



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

MAY 15 2017

IN RESPONSE REFER TO:
FOIA/PA-2017-00169A
FOIA/PA-2017-00336

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 January 29, 2017 Freedom of Information Act (FOIA) request, FOIA/PA-2017-00336. You appealed the zero outcome of the requested search for copies of all incidents involving the NRC's use of force, from January 1, 2010 through current.

Acting on your appeal, I have considered the matter and have determined that the search for responsive records was adequately performed. In our initial search in response to your request, we identified several program offices where responsive records could reasonably be expected to be located. Two of the program offices requested clarification on the phrase "use of force." However, since you had already requested and received records involving "Force on Force" in a previous request (FOIA/PA-2017-0389), we assumed your request meant to reach different records than those addressed in that prior request; your request was given its commonly understood meaning. Adequate searches by the Office of Nuclear Security and Incident Report (NSIR) and our Region 1 office were performed and there were no records located responsive to your request. 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
732 North Capitol Street, NW
Washington, D.C. 20401
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", written in a cursive style.

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