



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 1, 2015

(b) (6)

IN RESPONSE REFER TO
FOIA/PA 2015-0041A
(FOIA/PA 2015-0248)

Dear Mr. Tarver,

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated, May 28, 2015, in which you appealed the agency's May 19, 2015, decision related to your April 19, 2015, Freedom of Information Act/Privacy Act (FOIA/PA) request (FOIA/PA 2015-00248). In the May 28, 2015, letter you appealed the administrative closure of your request for your failure to respond to the May 5, 2015 fee estimate sent to you within 10 business days.

NRC Regulations require that the requester respond within 10 working days to NRC's notice that fees will be assessed. In the case at hand, a statement that you were willing to pay the estimated fee, (or a reduction in the scope of the request), was required before the NRC could continue processing the request¹.

Additionally, in examining the letter that you submitted, dated May 19, 2015, and received by the NRC on June 1, you still had not submitted a willingness to pay, but rather asked if "more records can be released without doing any more search time." As such, even were the NRC to consider the letter you submitted, you still have not satisfied the requirements in responding to the fee estimate by indicating a willingness to pay, and your request was properly closed administratively.

This is NRC's final decision. As set forth in the FOIA (5 U.S.C. 552(a)(4)(B)), judicial review of this decision is available in a district court in the United States in the district in which you reside or have your principal place of business. Judicial review can also be had in the district in which the agency's records are situated or in the District of Columbia.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation.

¹ Title 10, Chapter 1 of the *Code of Federal Regulations* (CFR) Part 9.40(e).

You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740
E-mail: ogis@nara.gov
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Sincerely, .

A handwritten signature in black ink, appearing to read 'DBA', is positioned above the printed name and title.

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