assigned specialist.

Thank you.



## PROGRAM OFFICE RESPONSE TO A FOIA REQUEST

TO: Government Information Specialist FOIA, Privacy & Information Collections Branch (FPIC)	Karen Danoff
FROM: FOIA Coordinator	Kristy Remsburg, Office of the Secretary
SUBJECT: FOIA -	2017-0034

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 checked="" type="checkbox"/> Records already publicly available.	Group A
<input checked="" type="checkbox"/> Records to have ADAMS profile changed to public.	Group B
<input type="checkbox"/> Records to be released or withheld.	Group
<input checked="" type="checkbox"/> Records that have to be referred.	Group C
<input type="checkbox"/> Ongoing Investigation - NRC Form 656, Exemption 7(A) Certification, attached.	
<i>Note: An e-mail, with its attachment(s), is considered one record and should not be broken apart when you're assembling groups.</i>	

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 9 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. Each person in your office that is asked to search must complete the attached NRC Form 511A, FOIA Search. You should review the forms to ensure that they are completed properly and reflect a consistent and adequate search. Attach all NRC Forms 511A.

Section 5. **WAIVER:** Records, or information within records, that may be withheld from release based upon an applicable exemption are 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](http://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/FORSEEABLE HARM DETERMINATION:**

- ☐ We are recommending that exemption 2 and/or exemption 5 be claimed for certain records (or information within records) and a particularized harm statement, signed by the Office Director or delegate, is attached.
- ☐ We are making a discretionary release. Briefly describe the records (or information within records) for which such discretion was made.

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PROGRAM OFFICE RESPONSE TO A FOIA REQUEST (Continued)

SUBJECT: FOIA -

2017-0034

**Section 7. 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 8. 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 9. 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).

Group A - These SECY Papers (SECY-79-235, SECY-79-246, SECY-79-253, SECY-79-274, SECY-79-298, SECY-79-313, SECY-79-344, & SECY-79-608) are Publicly Available in Legacy ADAMS. Legacy ADAMS Properties page on top of hard copy documents. Note: Tab G is missing from SECY-79-313. We cannot locate it.

Group B - Records to have ADAMS profile changed to public. SECY-79-669 is publicly available in Legacy but non-public in Main Library (ML041960029). ML041960029 may be changed to public.

Group C - Refer SECY Papers (SECY-79-262, SECY-79-264, SECY-79-477, SECY-79-552, SECY-79-612, & SECY-79-671) to staff. These papers were not found in Legacy ADAMS. Once you receive a recommendation from staff, please provide to SECY for final Commission decision.

Note: Most of these papers were added to ADAMS by OGC during the SECY paper digitization project. Please do not use the ML12 SECY papers in ADAMS. Those electronic copies are not the original versions. The hard copy papers I am providing should be used to refer to staff.

Thanks,  
Kristy

**Stevens, Margo**

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**From:** FOIAPASECY Resource  
**Sent:** Wednesday, December 28, 2016 12:03 PM  
**To:** FOIA Resource  
**Cc:** Danoff, Karen; Bates, Andrew; Lewis, Antoinette; Craver, Patti; McCloskey, Bridin; Baval, Rochelle  
**Subject:** FOIA 2017-0034 - Final Response

Hi Karen,

Thanks for your patience!

SECY-79-263 has been found. The paper will need to be referred to OIP for disclosure recommendation. Once you have a recommendation, it will need to be referred back to SECY for the Commission's final determination.

The paper is Confidential. Do you have an L clearance? If so, can I meet you in the TWFN exhibit area near the EWRA store sometime today. Please let me know.

This closes SECY action for now.

Thanks,

***Kristy***

*Kristy Remsburg*

*Correspondence and Records*

*Office of the Secretary*

*U.S. Nuclear Regulatory Commission*

*Office: 301-415-1667*

**Stevens, Margo**

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**From:** Danoff, Karen  
**Sent:** Thursday, March 02, 2017 4:09 PM  
**To:** john@greenewald.com  
**Subject:** RE: update on your NRC FOIA request, FOIA/PA-2017-00038

Good Afternoon,

I wanted to send you another update on your NRC FOIA request, under case number FOIA 2017-0038, where you requested a copy of the classified paper, SECY-79-263. I have now been communicating with NSIR about if/when they will complete a declassification review. I won't have an update until next week, at the earliest, but once I obtain more information from them, I will let you know a revised status.

