

Group A

FOIA/PA NO: 2014-0119

**RECORDS BEING RELEASED IN THEIR ENTIRETY**

## Dennis, Deborah

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**From:** Sealing, Donna  
**Sent:** Thursday, September 09, 2010 1:08 PM  
**To:** Dennis, Deborah  
**Subject:** RE: FOIA-2010-0327/FW: Nuclear Regulatory Commission (NRC) FOIA Request - Clarification Needed

Excellent coordination with the requester!!

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**From:** Dennis, Deborah  
**Sent:** Thursday, September 09, 2010 12:23 PM  
**To:** Sealing, Donna  
**Subject:** FOIA-2010-0327/FW: Nuclear Regulatory Commission (NRC) FOIA Request - Clarification Needed  
**Importance:** High

See below – case can be closed

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**From:** Jason Smathers [<mailto:jason.smathers@gmail.com>]  
**Sent:** Thursday, September 09, 2010 12:20 PM  
**To:** Dennis, Deborah  
**Subject:** Re: Nuclear Regulatory Commission (NRC) FOIA Request - Clarification Needed

Thank you for clarifying, I am satisfied and understand there are no records. You can close the case.

-Jason

On Thu, Sep 9, 2010 at 9:14 AM, Dennis, Deborah <[Deborah.Dennis@nrc.gov](mailto:Deborah.Dennis@nrc.gov)> wrote:

Mr. Smathers,

Under the FOIA, any person, regardless of citizenship can make a FOIA request, with the exception of fugitives from justice, foreign governments requesting information from intelligence agencies, federal agencies, and heads of congressional committees (for purposes of an investigation). The FOIA has in place nine exemptions that protect certain categories of information from being disclosed to the public. Meaning, if someone submitted a FOIA request for a nuclear power plants security system, the NRC is required by law to process the request and not question the reason why the information is being requested, BUT such information would be protected from disclosure under one of the FOIA exemptions. Also, a FOIA request must be for agency records that have been created or obtained by an agency, or in the control of an agency upon receipt of that request; and an agency is not required by law to create a record to satisfy a FOIA request. So, to finally answer the NRC has no records involving the reporting of suspicious requests to investigator or investigative agencies. Please let me know how you wish to proceed.

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**From:** Jason Smathers [<mailto:jason.smathers@gmail.com>]  
**Sent:** Thursday, September 09, 2010 11:43 AM

**To:** Dennis, Deborah  
**Subject:** Re: Nuclear Regulatory Commission (NRC) FOIA Request - Clarification Needed

Even without a specific policy in place, wouldn't it be possible for a FOIA officer to report a requester to an investigator or investigative agency? I would withdraw my request if you are saying this has never happened. What would you do if my request looked like I was looking for information to help terrorists? I am looking only for the records where the record was not only suspicious, but an investigate agency or investigator was consulted or the request was forwarded to them.

Let me know.

Best Regards,

Jason Smathers

On Thu, Sep 9, 2010 at 8:37 AM, Dennis, Deborah <[Deborah.Dennis@nrc.gov](mailto:Deborah.Dennis@nrc.gov)> wrote:

As I indicated below, the NRC does not have a policy or procedure in place to track "suspicious" FOIA requests. Therefore, we would have a "no records" response to your request. Would you like to formally withdraw your request?

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**From:** Jason Smathers [mailto:[jason.smathers@gmail.com](mailto:jason.smathers@gmail.com)]  
**Sent:** Thursday, September 09, 2010 11:24 AM  
**To:** Dennis, Deborah  
**Subject:** Re: Nuclear Regulatory Commission (NRC) FOIA Request - Clarification Needed

My intent was to limit the responsive records to those which are suspicious.

On Thu, Sep 9, 2010 at 7:14 AM, Dennis, Deborah <[Deborah.Dennis@nrc.gov](mailto:Deborah.Dennis@nrc.gov)> wrote:

Good Morning Mr. Smathers,

The NRC is in receipt of a FOIA request, where you seek, among other things, "all FOIA requests, including corresponding internal and external communication, investigative records and any other resulting record where a FOIA request was sent to your agency." This portion of your request, as written, is "extremely" broad, as we interpret it to mean you want copies of "all" FOIA requests submitted to the NRC. Are you looking for "all" FOIA requests or, as you have detailed in your fee waiver justification, only FOIA requests deemed "suspicious?"

Please be aware, the NRC does not have a policy and/or procedures in place that address the handling or tracking of "suspicious" FOIA requests. All FOIA requests received by the NRC are processed in accordance

with federal law and NRC regulations and procedures. (See <http://www.nrc.gov/reading-rm/foia/foia-privacy.html> for further information)

If you seek copies of "all" FOIA's, the scope of your request will have to be narrowed. Once a response is received the processing of your request will continue.

