

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

NRC-2019-000325

1

RESPONSE  
TYPE

INTERIM



FINAL

**REQUESTER:**

Jason A. Leasure

**DATE:**

01/09/2020

**DESCRIPTION OF REQUESTED RECORDS:**

[1] all federal statutes, rules, regulations, guidelines, and the like that relate to the control of radiation in OH, specifically including, but not limited to, the Portsmouth Gaseous Diffusion Plant in Piketon, OH; all records, files and scientific testing data/results relating to the Portsmouth site and the sudden closure of Zahn's Corner Middle School.

**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.gov/foiaonline/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 search and/or duplication fees that would otherwise be applicable to your request.

**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-6 A60M, Washington, D.C. 20555-0001. You may submit an appeal by e-mail to [FOIA.resource@nrc.gov](mailto:FOIA.resource@nrc.gov). You may fax an appeal to (301) 415-5130. Please be sure to include on your submission that it is a "FOIA Appeal." Only a pre-registered user may file an appeal through FOIA Online, <https://foiaonline.gov/foiaonline/action/public/home>. A user who has not registered an account prior to filing the initial FOIA request may still submit their appeal by one of the above mentioned options.

**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](mailto: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>.



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

NRC

NRC-2019-000325

RESPONSE NUMBER

1

RESPONSE  
TYPE



INTERIM



FINAL

**PART I.D -- COMMENTS**

Upon receipt of your request, the Office of Nuclear Material Safety & Safeguards (NMSS) was tasked to search for responsive records. Enclosed with this first interim response is a listing of records NMSS staff identified as responsive to your request that are already available to the public. The listing provides you with the subject/title of each record, its date, and its ML accession number. Records with an ML accession number are publicly available in the NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm.html>. If you need assistance in obtaining these records, please contact the NRC's Public Document Room (PDR) at 301-415-4737, or 1-800-397-4209, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

Please note that a few of the records included on the listing were provided by the licensee in redacted form with the expectation that the records be made publicly available. At the same time, the licensee may also have furnished the NRC with an unredacted version that contains security-sensitive and/or proprietary information. At this time, NRC staff has not undertaken a review of that information, nor have we afforded the licensee an opportunity to convey its views as to any proprietary interests it may have in that information. Please let us know if the redacted versions meet your needs or if you prefer that we also consider the unredacted versions as responsive to your request.

With respect to the first part of your request seeking statutes, policies, rules, regulations, and guidelines, please note that the FOIA does not afford members of the public access to statutes that are enacted by the Congress; nor does it require Federal agencies to respond to subsection (a)(3) requests when the agency has complied with the FOIA's obligation to affirmatively disclose its rules, regulations and guidelines affecting the public under subsections (a)(1) and (2).

If, as a result of your review of the records, you are amenable to further narrowing your request, please advise at your earliest opportunity. We are continuing to process your request, and appreciate your continued patience.

Signature - Freedom of Information Act Officer or Designee

**Stephanie A. Blaney**

Digitally signed by Stephanie A. Blaney  
Date: 2020.01.09 08:23:30 -05'00'