Thanks,  
Karen

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**From:** Danoff, Karen  
**Sent:** Wednesday, February 08, 2017 8:43 AM  
**To:** john@greenewald.com  
**Subject:** RE: update on your NRC FOIA request, FOIA/PA-2017-00038

Good Morning,

I wanted to send you our next update on your NRC FOIA request, under case number FOIA 2017-0038, where you requested a copy of the classified paper, SECY-79-263. This paper has now been reviewed by the NRC Office of International Programs and by NSIR. I returned the package to SECY this morning for their final determination.

Thanks,  
Karen

Karen Danoff  
Government Information Specialist, FOIA Team  
US Nuclear Regulatory Commission  
Office of the Chief Information Officer  
Governance & IM Services Division  
301-415-5072  
[Karen.Danoff@nrc.gov](mailto:Karen.Danoff@nrc.gov)

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**From:** Danoff, Karen  
**Sent:** Wednesday, January 04, 2017 10:11 AM  
**To:** 'john@greenewald.com' <[john@greenewald.com](mailto:john@greenewald.com)>  
**Subject:** update on your NRC FOIA request, FOIA/PA-2017-00038

Good Morning,

I'm sorry for the delay in providing you an update on your NRC FOIA request, under case number FOIA 2017-0038, where you requested a copy of the classified paper, SECY-79-263.

SECY staff has located this paper last week. This paper now needs to be referred to the NRC Office of International Programs (OIP) for their FOIA release determination. I am hoping to provide it to OIP within the next few days. Once they review the document, it will be forwarded to NSIR for a declassification review. Once that is completed, it needs to be returned to SECY for their final response.

I am not sure when all of the reviews be will completed, but I wanted to send you this update.

Thanks,  
Karen

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**From:** Danoff, Karen  
**Sent:** Tuesday, November 22, 2016 1:59 PM  
**To:** 'john@greenewald.com' <john@greenewald.com>  
**Cc:** FOIA Resource (FOIA.Resource@nrc.gov) <FOIA.Resource@nrc.gov>  
**Subject:** update on your NRC FOIA request, FOIA/PA-2017-00038

Good Afternoon,

As of last week, the NRC's Office of the Secretary staff are continuing to search for SECY-79-263 (April 16, 1979), Classified Paper. If they can't locate this paper, they may refer me to another office (or offices) for another search. I will keep you posted on whether this paper can be located, and if so, the next steps.

Thanks,  
Karen

Karen Danoff  
Government Information Specialist  
U.S. Nuclear Regulatory Commission  
Office of the Chief Information Officer  
FOIA, Privacy, Information Collections Branch/FOIA Team  
301-415-5072  
[Karen.Danoff@nrc.gov](mailto:Karen.Danoff@nrc.gov)

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**From:** Danoff, Karen [<mailto:foia.resource@nrc.gov>]  
**Sent:** Friday, October 14, 2016 1:18 PM  
**To:** [john@greenewald.com](mailto:john@greenewald.com)  
**Cc:** FOIA Resource <[FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov)>; Danoff, Karen <[Karen.Danoff@nrc.gov](mailto:Karen.Danoff@nrc.gov)>  
**Subject:** FOIA/PA-2017-00038 Acknowledgment Letter

Acknowledgment letter signed by Stephanie Blaney, Acting FOIA Officer. No hard copy to follow. If you are unable to open the document, please let us know by return email ([FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov)) or call 301-415-7169.

If you are interested in receiving information from the NRC FOIA program, subscribe to our [distribution list](#).

