



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

JAN 0 8 2018

**IN RESPONSE REFER TO:
NRC-2018-000203
NRC-2018-000046**

Julian Tarver

(b) (6)

Dear Mr. Tarver,

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your December 8, 2017, letter, in which you appealed the agency's November 29, 2017, decision related to your Freedom of Information Act (FOIA) request, NRC-2018-000046, which sought the "number of nuclear warheads on the planet, broken down by country." You appealed the zero outcome of the requested search, and requested that we refer this to the Department of Defense.

Acting on your appeal, I have considered the matter and have determined that, based on the wording of your request, the NRC FOIA Officer appropriately determined that NRC had no records in its possession that were responsive to your request. As a customer service, the FOIA Office conveyed its belief that the records to which you sought access may fall under the purview of the Defense Threat Reduction Agency (DTRA), a component of the Department of Defense [DOD], and provided you with DOD contact information to aid you in submitting your request. Under the FOIA, unless an agency's regulations so require, an agency is under no obligation to forward a request to any other agency that might maintain records. The NRC's FOIA regulations do not require the FOIA Office to forward a request to another agency that may maintain records responsive to that request.

Our refusal to forward your request to the DOD is also appropriate given that the DOD's FOIA regulations require requesters to make a commitment to pay fees that may be incurred in any FOIA requests submitted to that department (or its components). Given your refusal to make such fee commitments, it was reasonable for the FOIA Office to simply provide you with information upon which you could take action if you desired. 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 can seek judicial review of this decision in a district court of the United States in the district in which you reside or have your principal place of business, in the district where 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. Using OGIS services does not

Tarver, J.

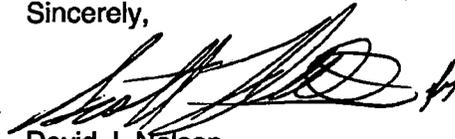
- 2 -

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
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", with a stylized flourish at the end.

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