Thank-you,

*Deborah A. Dennis*

FOIA/PA Specialist

Nuclear Regulatory Commission

301-415-5704

## Phelps, Steven

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**From:** FOIA Resource  
**Sent:** Tuesday, November 19, 2013 10:09 AM  
**To:** Graff, Mark  
**Subject:** Case Assignment (FOIA/PA-2014-00048)

### Details:

Request Type : FOIA/PA  
Requested By : Smathers, Jason  
Requested Date : 11/18/2013  
Primary User : Graff, Mark

### Comments:

**Phelps, Steven**

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**From:** FOIA Resource  
**Sent:** Tuesday, November 19, 2013 10:09 AM  
**To:** Blaney, Stephanie  
**Subject:** Case Assignment (FOIA/PA-2014-00050)

Details:

Request Type : FOIA/PA  
Requested By : Smathers, Jason  
Requested Date : 11/18/2013  
Primary User : Blaney, Stephanie

Comments:

## Phelps, Steven

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**From:** Graff, Mark  
**Sent:** Thursday, December 19, 2013 8:54 AM  
**To:** 6675-71221927@requests.muckrock.com  
**Subject:** FOIA-2014-0048

Dear Mr. Smathers,

In follow up to your status inquiry on the above-referenced case, I wanted to let you know that, of the three Program Offices that have been tasked, two have completed their search. Neither of those two offices had responsive records, so we will wait for the third Program Office to respond, and hopefully they will locate the current MOU/MOA's that you have requested. Please feel free to reach out to me directly if you have any further questions or concerns regarding this case as it progresses. Best regards,

Mark H. Graff  
FOIA Specialist  
Office of Information Services  
U.S. Nuclear Regulatory Commission  
[Mark.Graff@nrc.gov](mailto:Mark.Graff@nrc.gov)  
(301)-415-8154

## Phelps, Steven

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**From:** Graff, Mark  
**Sent:** Friday, December 20, 2013 10:27 AM  
**To:** 6675-71221927@requests.muckrock.com  
**Subject:** RE: FOIA-2014-0048

Dear Mr. Smathers,

In follow up to my email below, the last program office has asked for a clarification regarding the scope of your request. Specifically, they have asked what the timeframe is for their search for the MOU/MOA's in question. If you could give a date range for the records being sought, that would help expedite the search significantly. Thank you very much, and please let me know if you need anything going forward.

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## Phelps, Steven

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**From:** Blaney, Stephanie  
**Sent:** Wednesday, January 08, 2014 1:09 PM  
**To:** Graff, Mark  
**Subject:** FW: Freedom of Information Request #2014-0048

Tracking:	Recipient	Read
	Graff, Mark	Read: 01/08/2014 1:41 PM

This came in this morning and is regarding your request.

Stephanie

-----Original Message-----

**From:** [6675-71221927@requests.muckrock.com](mailto:6675-71221927@requests.muckrock.com) [mailto:6675-71221927@requests.muckrock.com]  
**Sent:** Wednesday, January 08, 2014 2:15 AM  
**To:** Blaney, Stephanie  
**Subject:** RE: Freedom of Information Request #2014-0048

January 8, 2014  
Nuclear Regulatory Commission  
U.S. Nuclear Regulatory Commission  
FOIA/Privacy Officer  
Mailstop: T-5 F09  
Washington, DC 20555-0001

This is a follow up to request number 2014-0048:

You may limit the search to records created between 1/20/2009 and the date this request is processed.

---

On Dec. 20, 2013:

Dear Mr. Smathers,

In follow up to my email below, the last program office has asked for a clarification regarding the scope of your request. Specifically, they have asked what the timeframe is for their search for the MOU/MOA's in question. If you could give a date range for the records being sought, that would help expedite the search significantly. Thank you very much, and please let me know if you need anything going forward.

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[Mark.Graff@nrc.gov](mailto:Mark.Graff@nrc.gov)<mailto:Mark.Graff@nrc.gov>  
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[Mark.Graff@nrc.gov](mailto:Mark.Graff@nrc.gov)<<mailto:Mark.Graff@nrc.gov>>  
(301)-415-8154

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On Dec. 19, 2013:

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information request, copied below, and originally submitted on Nov. 18, 2013. Please let me know when I can expect to receive a response, or if further clarification is needed. You had assigned it reference number #2014-0048.

Thank you for your help.

---

On Nov. 19, 2013:

Acknowledgment letter signed by Donna L. Sealing, FOIA/Privacy Act Officer, with attachments. No hard copy to follow.

If you are unable to open either document, please let us know by return email ([FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov)) or call 301-415-7169.

---

On Nov. 18, 2013:

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

All current interagency Memoranda of Understanding (MOU) or Memoranda of Agreement (MOA) between your agency and any other agency or department.

I also request that, if appropriate, fees be waived as I believe this request is in the public interest. The requested documents will be made available to the general public free of charge as part of the public

information service at MuckRock.com, processed by a representative of the news media/press and is made in the process of news gathering and not for commercial usage.

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Jason Smathers

Filed via MuckRock.com

E-mail (Preferred): [6675-71221927@requests.muckrock.com](mailto:6675-71221927@requests.muckrock.com)

For mailed responses, please address (see note):

MuckRock News

DEPT MR 6675

PO Box 55819

Boston, MA 02205-5819

PLEASE NOTE the new address as well as the fact that improperly addressed (i.e., with the requester's name rather than MuckRock News) requests might be returned by the USPS as undeliverable.

**Phelps, Steven**

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**From:** Graff, Mark  
**Sent:** Wednesday, January 08, 2014 1:41 PM  
**To:** Blaney, Stephanie  
**Subject:** RE: Freedom of Information Request #2014-0048

Got it. I'll pass this on to the program offices.

-----Original Message-----

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