**Stevens, Margo**

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**From:** FOIAPANSIR Resource  
**Sent:** Thursday, February 02, 2017 3:01 PM  
**To:** Danoff, Karen  
**Cc:** FOIAPANSIR Resource  
**Subject:** FOIA/PA-2017-00034 - NSIR Recommended Disclosure  
**Attachments:** 2017-0034 496A OIP referral response.pdf; FOIA 2017-0034 NSIR Recommended Redactions.pdf

Hi Karen,

Please find attached NSIR's recommended disclosure. NSIR considers this FOIA closed as of February 2, 2017.

Thanks,

*Deanna*  
301-287-3702

**From:** Danoff, Karen [mailto:Karen.Danoff@nrc.gov]  
**Sent:** Monday, January 23, 2017 10:06 AM  
**To:** FOIAPANSIR Resource <FOIAPANSIR.Resource@nrc.gov>  
**Cc:** Warner, Deanna <Deanna.Warner@nrc.gov>; Danoff, Karen <Karen.Danoff@nrc.gov>  
**Subject:** FOIA/PA-2017-00034 Action Item/Instructions Review of Referred Records

A referral for **FOIA/PA-2017-00034** is being assigned to NSIR on **January 23, 2017**.

The due date is **February 3, 2017**, which is ten (10) working days from the date of this e-mail.

The action needing to be taken:

☒ **X** Provide your office's concurrence or non-concurrence in the originating office's recommendations for disclosure or withholding of each record

*Due to the classification of the record, it was picked up by NSIR from the FOIA office on January 23, 2017. The copy of the incoming FOIA will be sent via another email. The POC in OIP who reviewed the record is Peter Habighorst. OIP's referral response is also attached to this tasking.*

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

The Government Information Specialist for this request is **Karen Danoff**, who can be reached at **301-415-5072**, or [Karen.Danoff@nrc.gov](mailto:Karen.Danoff@nrc.gov).

To ensure you are receiving [FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov), when you (or any member of your staff) respond to this email, please make sure your office's emails are being sent ONLY to the assigned specialist. If a specialist is not assigned to the tasking, he or she will advise you of any change to this practice.

Thank you.

2017-0034

☒ INITIAL REQUEST      ☐ APPEAL

TO: FOIA COORDINATOR - Deanna Warner

OFFICE

NSIR

FROM: FOIA SPECIALIST- Karen Danoff

**TELEPHONE NUMBER**

(301) 415-5072

☒ Provide your office's concurrence/nonconcurrence in the originating office's disclosure recommendation for each record.

☐ Complete NRC Form 496, "Report of Staff Resources for Processing FOIA Requests."

☐ Provide a disclosure determination/recommendation for each record, which was identified by another office as a record for which your office is responsible, and that is subject to this request.

☐ The initial denial of records (FOIA Number) has been appealed. Copies of the initial request, denial, and appeal are attached. Have your office conduct another review of each record and provide either a new disclosure determination/recommendation or reaffirm the initial disclosure determination/recommendation.

☐ Provide a disclosure determination/recommendation for each record that was referred to the NRC for review by another agency.

☐ Records that you provided this office in response to this FOIA request are being returned to you for further review/clarification for reasons noted in the COMMENTS section below.

☐ Other required action as noted in the COMMENTS section below.

## COMMENTS

SECY-79-263 (2 pages) is also responsive to FOIA/PA-2017-0038, assigned to the same FOIA specialist. This SECY paper is classified as Confidential.

Attached are OIP's disclosure recommendations.

The Office of Nuclear Security and Incident Response has reviewed SECY-79-263 and agrees with the Office of International Programs' assessment of the use of Exemption 1 for the recommended redactions noted in paragraph 2 of the SECY Paper Discussion.

NSIR considers this FOIA closed as of February 2, 2017.

