



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

October 1, 2013

Mr. Kyle Cleveland, Ph.D.
Associate Professor of Sociology
Temple University Japan
2-8-12 Minami-Azabu Minato-ku
Tokyo Japan 106-0047

IN RESPONSE REFER TO
FOIA/PA-2013-0019A
(FOIA/PA-2013-0088)

Dear Mr. Cleveland:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated July 18, 2013, to the Freedom of Information Act (FOIA) officer, in which you appealed the agency's June 18, 2013, decision related to your January 22, 2013, FOIA request, FOIA/PA-2013-0088, for all communications between Messrs. Charles Casto, Kirkland H. Donald, and Troy J. Mueller for the time period of March 11, 2011 to April 30, 2011, relating to the Fukushima nuclear crisis in Japan. Specifically, you appealed the NRC's adequacy of search for records subject to your request and the decision to withhold portions of the record pursuant to Exemptions 5 and 6 of the FOIA.

Acting on your appeal, I have reviewed the record in this case and have determined that the information previously withheld pursuant to Exemption 5 will continue to be withheld. The withheld portions consist of analyses and opinions relating to the catastrophic events in Fukushima, disclosure of which would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. For this reason, the agency is continuing to withhold the portions from public disclosure pursuant to Exemption 5 (5 U.S.C. 552(b)(5)) and 10 CFR 9.17(a)(5) of the Commission's regulations.

While the name of the recipient of the e-mail has been provided in the unredacted portions of the record released to you, the NRC is continuing to withhold the individual's e-mail address pursuant to Exemption 6 (5 U.S.C. 552(b)(6)) and 9.17(a)(6). This exemption protects records in which their release would result in a clearly unwarranted invasion of personal privacy. There is no public interest in the release of the e-mail address.

Finally, in support of your contention that the search for records was inadequate, you have asserted that if Messrs. Donald and Mueller were given access to the NRC's Japan SharePoint site, all records contained therein would be responsive to your request. However, the NRC's Japan SharePoint site was not made publicly available and was not made available to Messrs. Donald and Mueller, or to any other non-NRC employees or organizations, including other Federal agencies. Nevertheless, the NRC conducted another search for records subject to your request and determined that there are no additional records subject to your initial FOIA request.

Therefore, your appeal is denied.

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. 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
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

Sincerely,



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