



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2017-0594

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RESPONSE TYPE INTERIM FINAL

REQUESTER:

Christopher Collins

DATE:

JUL 10 2017

DESCRIPTION OF REQUESTED RECORDS:

A list of cases closed by the Defense Nuclear Facilities Safety Board Office of the Inspector General from January 1, 2013 to June 28, 2017

PART I. -- INFORMATION RELEASED

You have the right to seek assistance from the NRC's FOIA Public Liaison. Contact information for the NRC's FOIA Public Liaison is available at <https://www.nrc.gov/reading-rm/foia/contact-foia.html>

- Agency records subject to the request are already available on the Public NRC Website, in Public ADAMS or on microfiche in the NRC Public Document Room.
- 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 comments section) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Comments.

PART I.A -- FEES

NO FEES

AMOUNT*

\$0.00

*See Comments for details

- You will be billed by NRC for the amount listed.
- You will receive a refund for the amount listed.
- Fees waived.

- Minimum fee threshold not met.
- 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"). 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 by sending a letter or e-mail to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal." You have the right to seek dispute resolution services from the NRC's Public Liaison, or the Office of Government Information Services (OGIS). Contact information for OGIS is available at <https://ogis.archives.gov/about-ogis/contact-information.htm>

PART I.C COMMENTS (Use attached Comments continuation page if required)

[Empty box for comments]

Signature - Assistant Inspector General for Investigations, OIG



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PART II.A -- APPLICABLE EXEMPTIONS

Records subject to the request are being withheld in their entirety or in part under the FOIA exemption(s) as indicated below (5 U.S.C. 552(b)).

- Exemption 1: The withheld information is properly classified pursuant to an Executive Order protecting national security information.
- Exemption 2: The withheld information relates solely to the internal personnel rules and practices of NRC.
- Exemption 3: The withheld information is specifically exempted from public disclosure by the statute indicated.
 - Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
 - Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
 - 41 U.S.C. 4702(b), which prohibits the disclosure of contractor proposals, except when incorporated into the contract between the agency and the submitter of the proposal.
- Exemption 4: The withheld information is a trade secret or confidential commercial or financial information that is being withheld for the reason(s) indicated.
 - The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.390(d)(1).
 - The information is considered to be another type of confidential business (proprietary) information.
 - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
- Exemption 5: The withheld information consists of interagency or intraagency records that are normally privileged in civil litigation.
 - Deliberative process privilege.
 - Attorney work product privilege.
 - Attorney-client privilege.
- Exemption 6: The withheld information from a personnel, medical, or similar file, is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
 - (A) Disclosure could reasonably be expected to interfere with an open enforcement proceeding.
 - (C) Disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.
 - (D) The information consists of names and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
 - (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
 - (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- Other

PART II.B -- DENYING OFFICIALS

In accordance with 10 CFR 9.25(g) and 9.25(h) of the U.S. Nuclear Regulatory Commission regulations, the official(s) listed below have made the determination to withhold certain information responsive to your request.

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
Joseph A. McMillan	Assistant Inspector General for Investigations, OIG		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Appeals must be made in writing within 90 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal."

Impact of Cases Closed Between 01/01/2013 and 06/28/2017 by Strategic Goal

<u>Case #</u>	<u>Case Title</u>	<u>Opened</u>	<u>Closed</u>	<u>Strategic Action</u>	<u>Impact</u>	<u>Case Type</u>	<u>Days to Close</u>	
Goal 5. Management Excellence								
1st Q								
CD 15 003	Alleged Privacy Act Violation Pertaining to DNSFB Senior Official	04/16/2015	12/18/2015	(b)(7)(E)		Full Investigation		
CD 16 002	Threat Made to DNFSB Chairman	10/20/2015	12/16/2016			Full Investigation		
						Cases Closed During Quarter:		2
2nd Q								
CD 14 001	Alleged waste committed by DNFSB General Counsel	04/18/2014	01/21/2015	(b)(7)(E)		Full Investigation		
CD 14 006	Inadvertant Spill of Classified Information Contained in a 1997 DNFSB Technical Report	07/21/2014	01/21/2015			Preliminary Investigation		
CD 15 001	Alleged Inappropriate Relationship Between DNFSB Staff Member and DOE NNSA Staff Member	10/14/2014	03/30/2016			Full Investigation		
						Cases Closed During Quarter:		3
3rd Q								
CD 14 005	Alleged Threat Against DNFSB Acting Counsel	07/21/2014	06/04/2015	(b)(7)(E)		Full Investigation		
						Cases Closed During Quarter:	1	
4th Q								
CD 14 002	Alleged misconduct by senior DNFSB staff.	04/18/2014	09/24/2015	(b)(7)(E)		Full Investigation		
CD 16 001	Potential Violation of Sunshine Act by DNFSB	10/09/2015	09/19/2016			Full Investigation		
						Cases Closed During Quarter:	2	

**Impact of Cases Closed Between
01/01/2013 and 06/28/2017 by Strategic Goal**

Summary for Goal 5. Management Excellence

(b)(7)(E)

(b)(7)(E)

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01/01/2013 and 06/28/2017 by Strategic Goal**

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Goal 3. Safety in Nuclear Facilities Design and Infrastructure							
3rd Q							
CD 16 003	Board Member Directs Omission of Safety Related Information	11/03/2015	05/16/2016	(b)(7)(E)		Full Investigation	(b)(7)(E)
Cases Closed During Quarter:						1	

**Impact of Cases Closed Between
01/01/2013 and 06/28/2017 by Strategic Goal**

**Summary for Goal 3. Safety in Nuclear Facilities
Design and Infrastructure**

(b)(7)(E)

(b)(7)(E)

**Impact of Cases Closed Between
01/01/2013 and 06/28/2017 by Strategic Goal**

(b)(7)(E)

**Impact of Cases Closed Between
01/01/2013 and 06/28/2017 by Strategic Goal**

(b)(7)(E)