**SIGNATURE -- FOIA COORDINATOR (Typed First & Last Name Indicates Your Electronic Signature)**

Date \_\_\_\_\_

Deanna Warner

02/02/2017





## REFERRAL RELATED TO FOIA REQUEST

☒ INITIAL REQUEST ☐ APPEAL

2017-0034

TO: FOIA COORDINATOR - Linda Mitchell

OFFICE

OIP

FROM: FOIA SPECIALIST- Karen Danoff

TELEPHONE NUMBER

(301) 415-5072

Record(s) identified below or on the attached list for appropriate action, as noted. Please complete this form and return it to this office by January 18, 2017. If you have any questions regarding this request, please contact the FOIA specialist listed above.☐ Provide your office's concurrence/nonconcurrence in the originating office's disclosure recommendation for each record.☐ Complete NRC Form 496, "Report of Staff Resources for Processing FOIA Requests."☒ Provide a disclosure determination/recommendation for each record, which was identified by another office as a record for which your office is responsible, and that is subject to this request.☐ The initial denial of records (FOIA Number) has been appealed. Copies of the initial request, denial, and appeal are attached. Have your office conduct another review of each record and provide either a new disclosure determination/recommendation or reaffirm the initial disclosure determination/recommendation.☐ Provide a disclosure determination/recommendation for each record that was referred to the NRC for review by another agency.☐ Records that you provided this office in response to this FOIA request are being returned to you for further review/clarification for reasons noted in the COMMENTS section below.☐ Other required action as noted in the COMMENTS section below.

## COMMENTS

Please provide a FOIA disclosure determination/recommendation for SECY-79-263 (2 pages), referred by SECY. The enclosed SECY paper is a copy provided to the FOIA staff by SECY, it is not the original document.

This SECY paper is classified as Confidential, and must be locked in an 'L' safe when not in use.

When this referral is completed, please contact the FOIA specialist above directly for coordinating the direct transfer of the document with the referral package.

SECY-79-263 is responsive to both FOIA/PA-2017-0034 and to FOIA/PA-2017-0038.

## OFFICE RESPONSE

Review of SECY-79-263 recommend a portion of 2<sup>nd</sup> paragraph in discussion be with-held (Exemption 1 - Foreign govt info considered classified).

SIGNATURE - FOIA COORDINATOR (Typed First &amp; Last Name Indicates Your Electronic Signature)

Date

Linda Mitchell

1-17-2017

**Stevens, Margo**

---

**From:** Danoff, Karen  
**Sent:** Monday, March 06, 2017 4:07 PM  
**To:** FOIAPASECY Resource  
**Cc:** Craver, Patti; FOIAPANSIR Resource  
**Subject:** closing loop re: declassification review for FOIA/PA-2017-00034

I wanted to close the loop for FOIA 2017-0034, which asked for SECY-79-263.

I verified the process with Stephanie. Because my two requesters asked for an MDR in their initial requests, these are not considered proper FOIA requests. I will be informing the requesters in my response that the MDR is a separate process.

I won't be tasking SECY again for this FOIA.

My FOIA 2017-0034 asked for several SECY papers, the only one that was classified was SECY-79-263. I provided the requester with an interim response in December. I will be providing him a final response with the other SECY papers that you have released in full, and I will also address SECY-79-263 in my response as well.

I have another FOIA request which only asked for SECY-79-263. I will be closing this one out as not being a proper FOIA request.

Thanks,  
Karen

---

**From:** FOIAPASECY Resource  
**Sent:** Thursday, March 02, 2017 4:19 PM  
**To:** Danoff, Karen <Karen.Danoff@nrc.gov>; FOIAPASECY Resource <FOIAPASECY.Resource@nrc.gov>  
**Cc:** Lewis, Antoinette <Antoinette.Lewis@nrc.gov>; Craver, Patti <Patti.Craver@nrc.gov>  
**Subject:** RE: update on declassification review for FOIA/PA-2017-00034

Thanks Karen. Yes, NSIR came by this morning and picked up the paper. I have closed it out of my system and will wait for your to re-task us once you hear back from NSIR.

Thanks,

**Kristy**

Kristy Remsburg  
Correspondence and Records  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Office: 301-415-1667

---

**From:** Danoff, Karen  
**Sent:** Thursday, March 02, 2017 4:17 PM  
**To:** FOIAPASECY Resource <FOIAPASECY.Resource@nrc.gov>  
**Subject:** update on declassification review for FOIA/PA-2017-00034

Hi Kristy,

I wanted to close the loop with you on this.

