

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

NRC-2021-000154

1

RESPONSE
TYPE☐

INTERIM

☒

FINAL

REQUESTER:

Lauren Hogrew

DATE:

06/22/2021

DESCRIPTION OF REQUESTED RECORDS:

See Part I.D

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

\$0.00

- ☐ 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. 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, 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 May 4, 2021 our agency received a records referral from the Department of Energy (DOE). We understand your original FOIA request directed to DOE states the following:

1. All emails, text messages, faxes, voicemails and other forms of communications between Mr. Bernard McNamee and other staff at DOE or any outside individual, during his current employment with DOE and during his prior employment period from approximately May 2017 through February 2018.
2. All emails, text messages, faxes, voice mails and other forms of communications between Mr. McNamee and officials and staff of DOE during any period, beginning in January 2017, in which Mr. McNamee was not officially employed at DOE.
3. All calendars, whether electronic or in paper format, of Mr. McNamee during his prior employment with DOE, and from the date of his current official employment to and including the date of fulfillment of this request.
4. All sign-in sheets or other records memorializing attendance at any meetings with Mr. McNamee during his prior employment with DOE, and from the date of his current official employment to and including the date of fulfillment of this request.

After conducting a search for records, the DOE identified one record that contained an U.S. Nuclear Regulatory Commission (NRC) equity. The record that was referred to the NRC consists of a 2-page email string (without any attachment). The DOE had already addressed the email on page 1 (along with any attachment). The NRC has determined that the email exchange on page 2 may be released to you in its entirety. Please note that the DOE has confirmed that the email string maintained on its server consists of only two pages and any markings or apparent omissions within the record appear in the original. We note that this same exchange has already been made publicly available by the NRC and may be found in ADAMS as ML17318A154.

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.

Signature - Freedom of Information Act Officer or Designee

Stephanie A. Blaney

Digitally signed by Stephanie A. Blaney
Date: 2021.06.22 13:29:36 -04'00'