



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

FEB 20 2018

**IN RESPONSE REFER TO:
NRC-2018-000333
(NRC-2018-000065)**

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 January 26, 2018, letter, in which you appealed the adequacy of the search and redactions made related to your November 7, 2017, Freedom of Information Act (FOIA) request, NRC-2018-000065, which sought the internal/external communications regarding FOIA request, FOIA/PA-2017-0485.

Acting on your appeal, I have considered the matter and have determined that the NRC did conduct an adequate search. This is because the Office of the Chief Information Officer, which is the office that maintains FOIA request documentation (both in hard copy files and/or its electronic database), looked for any responsive records at the time of initial processing of NRC-2018-000065 and again upon receipt of your appeal. In the NRC's January 16, 2018, final response, the agency provided you with the responsive records that the agency located. The agency did not find other records as a result of the second search. The agency released to you all internal communications responsive to your request, and there were no external communications.

Also, in reviewing the records, I have determined that the partial withholdings under exemptions 5 and 6 that you are challenging are appropriate for the reasons set forth below. Therefore, I have denied your appeal.

The deliberative process privilege, incorporated within exemption 5, is designed to protect the decision-making processes of government agencies. In response to the present request, the portions of the records withheld under exemption 5 are recommendations and suggestions offered by various NRC staff prior to the agency's disclosure determination. This information meets the requirements for the applicability of the deliberative process privilege because the information is predecisional and deliberative, in that it makes recommendations or expresses opinions on legal or policy matters antecedent to the adoption of such matters. Therefore, the withholding of these redacted portions on the basis of exemption 5 and the deliberative process privilege is proper.

Tarver, J.

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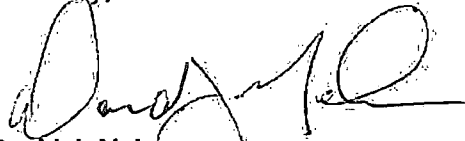
I am also upholding the application of the redaction, under exemption 6, of the names of the NRC staff who were involved in the agency's processing of FOIA/PA-2017-0485 because the release of the redacted information would constitute a clearly unwarranted invasion of their personal privacy interests. Your appeal letter does not discuss any public interests that might be served by the release of the NRC staff's names, and the NRC itself has not identified any discernible public interest in the release of this information that outweighs the personal privacy interests at stake. Accordingly, we will continue to withhold these items of information under exemption 6 of the FOIA.

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
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,

A handwritten signature in black ink, appearing to read "David J. Nelson", is written over a faint, larger signature that is partially obscured.

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