I've closed out your tasking below on 2/28. I just talked with Deanna, our NSIR FOIA Coordinator. A declassification review was not completed for SECY-79-263. Both of my requesters for this document had asked for an MDR in their initial requests.

She is finding out more information, and I will also be talking to Stephanie about whether our FOIA requests remains open during this process. Deanna also told me that NSIR has picked up this FOIA package from SECY today.

Thanks,  
Karen

Karen Danoff  
Government Information Specialist  
Information Services Branch, FOIA Team  
Governance & Enterprise Management Services Division  
Office of the Chief Information Officer  
OWFN-4 H13  
301-415-5072  
[Karen.Danoff@nrc.gov](mailto:Karen.Danoff@nrc.gov)

---

**From:** FOIAPASECY Resource  
**Sent:** Wednesday, March 01, 2017 8:03 AM  
**To:** Danoff, Karen <[Karen.Danoff@nrc.gov](mailto:Karen.Danoff@nrc.gov)>  
**Subject:** RE: FOIA/PA-2017-00034 Action Item/Instructions Review of Referred Records

Thanks Karen.

***Kristy***

*Kristy Remsburg  
Correspondence and Records  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Office: 301-415-1667*

---

**From:** Danoff, Karen  
**Sent:** Wednesday, March 01, 2017 7:32 AM  
**To:** FOIAPASECY Resource <[FOIAPASECY.Resource@nrc.gov](mailto:FOIAPASECY.Resource@nrc.gov)>  
**Subject:** RE: FOIA/PA-2017-00034 Action Item/Instructions Review of Referred Records

Good Morning,

I've now reached out to our NSIR FOIA Coordinator to see whether they have done a declassification review. OIP provided their initial recommendations, and NSIR agreed with the use of Ex. 1 for the recommended redactions. I'll let you know what I find out.

Thanks,  
Karen

Karen Danoff  
Government Information Specialist  
Information Services Branch, FOIA Team  
Governance & Enterprise Management Services Division  
Office of the Chief Information Officer  
OWFN-4 H13  
301-415-5072  
[Karen.Danoff@nrc.gov](mailto:Karen.Danoff@nrc.gov)

**From:** FOIAPASECY Resource

**Sent:** Tuesday, February 28, 2017 10:47 AM

**To:** FOIA Resource <[FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov)>; FOIAPASECY Resource <[FOIAPASECY.Resource@nrc.gov](mailto:FOIAPASECY.Resource@nrc.gov)>; FOIA Resource <[FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov)>

**Cc:** Danoff, Karen <[Karen.Danoff@nrc.gov](mailto:Karen.Danoff@nrc.gov)>; Remsburg, Kristy <[Kristy.Remsburg@nrc.gov](mailto:Kristy.Remsburg@nrc.gov)>; Lewis, Antoinette <[Antoinette.Lewis@nrc.gov](mailto:Antoinette.Lewis@nrc.gov)>; McCloskey, Bridin <[Bridin.McCloskey@nrc.gov](mailto:Bridin.McCloskey@nrc.gov)>

**Subject:** RE: FOIA/PA-2017-00034 Action Item/Instructions Review of Referred Records

Good morning Karen,

(b)(6) and the Commission had a question regarding the review of SECY 79-263.

The SECY paper in this referral is over 25 years old now. When looking at this document, did the Staff do a declassification review to make sure the information should still be considered classified?

Please respond as soon as you can and can you place SECY in suspense until we can provide them the answer to their question?

Thanks very much.

Patti

**From:** Danoff, Karen [<mailto:foia.resource@nrc.gov>]

**Sent:** Wednesday, February 08, 2017 8:27 AM

**To:** FOIAPASECY Resource <[FOIAPASECY.Resource@nrc.gov](mailto:FOIAPASECY.Resource@nrc.gov)>

**Cc:** Danoff, Karen <[Karen.Danoff@nrc.gov](mailto:Karen.Danoff@nrc.gov)>

**Subject:** FOIA/PA-2017-00034 Action Item/Instructions Review of Referred Records

**BEST AVAILABLE COPY**

A referral for FOIA/PA-2017-00034 is being assigned to SECY on February 8, 2017.

