

December 1, 2014

Diane Curran
Harmon, Curran, Spielberg & Eisenberg, LLP
1726 M Street, NW, Suite 600
Washington, DC 200036

IN RESPONSE REFER TO
FOIA/PA-2014-0001A
(FOIA/PA-2014-0372)

Dear Ms. Curran,

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter, dated October 31, 2014, in which you appealed the agency's September 26, 2014, decision related to your August 5, 2014, Freedom of Information Act/Privacy Act (FOIA/PA) request (FOIA/PA 2014-00372). In the October 31, 2014, letter, you appealed "the NRC's failure to provide virtually any of the documents requested in paragraphs 2 through 6 and 8 through 10" of your FOIA request. Specifically, you challenged the adequacy of the NRC's search for records with regard to these paragraphs in the FOIA request.

The NRC is granting your appeal in part and is denying your appeal in part. The NRC is granting your appeal in part because acting on your appeal, the agency conducted another search and located additional documents that were not previously provided to you. In particular, the documents requested in paragraphs 2 and 4 of your FOIA request are now released and may be accessed through the NRC's Agencywide Documents Access and Management System (ADAMS). The ADAMS package containing those documents is located at ML14276A548.

The NRC is denying your appeal in part because, after conducting another search while acting on your appeal, the NRC confirmed that it conducted a thorough search when processing your FOIA request with regard to the other documents that you requested. The NRC also confirmed that it does not have the document that you requested in paragraph 3 of your FOIA request, any records responsive to paragraphs 5 or 10 of your request, or any additional records responsive to paragraphs 6, 8, or 9 of your request.

Additionally, the NRC is documenting in this letter that you communicated to the NRC in an e-mail on November 11, 2014, that you now "consider this FOIA request resolved" based on the additional documents released by the NRC and the NRC's representation that it does not have any additional records responsive to your FOIA request.

The enclosure to this letter identifies the administrative record of the case. Document 1 contains your initial request, including your request for a fee waiver. Document 2 includes your appeal and your argument in favor of reversing the agency's September 26, 2014, decision based on the adequacy of the agency's search.

This is the NRC's final decision concerning your appeal of the adequacy of the search. As set forth in the FOIA (5 U.S.C. 552(a)(4)(B)), you may obtain a judicial review of this decision in a district court of the United States in the district in which you reside or have your principal place of business. You may also seek judicial review in the district in which the agency's records are situated or in the District of Columbia.

D. Curran

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As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a nonexclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Telephone: 301-837-1996
Facsimile: 301-837-0348
Toll-free telephone: 1-877-684-6448

Sincerely,

/RA/

Darren B. Ash
Deputy Executive Director
for Corporate management
Office of the Executive Director for Operations

Enclosures:
As stated

