



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

SEP 01 2016

IN RESPONSE REFER TO:
FOIA/PA-2016-00138A
FOIA/PA-2016-00546

Mr. Julian Tarver
Monroe Correctional Center
IMU-E-137
PO Box 7002
Monroe, WA 98272

Dear Mr. Tarver:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated August 11, 2016, in which you appealed the agency's July 12, 2016, response related to your May 31, 2016 Freedom of Information Act (FOIA) request, FOIA/PA-2016-00546. You appealed the adequacy of search.

Acting on your appeal, I have considered the matter. At the time of NRC's receipt of your request, the Offices of the Inspector General (OIG) and Nuclear Security & Incident Response (NSIR) were tasked to search for the Department of Energy (DOE) proposal referenced in OIG Report 05-15S. The Inspector General will provide a separate response to you with respect to the adequacy of the search performed by his office.

Both at the time of the NRC's receipt of your request, and again upon receipt of your appeal, NSIR was tasked to perform a search. I have determined that NSIR is the NRC program office most likely to have the record responsive to your request. NSIR staff thoroughly searched its electronic and paper files, using appropriate search terms (including, but not limited to, "DOE Adversary," "DOE mock adversary" "Force-in-force", "FOF" and "DOE proposal") in an effort to locate the referenced DOE proposal. NSIR did not locate the proposal. Accordingly, I have denied your appeal.

I'd liked to reiterate what the Acting FOIA Officer suggested in her response to you; if you have not already done so, you may wish to submit a FOIA request directly to the DOE for a copy of its proposal. The address to which you should direct a request is: FOIA Requester Service Center, 1000 Independence Avenue, S.W., Mail Stop MA-90, Washington, D.C. 20585.

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. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Tarver, J.

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 "David Nelson", written in a cursive style.

David J. Nelson
Chief Information Officer
Office of the Chief Information Officer

Tarver, J.

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David J. Nelson
Chief Information Officer
Office of the Chief Information Officer

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DATE	08/26/2016		<i>8/30/16</i>	<i>9/11/16</i>

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Tarver, J.

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DATE	08/26/2016	08/26/2016		

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