The due date is February 22, 2017, which is ten (10) working days from the date of this e-mail.

This referral is for the Commission's final determination on SECY-79-263, which included recommendations by OIP and by NSIR. Due to the classification of the SECY paper, the package was hand delivered on February 8, 2017.

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

The Government Information Specialist for this request is Karen Danoff, who can be reached at 301-415-5072, or [Karen.Danoff@nrc.gov](mailto:Karen.Danoff@nrc.gov).

To avoid inundating [FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov), when you (or any member of your staff) respond to this tasking, please make sure that your response is being sent ONLY to the assigned specialist. If a specialist is scheduled to be out of the office when your tasking is due, he or she will advise you of any change to this practice.

Thank you.

## **Stevens, Margo**

---

**From:** Blaney, Stephanie  
**Sent:** Monday, March 06, 2017 7:52 AM  
**To:** Danoff, Karen  
**Subject:** RE: does our FOIA stay open during a mandatory declassification review? (re: my FOIA/PA-2017-00034)

I would inform them that the MDR is a separate process and we will forward their information to the appropriate individual (Darryl Parsons, NSIR) for appropriate response. Then close them out administratively as not being a proper FOIA request.

**From:** Danoff, Karen  
**Sent:** Monday, March 06, 2017 7:51 AM  
**To:** Blaney, Stephanie <Stephanie.Blaney@nrc.gov>  
**Subject:** RE: does our FOIA stay open during a mandatory declassification review? (re: my FOIA/PA-2017-00034)

Thanks for this information. Both of my requesters specifically asked for a MDR to be done for the responsive record (they both already knew it was classified in their initial FOIA requests). Should I still ask the requesters if they would be willing to close out the FOIA so we can forward their request?

Karen

**From:** Blaney, Stephanie  
**Sent:** Friday, March 03, 2017 7:09 AM  
**To:** Danoff, Karen <Karen.Danoff@nrc.gov>  
**Subject:** RE: does our FOIA stay open during a mandatory declassification review? (re: my FOIA/PA-2017-00034)

If the requester is specifically asking for a MDR that should be done under the MDR Executive Order and not through FOIA. If the requester asked for a document under FOIA that happens to be classified and older than 25yrs (which is when a classified document is supposed to go through a MDR) then I would suggest letting the requester know that we have located the document under FOIA however it is required to go through a MDR which can take up to a year and see whether they'd be willing to close out the FOIA and we can forward their request to the appropriate individuals for the MDR. If they agree I'd admin close their request and then forward their request to the Branch Chief, Darryl Parsons.

We are not going with the approach of an automatic admin close.

**From:** Danoff, Karen  
**Sent:** Thursday, March 02, 2017 4:00 PM  
**To:** Blaney, Stephanie <Stephanie.Blaney@nrc.gov>  
**Subject:** does our FOIA stay open during a mandatory declassification review? (re: my FOIA/PA-2017-00034)

Hi Stephanie,

The responsive document is classified confidential, and was already reviewed by OIP and by NSIR. There was a small bit recommended to be withheld under Ex. 1. I closed out SECY's tasking on Tuesday, and just spoke to Deanna, who is talking to her staff about a declassification review. It was not done, and both of my requesters for SECY-79-263 has asked for a mandatory declassification review. NSIR has now retrieved the package from SECY.

I remember a few months ago, it was mentioned in our meetings about how we might close out these requests, and file the MDR request on the requester's behalf (or refer the requester to the process). If NSIR decides to undertake a declassification review, do I close out the FOIA and refer the requester to file his own MDR request? Or should I keep it open? If the first option, how does a requester file a MDR review?

This record is also responsive to my 2017-0038, also on the back-log.

