



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

February 5, 2018

SECRETARY

IN RESPONSE REFER TO:
NRC-2018-000271
NRC-2018-000013

Julian Tarver DOC885530
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 December 15, 2017, letter, in which you appealed the NRC's response to your Freedom of Information Act (FOIA) request dated November 6, 2017. In your FOIA request, you asked for "all internal communications on FOIA-2017-0038." On December 11, 2017, the NRC sent you 26 pages of NRC records responsive to your request.

In your December 15, 2017, letter, you state that you are appealing the "redactions" to the set of released records and "the search performed." In fact, the records provided to you 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. Likewise, you do not specify any reason for reconsidering the scope of the search performed.

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." See 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, you have not identified *any* public interest that may be served by disclosing the redacted information. 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.

Moreover, I have determined that the scope of the search was adequate. The FOIA office reviewed the communications in its files related to your request and provided you with the responsive documents. I see no reason to find the search inadequate.

J. Tarver

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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,

A handwritten signature in black ink, appearing to read "Annette Vietti-Cook", with a long horizontal flourish extending to the right.

Annette L. Vietti-Cook