



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

JAN 08 2018

IN RESPONSE REFER TO:
NRC-2018-000213
NRC-2018-000165
(FOIA/PA-2018-0072)

Julian Tarver

(b) (6)

Dear Mr. Tarver,

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your November 30, 2017, letter, in which you appealed the agency's November 20, 2017, decision related to your Freedom of Information Act (FOIA) request, NRC-2018-000165, which sought the same topic search as FOIA-2017-0247 [contracts to obtain firearms] but for date range January 1, 2000 through December 31, 2011. You appealed the zero findings of the requested search.

Acting on your appeal, I have considered the matter and have determined that the NRC has no records responsive to your request. The FOIA obligates agencies to conduct searches reasonably calculated to locate any responsive agency records; that is, records maintained by, and under the control of, an agency at the time it receives a request. The Office of Administration (ADM) is the program office most likely to have had any records responsive to your request. In the FOIA Officer's November 20, 2017, response to you, you were appropriately informed that any purchase orders awarded during the requested time period have been closed out and destroyed in accordance with NUREG-0910, Rev. 4, "NRC Comprehensive Records Disposition Schedule," which may be found at <http://www.nrc.gov/docs/ML0513/ML05139495.pdf>. In light of this record disposition schedule, there were no records under the control of NRC at the time your request was received. Therefore, I have denied your appeal.

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.

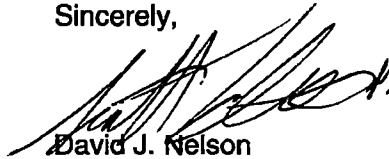
Tarver, J.

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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", is written over the printed name.

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