Thanks,  
Karen

---

**From:** FOIAPASECY Resource  
**Sent:** Tuesday, February 28, 2017 10:47 AM  
**To:** FOIA Resource <[FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov)>; FOIAPASECY Resource <[FOIAPASECY.Resource@nrc.gov](mailto:FOIAPASECY.Resource@nrc.gov)>; FOIA Resource <[FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov)>  
**Cc:** Danoff, Karen <[Karen.Danoff@nrc.gov](mailto:Karen.Danoff@nrc.gov)>; Remsburg, Kristy <[Kristy.Rensburg@nrc.gov](mailto:Kristy.Rensburg@nrc.gov)>; Lewis, Antoinette <[Antoinette.Lewis@nrc.gov](mailto:Antoinette.Lewis@nrc.gov)>; McCloskey, Bridin <[Bridin.McCloskey@nrc.gov](mailto:Bridin.McCloskey@nrc.gov)>  
**Subject:** RE: FOIA/PA-2017-00034 Action Item/Instructions Review of Referred Records

Good morning Karen,

(b)(6) and the Commission had a question regarding the review of SECY 79-263.

The SECY paper in this referral is over 25 years old now. When looking at this document, did the Staff do a declassification review to make sure the information should still be considered classified?

Please respond as soon as you can and can you place SECY in suspense until we can provide them the answer to their question?

Thanks very much.

Patti

---

**From:** Danoff, Karen [<mailto:foia.resource@nrc.gov>]  
**Sent:** Wednesday, February 08, 2017 8:27 AM  
**To:** FOIAPASECY Resource <[FOIAPASECY.Resource@nrc.gov](mailto:FOIAPASECY.Resource@nrc.gov)>  
**Cc:** Danoff, Karen <[Karen.Danoff@nrc.gov](mailto:Karen.Danoff@nrc.gov)>  
**Subject:** FOIA/PA-2017-00034 Action Item/Instructions Review of Referred Records

A referral for FOIA/PA-2017-00034 is being assigned to SECY on February 8, 2017.

The due date is February 22, 2017, which is ten (10) working days from the date of this e-mail.

This referral is for the Commission's final determination on SECY-79-263, which included recommendations by OIP and by NSIR. Due to the classification of the SECY paper, the package was hand delivered on February 8, 2017.

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

The Government Information Specialist for this request is Karen Danoff, who can be reached at 301-415-5072. or [Karen.Danoff@nrc.gov](mailto:Karen.Danoff@nrc.gov).

## **BEST AVAILABLE COPY**

To avoid inundating [FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov), when you (or any member of your staff) respond to this tasking, please make sure that your office's emails are being sent ONLY to the assigned specialist. If a specialist is scheduled to be out of the office when your tasking is due, he or she will advise you of any change to this practice.

Thank you.



**Stevens, Margo**

---

**From:** Danoff, Karen  
**Sent:** Friday, March 10, 2017 4:39 PM  
**To:** john@greenewald.com  
**Subject:** verification of a declassification review of SECY-79-263 in your NRC FOIA request, FOIA 2017-0038

Good Afternoon,

In your initial request, under FOIA 2017-0038, you asked for a Mandatory Declassification Review (MDR) if the document in your request (SECY-79-263) is currently classified. The document is still classified.

Please verify whether you want SECY-79-263 processed under the FOIA, or under the Mandatory Declassification Review (MDR). These are two separate processes, and both can take a long time.

If you chose for the document to be processed under the MDR, you would agree to withdraw your FOIA request. We would then submit your MDR request, on your behalf, to the appropriate NRC individuals who will acknowledge and process it accordingly.

If you chose for the document to be processed under the FOIA, the classified portions would be withheld under FOIA Exemption 1, and any unclassified portions would be reviewed for FOIA disclosure determination. Under the FOIA review, the document would not be reviewed to determine whether, or not, it could be declassified.

Please respond, by replying to this email, no later than **Friday, March 17<sup>th</sup>**, what option you prefer. If we do not hear from you by that date, we will assume that you want the document processed under the MDR.

