



## OFFICE *of* GOVERNMENT INFORMATION SERVICES

September 27, 2013— Sent via email




Re: Case No.: 201300664  
MN: NG: KM

NATIONAL  
ARCHIVES  
*and* RECORDS  
ADMINISTRATION

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OGIS  
COLLEGE PARK, MD  
20740-6001

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e-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
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Dear 

This further responds to your July 10, 2013 request for assistance from the Office of Government Information Services (OGIS), which we received on that date via email. Your request for assistance pertains to your May 18, 2012 Freedom of Information Act (FOIA) request, No. , to the Nuclear Regulatory Commission (NRC) seeking access to documents pertaining to safety-related systems at Fort Calhoun nuclear power plant.

Congress created OGIS to complement existing FOIA practice and procedure; we strive to work in conjunction with the existing request and appeal process. The goal is for OGIS to allow, whenever practical, the requester to exhaust his or her remedies within the agency, including the appeal process. OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents. OGIS serves as the Federal FOIA Ombudsman and its jurisdiction is limited to assisting with the FOIA process.

OGIS Facilitator Kirsten Mitchell carefully reviewed the materials you submitted and discussed your case with NRC FOIA Public Liaison Donna Sealing and NRC FOIA Specialist Mark Graff. I understand that you are frustrated by the delay in the response to your request. Delays, while unfortunate, are an unavoidable aspect of FOIA for many agencies.

I understand that some of the records you seek contain information submitted to the NRC by a non-government entity. Please know that when FOIA requesters seek such records, submitters are notified and given an opportunity to review the requested information to determine whether its disclosure would result in competitive harm. After a submitter articulates the competitive harm, the agency makes the final decision on disclosure. Sometimes the submitter-notice process can delay the processing of a request.

I understand that the NRC is making an interim release of documents responsive to your request which you should soon receive if you have not already. NRC plans to make a final release of additional documents by the end of October. However, Mr. Graff informed us that the estimated date could change if the content of the records requires the documents to go through the submitter-notice process.

With each release, you should be given appeal rights. If you are at all dissatisfied, OGIS urges you to appeal. The appeal is an important part of the FOIA administrative process because it preserves your administrative rights and gives an agency's attorneys a chance to



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carefully review every part of a request, from the search that was conducted to any decision the agency made to withhold records.

I hope you find this information useful. At this time, there is no further assistance OGIS can offer and we will close your case. If you encounter future problems with this request or remain dissatisfied after the agency's response to any appeal you file, feel free to contact OGIS again. Thank you for bringing this matter to us.

Sincerely,



Miriam Nisbet, Director  
Office of Government Information Services (OGIS)

cc: Donna Sealing, FOIA Public Liaison, NRC, via email  
Mark Graff, FOIA Specialist, NRC, via email

We appreciate your feedback. Please visit <https://www.surveymonkey.com/s/OGIS> to take a brief anonymous survey on the service you received from OGIS.