



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

June 29, 2016

SECRETARY

IN RESPONSE REFER TO:
FOIA/PA-2016-00110A
FOIA/PA-2016-00140

Mr. Julian Tarver

(b) (6)

Dear Mr. Tarver:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated May 24, 2016, in which you appealed the agency's May 17, 2016, response related to your December 10, 2015, Freedom of Information Act (FOIA) request, FOIA/PA-2016-0140, seeking the redactions made to the index of all SECY papers that are non-publicly available from 2010-current, in response to FOIA/PA-2016-0140. You appealed the denial of information.

The Agency's response redacted the portions of the titles of four (4) SECY papers. I have reviewed your appeal and have determined that the withholding of the bracketed information under Exemption 5 was appropriate. Exemption 5 of the FOIA protects records or portions of records that contain predecisional information. Predecisional information is information that would reveal the agency's deliberative process, including (but not limited to) (1) advice, opinions, or recommendations; (2) attorney work-product information; or (3) attorney-client communications. In this case, the portions of the titles involved would reveal the deliberative process of the staff and would, in one case, reveal a dispute between members of the Staff that the Commission was asked to resolve. All four of the papers are predecisional and even releasing the title in its entirety on these four papers would reveal pre-decisional aspects of the agency's deliberations. Releasing the bracketed language would be harmful in that it could foreseeably chill the NRC's deliberative process. Therefore, I have denied your appeal.

This is the final agency decision. As set forth in the FOIA (5 U.S.C. 552(a)(4)(B)), you may seek judicial review of this decision in the 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.

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 nonexclusive alternative to litigation.

J. Tarver

- 2 -

Using OGIS services does not affect your right to pursue litigation. 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
Email: ogis@nara.gov
Telephone: 202-741-5770
Toll-free: 1-877-684-6448
Fax: 202-741-5769

Sincerely,

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook". The signature is fluid and cursive, with a long horizontal stroke at the end.

Annette L. Vietti-Cook