Thanks,  
Karen

Karen Danoff  
Government Information Specialist  
Information Services Branch, FOIA Team  
Governance & Enterprise Management Services Division  
Office of the Chief Information Officer  
OWFN-4 H13  
301-415-5072  
[Karen.Danoff@nrc.gov](mailto:Karen.Danoff@nrc.gov)

Dear FOIA Requester:

The FOIA Improvement Act of 2016, which was enacted on June 30, 2016, made several changes to the Freedom of Information Act (FOIA). Federal agencies must revise their FOIA regulations to reflect those changes by December 27, 2016. In addition to revising our regulations, we intend to update the Form 464, which we use to respond to FOIA requests.

In the interim, please see the comment box in Part I.C of the attached Form 464. The comment box includes information related to the recent changes to FOIA that is applicable to your FOIA request, including an updated time period for filing an administrative appeal with the NRC.

Sincerely yours,

*Stephanie Blaney /S/*

Stephanie Blaney  
FOIA Officer

RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) REQUEST

2017-0038

1

RESPONSE  
TYPE☐

INTERIM

☒

FINAL

## REQUESTER:

John Greenewald

## DATE:

03/10/2017

## DESCRIPTION OF REQUESTED RECORDS:

SECY-79-263, Apr 16, 1979, Classified Paper

## PART I. - INFORMATION RELEASED

- ☐ Agency records subject to the request are already available 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

AMOUNT\*

\$

\*See Comments for details

☐

You will be billed by NRC for the amount listed.

☐

None. Minimum fee threshold not met.

☐

You will receive a refund for the amount listed.

☐

Fees waived.

## PART I.B - INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- ☐ We did not locate any agency records responsive to your request. *Note:* Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). 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 30 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or [FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov). Please be sure to include on your letter or email that it is a "FOIA Appeal."

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

In conformance with the FOIA Improvement Act of 2016, the NRC is informing you that you have the right to seek assistance from the NRC's FOIA Public Liaison.

SECY-79-263 is a classified document and per your FOIA request, we will be forwarding this to the appropriate individuals within the NRC to perform the Mandatory Declassification Review (MDR). They will be in contact with you regarding your request for the MDR. Since the MDR process is separate from FOIA we will be administratively closing your FOIA request.

SIGNATURE - FREEDOM OF INFORMATION ACT OFFICER

Stephanie Blaney

RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) REQUEST

FOIA

2017-0038

RESPONSE NUMBER

1

RESPONSE  
TYPE☐

INTERIM

☒

FINAL

## REQUESTER:

John Greenewald

## DATE:

03/10/2017

## DESCRIPTION OF REQUESTED RECORDS:

SECY-79-263, Apr 16, 1979, Classified Paper

## PART I. - INFORMATION RELEASED

- ☐ Agency records subject to the request are already available 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

AMOUNT\*

\$

\*See Comments for details

☐

You will be billed by NRC for the amount listed.

☐

None. Minimum fee threshold not met.

☐

You will receive a refund for the amount listed.

☐

Fees waived.

## PART I.B - INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- ☐ We did not locate any agency records responsive to your request. *Note:* Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). 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 30 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or [FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov). Please be sure to include on your letter or email that it is a "FOIA Appeal."

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

In conformance with the FOIA Improvement Act of 2016, the NRC is informing you that you have the right to seek assistance from the NRC's FOIA Public Liaison.

SECY-79-263 is a classified document and per your FOIA request, we will be forwarding this to the appropriate individuals within the NRC to perform the Mandatory Declassification Review (MDR). They will be in contact with you regarding your request for the MDR. Since the MDR process is separate from FOIA we will be administratively closing your FOIA request.

## SIGNATURE - FREEDOM OF INFORMATION ACT OFFICER

Stephanie Blaney

## DISTRIBUTION

SECY, NSIR, OIP

OFFICE	ACTION OFFICER	FOIA OFFICER				<input type="checkbox"/> PUBLIC ADAMS
NAME	KDanoff KD	SBlaney SB				<input checked="" type="checkbox"/> NON-PUBLIC ADAMS
DATE	03/10/2017	3/16/17				