



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

JAN 16 2018

**IN RESPONSE REFER TO:
NRC-2018-000205 (FOIA-2018-0056)
NRC-2018-000202 (NRC-2018-000067)**

Mr. Julian Tarver
Washington State Penitentiary IMU South H-2
1313 N 13th Avenue
Walla Walla, WA 99362

Dear Mr. Tarver:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letters dated November 30, 2017 and December 8, 2017, in which you appealed the agency's November 20, 2017 response related to your November 2, 2017 Freedom of Information Act (FOIA) request, FOIA-2018-0056, and the agency's November 30, 2017 response related to your November 7, 2017 FOIA request, NRC-2018-000067, respectively. Your November 2nd request (FOIA-2018-0056) sought a "list of files in ADAMS that relate to UFO's." Your November 7th request (NRC-2018-000067) sought a "media/press kit." You appealed the "no record" responses you received in each of these requests.

Acting on your appeal, I have considered the matter and have determined that the "no record" responses you received were appropriate. Therefore, I have denied your appeals.

With respect to your request for a "list of files in ADAMS that relate to UFOs," the FOIA Officer correctly informed you that there was no such list in existence at the time the NRC received your request. Complying with your request would have required the NRC to create a new record, something that the FOIA itself does not mandate.

With respect to your request for a "media/press kit," the FOIA Officer correctly informed you that no such record was located. Using the phrases "media kit" and "press kit," the FOIA Office did not locate any such record in ADAMS or on the NRC's internal website. Nor did the Office of Public Affairs [OPA], which would be the program office reasonably expected to maintain any "media/press kit," locate any responsive record. As previously stated to you, the only reference to a prototype or model "press kit" that was found on the NRC's internal website was more than 10 years old; to the extent there had been such a press/media kit, OPA no longer maintained it.

Moreover, as you were also informed, to the extent NRC staff created a media/press kit as part of its communication strategy for a particular program, such a record would be maintained along with that particular program's records, subject to applicable record disposition schedules. In order to locate any media/press kit, it would mean searching every program office in the NRC, a search that would exceed the two-hour threshold at which you would incur search fees (which you consistently decline to pay).

Tarver, J.

- 2 -

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:

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 over a horizontal line.

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