



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

May 19, 2017

SECRETARY

IN RESPONSE REFER TO:
FOIA/PA-2017-0177A
(FOIA/PA-2017-0241)

Mr. Julian Tarver

(b) (6)

Dear Mr. Tarver:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated April 16, 2017, in which you appealed the agency's April 5, 2017, response related to your September 30, 2016, Freedom of Information Act (FOIA) request (FOIA/PA-2017-0241). In that FOIA request, you asked for "Legislative Proposals for the Second Session of the 110th Congress (dated 2008)." Our response to your FOIA/PA-2017-0241 request provided a copy of SECY-08-0013, entitled "Legislative Proposals for the Second Session of the 110th Congress," with some information redacted under FOIA Exemption 5 (5 U.S.C. 552(b)(5)) based on the deliberative process privilege. Your appeal asserts that the redactions were improper because the information "should not fall under" Exemption 5.

Acting on your appeal, I have considered your assertion that use of Exemption 5 was improper, and I have determined that the NRC's Exemption 5 redactions were appropriate. Exemption 5 allows agencies to withhold information that is both predecisional and deliberative if releasing the information would foreseeably cause harm to interests protected by the exemption. I have determined that the information is, in fact, predecisional and deliberative and that its release would foreseeably cause harm of a type that Exemption 5 was intended to allow agencies to prevent. I further observe that your appeal letter does not explain why you disagree with the applicability of Exemption 5; it merely asserts that the exemption should not apply. Accordingly, I am denying your appeal with respect to the denial of information under Exemption 5, and we will continue to withhold that information.

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.

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

Sincerely,



Annette L. Vietti-Cook