



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

February 21, 2018

SECRETARY

IN RESPONSE REFER TO:
NRC-2018-000301
NRC-2018-000068

Julian Tarver D0C885530
Washington State Penitentiary
IMU South H-2
1313 N 131h Avenue
Walla Walla, WA 99362

Dear Mr. Tarver:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your December 28, 2017, letter, in which you appealed the NRC's response to your Freedom of Information Act (FOIA) request dated December 19, 2017. In your FOIA request, you asked for "org chart, payscale, job duties/purpose, and cell # assigned" to a specific NRC employee. In response to your request, the NRC provided you with three records, one of which had a portion redacted under Exemption 6 of the FOIA. The NRC's response also included a number of redacted pages marked as non-responsive records.

In your December 28, 2017, letter, you state that you are appealing the "redaction of parts marked (non responsive), and the denial of the requested cell #" stating that there is "no privacy concern for a public issued cell #."

In reviewing the redaction applied to these records, there has been no denial of a cell phone number. The NRC's response did, for your information, inform you that the NRC does not release employee cell phone numbers for personal privacy reasons, but in this case the NRC did not provide you with a record containing the requested cell phone number because no such record exists. Nonetheless, I have reviewed the redaction and have determined that the information withheld under Exemption 6 can be released. I have enclosed an unredacted copy of the chart and am granting your appeal with respect to that redaction.

With respect to your appeal concerning non-responsive records, your FOIA request asked for the "job duties/purpose" for a specifically named NRC employee in the Office of the General Counsel (OGC). As evidenced by the OGC organizational chart also provided to you in response to your request, this employee works in the "Legal Counsel, Legislation and Special Projects Division" of OGC. Thus, the NRC provided you with a record describing the responsibilities of that division. The pages marked "non responsive record" are separate OGC records that do not relate to these divisional responsibilities and are outside the scope of your request. Therefore I am denying your appeal with respect to those records.

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:

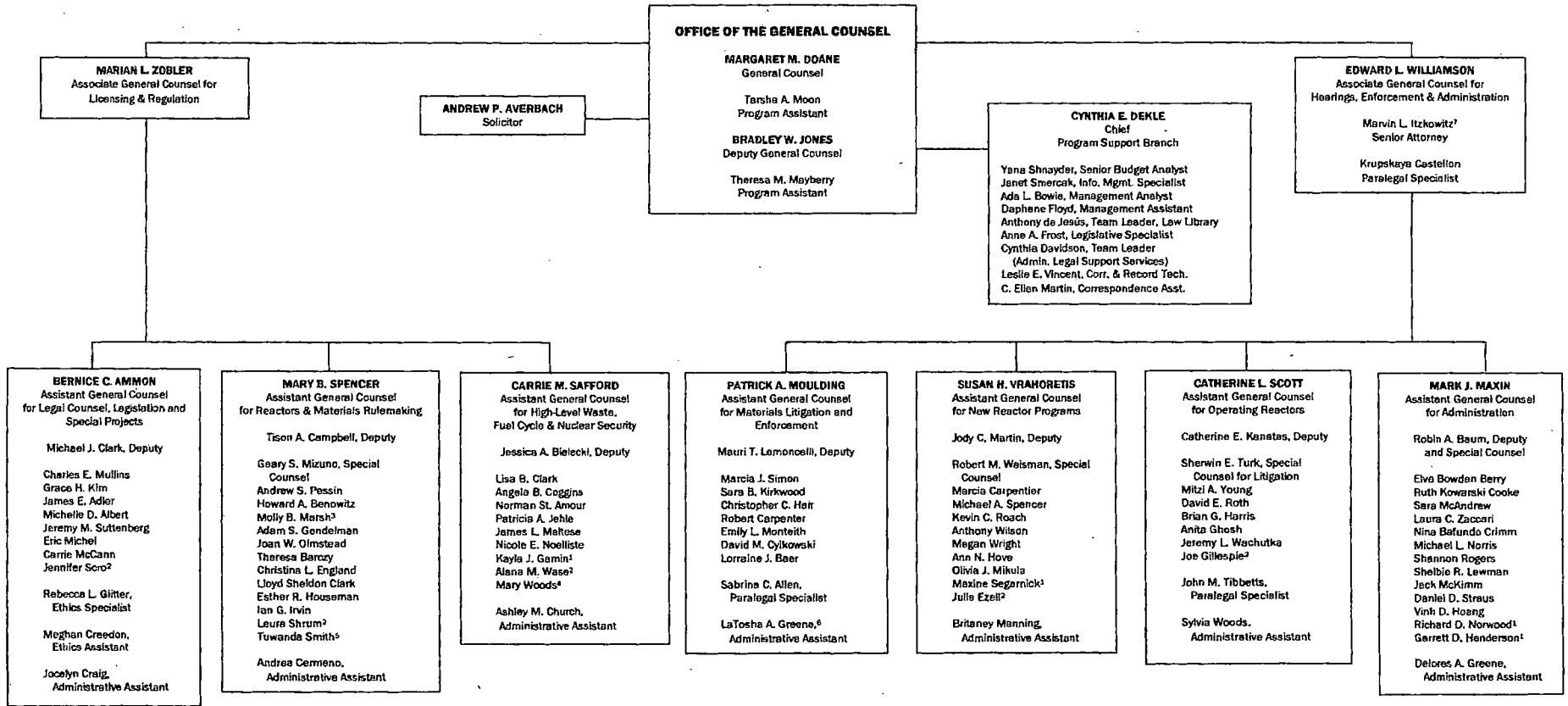
Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740
Email: ogis@nara.gov
Telephone: 202-741-5770
Toll-free: 1-877-684-6448
Fax: 202-741-5769

Sincerely,



Annette L. Vietti-Cook

Enclosure:
As stated



¹ On rotation - Honor Law Graduate - Class of 2016
² On rotation - Honor Law Graduate - Class of 2017
³ On detail to Capitol Hill (2/2017-12/31/17)
⁴ On rotation from ADM (4/16/17-TBD)
⁵ On rotation from SBCR (6/5/17-12/9/17)
⁶ On rotation to NSIR (9/3-17-12/9/17)
⁷ Retired annuitant