

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

FOIA-2023-000051

1

RESPONSE
TYPE☐

INTERIM

☒

FINAL

REQUESTER:

Julian Tarver

DATE:

01/03/2023

DESCRIPTION OF REQUESTED RECORDS:

Requester is seeking records that show all MOU/MCA (sic) with NRC and law enforcement that are public in ADAMS. Also seeking a copy of agreements with the following: FLETC and NRC; DOD and NRC; FBI and NRC; and Homeland Security and NRC.

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

This also serves to acknowledge receipt of your request on January 3, 2023. We understand that you do not have access to the NRC's public website. As we informed you in our response to your request, FOIA-2023-00004, the NRC has made certain of its Memoranda of Understanding (MOU) and Memoranda of Agreement (MOA) publicly available. We understand the first part of your current request to be asking for anything that reflects this public availability. We have enclosed a screenshot of that public webpage, <https://www.nrc.gov/reading-rm/doc-collections/index.html>, which shows that Memoranda of Understanding are one of the Document Collections that NRC makes available to the public, and that they are organized by calendar year.

With regard to the second part of your request, given that you did not specify any temporal limitation, a search of each year and each MOU/MOA would exceed the threshold at which you would be liable for search fees as a non-excepted requester. Therefore, we conducted a search of our public ADAMS site for all MOUs or MOAs between the NRC and: (1) Department of Homeland Security; (2) Department of Defense; (3) Federal Bureau of Investigation; and (4) Federal Law Enforcement Training Centers, from the present back to 1984.

Copies of these records are enclosed.

Signature - Freedom of Information Act Officer or Designee

Karen E. Danoff

Digitally signed by Karen E. Danoff
Date: 2023.01.03 15:56:11 -05'00'