

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

2018-000711&722

1

RESPONSE
TYPE☐

INTERIM

☒

FINAL

REQUESTER:

Billie P. Garde

DATE:

08/31/2018

DESCRIPTION OF REQUESTED RECORDS:

All records relating to the NRC's 2017 decision to revise employee training "to remove all references to employee whistleblower protections under the ERA and OSHA" (NRC-2018-000711) and NRC's implementation of S.585, Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017 (NRC-2018-000722).

PART I. -- INFORMATION RELEASED

- ☐ The NRC has made some, or all, of the requested records publicly available through one or more of the following means: (1) <https://www.nrc.gov>; (2) public ADAMS, <https://www.nrc.gov/reading-rm/adams.html>; (3) microfiche available in the NRC Public Document Room; or FOIA Online, <https://foiaonline.regulations.gov/foia/action/public/home>.
- ☐ 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 Part I.D -- Comments) for a disclosure determination and direct response to you.
- ☐ We are continuing to process your request.
- ☒ See Part I.D -- Comments.

PART I.A -- FEES

| AMOUNT |
|--------|
| |

- ☐ You will be billed by NRC for the amount indicated.
- ☐ You will receive a refund for the amount indicated.
- ☐ Fees waived.
- ☐ Since the minimum fee threshold was not met, you will not be charged fees.
- ☐ 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"). See 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. If you submit an appeal by mail, address it to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Mail Stop T-2 F43, Washington, D.C. 20555-0001. You may submit an appeal by e-mail to FOIA.resource@nrc.gov. You may fax an appeal to (301) 415-5130. Or you may submit an appeal through FOIA Online, <https://foiaonline.regulations.gov/foia/action/public/home>. Please be sure to include on your submission that it is a "FOIA Appeal."

PART I.C -- REFERENCES AND POINTS OF CONTACT

You have the right to seek assistance from the NRC's FOIA Public Liaison by submitting your inquiry at <https://www.nrc.gov/reading-rm/foia/contact-foia.html>, or by calling the FOIA Public Liaison at (301) 415-1276.

If we have denied your request, you have the right to seek dispute resolution services from the NRC's Public Liaison or the Office of Government Information Services (OGIS). To seek dispute resolution services from OGIS, you may e-mail OGIS at ogis@nara.gov, send a fax to (202) 741-5789, or send a letter to: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. For additional information about OGIS, please visit the OGIS website at <https://www.archives.gov/ogis>.



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PART I.D -- COMMENTS

On August 10, 2018 (NRC-2018-000711) and August 17, 2018 (NRC-2018-000722), our office sent to your office a Form 509, Statement of Estimated Fees for FOIA Requests, in each of your requests. In our emails transmitting the Form 509, and on the form itself, we informed you that, based upon the estimates received by the multiple program offices expected to have responsive records, the estimated fees for each request exceeded the \$250.00 floor at which requesters must submit an advanced payment. Our office also invited you to contact us about narrowing the scope of your request(s) in an effort to reduce the estimated fees. The due dates for your response was August 24, 2018 and August 31, 2018, respectively.

We have not heard anything from you. As stated in our August 10th and 17th communications with you, we have construed your silence to mean that you have no further interest in pursuing your FOIA requests at this time. Accordingly, we are closing our files on both requests.

Signature - Freedom of Information Act Officer or Designee

Stephanie A. Blaney

Digitally signed by Stephanie A. Blaney

Date: 2018.08.31 10:51:26 -04'00'