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Dear FOIA Requester:

The FOIA Improvement Act of 2016, which was enacted on June 30, 2016, made several changes to the Freedom of Information Act (FOIA). Federal agencies must revise their FOIA regulations to reflect those changes by December 27, 2016. In addition to revising our regulations, we intend to update the Form 464, which we use to respond to FOIA requests.

In the interim, please see the comment box in Part I.C of the attached Form 464. The comment box includes information related to the recent changes to FOIA that is applicable to your FOIA request, including an updated time period for filing an administrative appeal with the NRC.

Sincerely yours,

*Stephanie Blaney /S/*

Stephanie Blaney  
FOIA Officer



# RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2017-0212

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RESPONSE TYPE  INTERIM  FINAL

**REQUESTER:**

John Greenewald

**DATE:**

JAN 25 2017

**DESCRIPTION OF REQUESTED RECORDS:**

List of all closed investigations by the Office of the Inspector General, during the calendar year 2016

### PART I. -- INFORMATION RELEASED

- Agency records subject to the request are already available 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

AMOUNT\*

\$

\*See Comments for details

- You will be billed by NRC for the amount listed.
- None. Minimum fee threshold not met.
- You will receive a refund for the amount listed.
- Fees waived.

### 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 30 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](mailto:FOIA.Resource@nrc.gov). Please be sure to include on your letter or email that it is a "FOIA Appeal."

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

In conformance with the FOIA Improvement Act of 2016, the NRC is informing you that: (1) you have the right to seek assistance from the NRC's FOIA Public Liaison; (2) you have the right to seek dispute resolution services from the NRC's FOIA Public Liaison or the Office of Government Information Services; and (3) notwithstanding the language in Parts I.B and II.B of this form, you may appeal this final determination 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](mailto:FOIA.Resource@nrc.gov). Please be sure to include on your letter or email that it is a "FOIA Appeal." Please note, pages 4 and 5 consists of summary statistic drawn from the listings, and are not responsive to your request.

SIGNATURE - ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS, OIG

*Joseph McMillan*



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

2017-0212

DATE:

**JAN 25 2017**

**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	Agent names/law enforcement entries	<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 30 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."

### Cases Closed Between 01/01/2016 and 12/31/2016

<u>Case # &amp; Title</u>	<u>Opened</u>	<u>Closed</u>	<u>Finding</u>	<u>CaseType</u>	<u>Disposition</u>	<u>Team</u>	<u>Case Agent</u>	<u>Days to Close</u>
C 10 017 Counter Intelligence Development Project	03/15/2010	09/22/2016	(b)(7)(E)	Proactive Initiative	(b)(7)(C),(b)(7)(E)			
C 11 022 Alleged Grant Fraud at Southern Polytechnic University	01/31/2011	05/29/2016		Full Investigation				
C 12 056 Potential Lack of Oversight of Water Leakage and Safety Culture at Palisades Nuclear Power Plant by Region III	06/19/2012	03/30/2016		Full Investigation				
C 12 080 Concerns Regarding Adequacy of Region IV Review of the 2003 Forced Shutdown at Callaway Plant.	09/28/2012	03/25/2016		Full Investigation				
C 13 007 Proactive Initiative To Identify Potential NRC Employee and Contractor Fraud	11/09/2012	06/12/2016		Proactive Initiative				
C 13 011 Questionable Handling of RSO Examination and Non-issuance of License To Applicant by NRC Region II Staff	12/20/2012	03/23/2016		Full Investigation				
C 14 011 NRC Management Directed Staff Not to Issue Request for Information Pertaining to Financial Assurance For Operation Costs	11/22/2013	09/22/2016		Full Investigation				
C 14 012 Proactive Initiative: Review of NRC's Handling of Security Inspection Program	12/09/2013	12/20/2016		Proactive Initiative				
C 14 023 Credential Harvesting Phishing E-Mail Affecting NRC Senior Managers [CAT1]	05/01/2014	05/19/2016		Full Investigation				
C 14 034 Potential Procurement Fraud Committed by an NRC Contractor	10/09/2014	07/01/2016		Full Investigation				
C 15 005 Potential NRC Staff Failure to Follow Federal Acquisition Regulation	10/27/2014	12/16/2016		Full Investigation				
C 15 014 Credential Harvesting Attempt Via Spear Phishing E-mail Allegedly From California Public Utilities Commission	01/30/2015	03/22/2016		Full Investigation				
C 15 019 NRC Region II Inspector Allegedly Conducting a Private Business During Official Duty Hours	02/23/2015	11/08/2016		Full Investigation				
C 15 022 Concerns Pertaining to Promotion Selection Process By NRC Region II Management	03/31/2015	02/04/2016		Full Investigation				
C 15 024 False Information Provided to OI During its H&I Investigation of Licensee	04/23/2015	03/01/2016	Full Investigation					

