



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

JAN 29 2018

IN RESPONSE REFER TO:
NRC-2018-000300
(FOIA/PA-2018-0053)

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 28, 2017, letter, in which you appealed the agency's December 22, 2017, response related to your November 2, 2017, Freedom of Information Act (FOIA) request, FOIA/PA-2018-0053, which sought the organization chart, job duties/purpose, and cell number assigned to Anthony McMurtray, Joan Mallon and Sharon Soogrim. You appealed the "search performed and the denial of a public cell number."

Acting on your appeal, I have reviewed the matter and confirmed that the NRC conducted an adequate search to locate the responsive records that you requested. The program offices in which the named individuals work were tasked to conduct the search since these offices were appropriately determined to most likely have the record(s) responsive to your request. The search conducted was proper and complete to identify any records responsive to your request. As stated in our December 22, 2017, response to you, there are no organizational charts available that display the names requested.¹

The cell phone numbers for NRC staff are withheld under FOIA exemption 6. This exemption covers certain files "the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" (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 the interest of maintaining the privacy of our staff, the NRC does not release their cell phone numbers. Your appeal letter states that there is no privacy concern with respect to a public paid cell phone number. I respectfully disagree. I note that not all NRC staff are provided government-paid devices; some NRC staff choose to use their own personal devices. Whether personally or government owned, a cell phone enables the NRC to reach our staff on matters of urgent official business. With limited exceptions not applicable herein, the office phone numbers at which NRC staff may be contacted by members of the public are publicly available at <https://www.nrc.gov/about-nrc/contactus/phone-directory.html>. Therefore, I am unable to

¹ Even if there were organizational charts that showed the named individuals' placement in their offices, due to the nature of their job responsibilities, the names and duty stations of Federal employees who encumber sensitive occupational categories are withheld under FOIA exemption 6.

identify any legitimate public interest in the release of this information that would outweigh the personal privacy interests at stake. 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 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.

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 nonexclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. 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", written over a horizontal line.

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

Tarver, J.

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Fax: 202-741-5769

Sincerely,

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

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