



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

APR 27 2017

IN RESPONSE REFER TO:
FOIA/PA-2017-00170A
FOIA/PA-2017-00388

Julian Tarver
(b) (6)

Dear Mr. Tarver:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated March 28, 2017, in which you appealed the agency's March 9, 2017, response related to your February 8, 2017, Freedom of Information Act (FOIA) request, FOIA/PA-2017-00388. You appealed the adequacy of search.

Acting on your appeal, I have considered the matter and have determined that the search for (1) an index of all draft responses to FOIA lawsuits and (2) a listing or index of any brief bank was proper and complete. At the time of the NRC's receipt of your request, FOIA/PA-2017-00388, we identified the Office of General Counsel (OGC) as the program office where responsive records could reasonably be located. OGC did not locate any records responsive to your request. In our FOIA response to you, we acknowledged that the OGC maintains copies of its draft responses to FOIA lawsuits (subject to record disposition schedules), and maintains a Brief Book, but there is not a listing or index for either. 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.

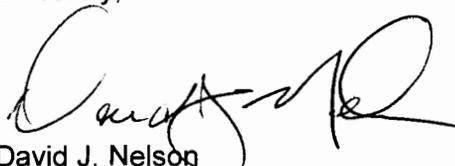
The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a nonexclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Tarver, J.

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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 J. Nelson". The signature is fluid and cursive, with a large initial "D" and "N".

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