**Cases Closed Between  
01/01/2016 and 12/31/2016**

<u>Case # &amp; Title</u>	<u>Opened</u>	<u>Closed</u>	<u>Finding</u>	<u>CaseType</u>	<u>Disposition</u>	<u>Team</u>	<u>Case Agent</u>	<u>Days to Close</u>				
C 15 026 Concerns Regarding NRC Management Oversight Pertaining to Potential Inspection Findings at VC Summer Plant	05/19/2015	08/03/2016		Full Investigation								
C 15 030 Alleged Circumvention of ARB Process by OIP Staff	06/22/2015	03/02/2016		Full Investigation								
C 15 031 Intrusion Attempts into Resources Connected to NRC Public Web Site [CAT5]	06/22/2015	05/19/2016		Full Investigation								
C 15 033 Potential Contract Fraud by ADM Contractor	07/02/2015	03/25/2016		Full Investigation								
C 15 037 Potential Retaliation or Hostile Work Environment Created by Senior NRC Manager	07/15/2015	03/30/2016		Full Investigation								
C 15 038 Alleged Misconduct Pertaining to a Senior Information Technology Security Officer	07/24/2015	12/21/2016		Full Investigation								
C 15 039 Joint Sensitive Investigation with the FBI Baltimore Field Office	07/29/2015	12/23/2016		Full Investigation								
C 15 040 Concerns Pertaining to NRC Computer Security Office and FISMA Audit	09/16/2015	06/29/2016		Full Investigation								
C 15 041 Failure to Perform NRC Inspection Requirements By Region II	09/17/2015	09/30/2016		(b)(7)(E)					Full Investigation	(b)(7)(C),(b)(7)(E)		
C 15 042 Potential Abuse of Transit Subsidy Program	09/30/2015	03/25/2016		Full Investigation								
C 16 002 Concerns Pertaining to Slander by the NRC	10/15/2015	05/04/2016	Full Investigation	Full Investigation								
C 16 004 Potential Misuse of Government Position by NSIR Staff	10/28/2015	08/03/2016	Full Investigation	Full Investigation								
C 16 006 False Claim of Small Business Entity Status By Jaca & Sierra Testing Laboratories	11/19/2015	02/26/2016	Full Investigation	Full Investigation								
C 16 007 False Claim of Small Business Entity Status By Hospital del Maestro	11/19/2015	06/23/2016	Full Investigation	Full Investigation								
C 16 008 False Claim of Small Business Entity Status By Constructora Santiago	11/19/2015	06/23/2016	Full Investigation	Full Investigation								
C 16 009 False Claim of Small Business Entity Status By Centro Cardiovascular de Puerto Rico y del Caribe	11/19/2015	06/23/2016	Full Investigation	Full Investigation								
C 16 010 Concerns Pertaining to Health Care NRC Contract	11/25/2015	03/30/2016	Full Investigation	Full Investigation								

### Cases Closed Between 01/01/2016 and 12/31/2016

<u>Case # &amp; Title</u>	<u>Opened</u>	<u>Closed</u>	<u>Finding</u>	<u>CaseType</u>	<u>Disposition</u>	<u>Team</u>	<u>Case Agent</u>	<u>Days to Close</u>
C 16 011 Alleged Intentional Withholding of Information from Former NRC Chairman by NRC Staff	11/25/2015	02/24/2016	(b)(7)(E)	Full Investigation	(b)(7)(C),(b)(7)(E)			
C 16 012 Concerns Pertaining to NRC Staff Handling of Regulatory Issue Summary	12/11/2015	03/30/2016		Preliminary Investigation				
C 16 013 Misuse of Funds Pertaining to an Interagency Agreement Between NRC and Oakridge National Laboratory	01/07/2016	05/03/2016		Preliminary Investigation				
C 16 014 Concerns Pertaining to NRC Staff Handling of Fukushima Related FOIA Requests	01/15/2016	06/30/2016		Full Investigation				
C 16 015 Alleged Pre-Selection by NRC Region II Management	02/12/2016	11/08/2016		Full Investigation				
C 16 017 Alleged Failure to Follow Removal of Access Authorization Procedures by DFS Pertaining to an NRC Region II Inspector	02/29/2016	05/26/2016		Preliminary Investigation				
C 16 020 Unauthorized Possession and Destruction of a Government Computer Assigned to a Region I Employee	03/17/2016	07/29/2016		Full Investigation				
C 16 022 Concerns Pertaining to Being Placed in a Leave Without Pay Status By NRC	04/06/2016	05/26/2016		Preliminary Investigation				
C 16 025 False Information Provided by an NRC Employee Pertaining to a Security Related Background Investigation	04/11/2016	12/20/2016		Full Investigation				
C 16 028 Alleged Alteration of an NRC FSB Security Force Notice	04/19/2016	04/19/2016		Preliminary Investigation				
C 16 034 Alleged Excessive Labor Hours Charged to Review of License Amendment Request	06/15/2016	09/01/2016		Preliminary Investigation				
C 16 037 PII Spill by OIG Contractor Employee	07/01/2016	09/28/2016		Preliminary Investigation				
C 16 042 Alleged Harrassment by NRC (b)(7)(C) (b)(7)(C)	08/17/2016	11/30/2016		Preliminary Investigation				
C 17 003 Concerns Pertaining to Reasonable Work Accommodations	10/31/2016	11/30/2016		Preliminary Investigation				

Number of Cases Closed

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