

RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST

2017-0065

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RESPONSE
TYPE☐

INTERIM

☒

FINAL

REQUESTER:

Takanori Eto

DATE:

12/02/2016

DESCRIPTION OF REQUESTED RECORDS:

Six categories of "documents written by NRC, on FOIA to Fukushima disaster, which had been drafted since January, 2013 to the date of this request" as enumerated in the request.

PART I. -- INFORMATION RELEASED

- ☐ Agency records subject to the request are already available in public ADAMS or on microfiche in the NRC Public Document Room.
- ☐ Agency records subject to the request are enclosed.
- ☐ Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- ☐ We are continuing to process your request.
- ☒ See Comments.

PART I.A -- FEES

AMOUNT*

\$

*See Comments for details

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You will be billed by NRC for the amount listed.

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None. Minimum fee threshold not met.

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You will receive a refund for the amount listed.

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Fees waived.

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- ☒ We did not locate any agency records responsive to your request. *Note:* Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). 5 U.S.C. 552(c). This is a standard notification given to all requesters; it should not be taken to mean that any excluded records do, or do not, exist.
- ☐ We have withheld certain information pursuant to the FOIA exemptions described, and for the reasons stated, in Part II.
- ☐ Because this is an interim response to your request, you may not appeal at this time. We will notify you of your right to appeal any of the responses we have issued in response to your request when we issue our final determination.
- ☒ You may appeal this final determination within 30 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal."

PART I.C COMMENTS (Use attached Comments continuation page if required)

In conformance with the FOIA Improvement Act of 2016, the NRC is informing you that: (1) you have the right to seek assistance from the NRC's FOIA Public Liaison; (2) you have the right to seek dispute resolution services from the NRC's FOIA Public Liaison or the Office of Government Information Services; and (3) notwithstanding the language in Parts I.B and II.B of this form, you may appeal this final determination within 90 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal." [continued on next page]

SIGNATURE - FREEDOM OF INFORMATION ACT OFFICER

Nina Argent, Acting *Nina Argent*

2017-0065

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**RESPONSE TO FREEDOM OF INFORMATION
ACT (FOIA) REQUEST Continued**

RESPONSE
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☐

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REQUESTER:

Takanori Eto

DATE:

12/02/2016

PART I.C COMMENTS (Continued)

Your request, as clarified in an email exchange with the FOIA Office, sought six categories of documents:

1. NRC's "internal argument" on the FOIAs submitted on Fukushima. You clarified that you intended this category to include any recordings of telephone conversations within NRC offices during the processing of the FOIA requests for Fukushima records since 2013. There are no such recordings.
2. The Agency's policy drafted to deal with the FOIAs related to Fukushima. No policies were drafted since 2013.
3. NRC's review of the its response to the Fukushima-related FOIAs. Although the NRC did undertake a "lessons learned" review post-Fukushima that was geared toward strengthening the safety of U.S. nuclear power plants, this review did not address the processing of the FOIAs submitted on Fukushima.
4. The list of documents denied in full or in part that may now be released more broadly or in full. The NRC completed its work processing the FOIAs related to Fukushima in mid-2014. The NRC has not revisited the determinations made since that time; so no such list has been compiled as of the date of your request; the FOIA does not require agencies to create new records to respond to FOIA requests.
5. and 6. All records, and any other recordings of contacts by the Government of Japan, TEPCO or other foreign government agency, about the released Fukushima-related documents. The NRC has not received any records from the Government of Japan, TEPCO or other foreign government agency, concerning the records we released under the FOIA since 2013.

Dear FOIA Requester:

The FOIA Improvement Act of 2016, which was enacted on June 30, 2016, made several changes to the Freedom of Information Act (FOIA). Federal agencies must revise their FOIA regulations to reflect those changes by December 27, 2016. In addition to revising our regulations, we intend to update the Form 464, which we use to respond to FOIA requests.

In the interim, please see the comment box in Part I.C of the attached Form 464. The comment box includes information related to the recent changes to FOIA that is applicable to your FOIA request, including an updated time period for filing an administrative appeal with the NRC.

Sincerely yours,

Nina Argent /S/

Nina Argent
FOIA Officer (Acting)