



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

May 16, 2017

SECRETARY

IN RESPONSE REFER TO:  
FOIA/PA-2017-0171A  
(FOIA/PA-2017-0047)

Mr. Julian Tarver

Dear Mr. Tarver:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated March 31, 2017, to the NRC's Freedom of Information Act (FOIA) Officer. In that letter you appeal the NRC response to your FOIA request of September 21, 2016, (FOIA 2017-0047) for SECY-10-0005 and SECY-10-0063. You appeal the redactions to SECY-10-0005 on the grounds that the redactions "don't seem to add up to" the exemptions cited for the redactions. You also appeal the full withholding of SECY-10-0063 on the grounds that there is "no legal justification" of why it is being withheld or why it is still classified.

The agency response to your request for SECY-10-0005 cites FOIA Exemption 5 for all redactions. Exemption 5 includes the deliberative process, attorney work product and attorney-client privileges. The NRC continues to believe that the redactions in the responsive document provided to you are justified under those exemptions. Specifically, the NRC has determined that withholding of redacted information is necessary to protect the integrity of our internal deliberative process, to protect attorney work product, and to protect confidential attorney-client communications. Accordingly, the NRC is denying your appeal and will continue to withhold the redacted portions of the documents under FOIA Exemption 5.

This is the final agency decision on your appeal of the agency response to your request for SECY-10-0005. 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 NRC has not yet made a final decision on your appeal of SECY-10-0063 because inter-agency consultation is ongoing. We will notify you of the final decision on your appeal when that process has been completed.

J. Tarver

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As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a nonexclusive alternative to litigation. In other words, using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974.

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](mailto: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 Vietti-Cook". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Annette L. Vietti-Cook