



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

SEP 07 2018

IN RESPONSE REFER TO:  
NRC-2018-000602  
Appealing: NRC-2018-000027

Julian Tarver 885530  
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 letter dated June 12, 2018, in which you appealed the agency's decision related to your request for a copy of "ML14325A850" (NRC-2018-00027). Specifically, you appealed the redactions to the released record in response to NRC-2018-000027.

Acting on your appeal, I have reviewed the records for this case and have determined that, as stated in our final response to NRC-2018-000027 dated April 10, 2018, the requested record, ML14325A850, is a record that has also been the subject of prior FOIA requests. A redacted version of the letter was made publicly available as ML16021A057 and provided to you. As stated, the NRC continues to assert exemption 6 to protect the name of the letter's originator. In addition, the agency continues to assert exemption 5, as it incorporates the attorney-client privilege, for the portions of the letter that reflect advice provided by OGC lawyers to NRC staff, of which the letter's originator became aware as part of his official duties.

I am upholding the application of the exemption (b)(6) redactions because release of the redacted information would constitute a clearly unwarranted invasion of personal privacy. I am also upholding the application of the exemption (b)(5) redactions because they reveal communications subject to the attorney-client privilege. Therefore, I have denied your appeal, and we will continue to withhold the information under exemption (b)(5) and (b)(6).

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

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](mailto: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 circular stamp or mark.

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