



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

July 1, 2015

(b) (6)

IN RESPONSE REFER TO  
FOIA/PA 2015-00042A  
(FOIA/PA 2015-00231)

Dear Mr. Tarver,

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated, May 23, 2015, in which you appealed the agency's May 14, 2015, decision related to your April 13, 2015, Freedom of Information Act/Privacy Act (FOIA/PA) request (FOIA/PA 2015-00231). In the May 23, 2015, letter you appealed the NRC's administrative closure of your request for failure to pay the fee estimate issued to you on April 29, 2015.

In your appeal, you argued that the first 100 pages should still be released to you, regardless of the fees associated with processing your request. However, NRC regulations indicate that "(u)nless a requester has agreed to pay the estimated fees or, as provided for in paragraph (d) of this section, the requester has paid an estimated fee in excess of \$250, the NRC may not begin to process the request." The regulations are non-discretionary in this respect, and the NRC properly did not commence searching for or processing records absent your payment of the fee associated with processing your request.

This is the NRC's final decision. As set forth in the FOIA (5 U.S.C. 552(a)(4)(B)), judicial review of this decision is available in a district court in the United States in the district in which you reside or have your principal place of business. Judicial review can also be had 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 non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation.

(b) (6)

- 2 -

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  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-free: 1-877-684-6448

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Ash'.

Darren B. Ash  
Deputy Executive Director  
For Corporate Management  
Office of the Executive Director for Operations