

RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST

NRC-2018-000075

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RESPONSE
TYPE☐

INTERIM

☒

FINAL

REQUESTER:

Julian Tarver

DATE:

12/13/2017

DESCRIPTION OF REQUESTED RECORDS:

"Incident reports from 1990 through December 31, 2008 that are in regards to a[n] assigned escort who has lost subject they where (sic) escorting."

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)

It is unclear whether you are requesting incident reports arising from visitors to NRC buildings, or visitors to nuclear power plants or other facilities housing nuclear materials who are separated from their escorts, or both. We note that in a prior request, FOIA-2017-0534, you asked for these same reports from 2009 through 05/19/2017 (the date the request was received in this office). Having failed to timely clarify the scope of that request, it was administratively closed. Although most of the program offices that we asked to provide a fee estimate stated that they do not have responsive records, those offices that expected to have records estimated that their search for the 18-year period would exceed the two-hour threshold [continued on next page]

Signature - Freedom of Information Act Officer or Designee

Stephanie A. Blaney

Digitally signed by Stephanie A. Blaney
Date: 2017.12.13 10:34:12 -05'00'

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**RESPONSE TO FREEDOM OF INFORMATION
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PART I.C COMMENTS (Continued)

at which search fees would be billed to you. In light of your consistent refusal to incur billable fees of any kind, and our determination that you are ineligible for a fee waiver, your request is not considered "perfected" and we are administratively closing this request.