



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

May 15, 2017

SECRETARY

IN RESPONSE REFER TO:
FOIA/PA-2017-0153A
(FOIA/PA-2017-0341)

Mr. Julian Tarver
(b) (6)

Dear Mr. Tarver:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your March 21, 2017, letter, in which you appealed the NRC's response to your Freedom of Information Act (FOIA) request dated January 22, 2017. In your FOIA request, you asked for "records concerning all logs of correspondence that record letters between the NRC [and] Congress" from January 1, 2015 to the present (FOIA/PA-2017-0341). On March 27, 2017, the NRC sent you three Correspondence/Signature Logs containing all NRC records responsive to your request.

In your March 21, 2017, letter, you state that you are appealing the "redactions" to the set of released records. In fact, the Correspondence/Signature Logs contain only one redaction. In your appeal letter you do not provide any information, or any basis, supporting your request that the NRC reconsider this redaction. You simply state that you are appealing the "redactions" generally, without specifically addressing the sole redaction in the numerous records that you received.

In any event, I have reviewed the redaction and find that it remains appropriate. The NRC redacted the information in question under Exemption 6 in the FOIA. This exemption covers certain files "the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" (5 U.S.C. § 552(b)(6)). In determining whether the disclosure of information would meet this standard, an agency must weigh the privacy interest involved against any public interest in disclosure asserted by the person submitting the FOIA request.

In this case, the NRC employee whose name we redacted has a cognizable privacy interest related to her temporary detail to another branch of the federal government. In contrast, you have not identified *any* public interest that may be served by disclosing her name. I therefore find that, in this case, disclosing the redacted information would constitute a clearly unwarranted invasion of personal privacy. Accordingly, I am denying your appeal and the NRC will continue to withhold the redacted information under Exemption 6.

In your letter, you also state that you "would like a copy of the non-response-out of scope parts not released" in the three correspondence logs we sent you. Because you are seeking records that are outside the scope of your original FOIA request, the NRC is treating your statement as a new FOIA request. We are reviewing your request, and we will respond to you within the applicable deadlines.

J. Tarver

-2-

This is the final agency decision on your appeal. 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.

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
Telephone: 202-741-5770
Toll-free: 1-877-684-6448
Fax: 202-741-5769

Sincerely,



Annette L. Vietti-Cook