

RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) REQUEST

2016-0135

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RESPONSE  
TYPE

INTERIM



FINAL

## REQUESTER:

David Lochbaum

## DATE:

01/12/2016

## DESCRIPTION OF REQUESTED RECORDS:

All materials transmitted between Mr. Kenji Tateiwa and the NRC from March 1, 2011 to December 9, 2015. These materials include all written communications (e.g.: emails, memos, letters, reports). Scope was clarified to include responsive records in Japanese and a video presentation.

## 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\*

\$

0.00

\*See Comments for details

- ☐ You will be billed by NRC for the amount listed.
- ☐ None. Minimum fee threshold not met.
- ☐ You will receive a refund for the amount listed.
- ☒ 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](mailto: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)

Response records from NRR and ACRS are enclosed on the attached CD. The video presentation is also enclosed on a separate DVD.

SIGNATURE - FREEDOM OF INFORMATION ACT OFFICER

Roger Andoh

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## PART II.A -- APPLICABLE EXEMPTIONS

Records subject to the request are being withheld in their entirety or in part under the FOIA exemption(s) as indicated below (5 U.S.C. 552(b)).

- ☐ Exemption 1: The withheld information is properly classified pursuant to an Executive Order protecting national security information.
- ☐ Exemption 2: The withheld information relates solely to the internal personnel rules and practices of NRC.
- ☐ Exemption 3: The withheld information is specifically exempted from public disclosure by the statute indicated.
- ☐ Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
- ☐ Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
- ☐ 41 U.S.C. 4702(b), which prohibits the disclosure of contractor proposals, except when incorporated into the contract between the agency and the submitter of the proposal.
- ☐ Exemption 4: The withheld information is a trade secret or confidential commercial or financial information that is being withheld for the reason(s) indicated.
- ☐ The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.390(d)(1).
- ☐ The information is considered to be another type or confidential business (proprietary) information.
- ☐ The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
- ☐ Exemption 5: The withheld information consists of interagency or intraagency records that are normally privileged in civil litigation.
- ☐ Deliberative process privilege.
- ☐ Attorney work product privilege.
- ☐ Attorney-client privilege.
- ☒ Exemption 6: The withheld information from a personnel, medical, or similar file, is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- ☐ Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
- ☐ (A) Disclosure could reasonably be expected to interfere with an open enforcement proceeding.
- ☐ (C) Disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.
- ☐ (D) The information consists of names and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
- ☐ (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
- ☐ (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- ☐ Other

## PART II.B -- DENYING OFFICIALS

In accordance with 10 CFR 9.25(g) and 9.25(h) of the U.S. Nuclear Regulatory Commission regulations, the official(s) listed below have made the determination to withhold certain information responsive to your request.

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
			EDO	SECY
Roger Andoh	FOIA Officer, OCIO	Emails	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

Appeals must be made in writing 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](mailto:FOIA.Resource@nrc.gov). Please be sure to include on your letter or email that it is a "FOIA Appeal."

## FOIA/PA NO: 2016-0135

### RECORDS BEING RELEASED IN PART

The following types of information are being withheld:

- Ex. 1: ☐ Records properly classified pursuant to Executive Order 13526
- Ex. 2: ☐ Records regarding personnel rules and/or human capital administration
- Ex. 3: ☐ Information about the design, manufacture, or utilization of nuclear weapons  
☐ Information about the protection or security of reactors and nuclear materials  
☐ Contractor proposals not incorporated into a final contract with the NRC  
☐ Other \_\_\_\_\_
- Ex. 4: ☐ Proprietary information provided by a submitter to the NRC  
☐ Other \_\_\_\_\_
- Ex. 5: ☐ Draft documents or other pre-decisional deliberative documents (D.P. Privilege)  
☐ Records prepared by counsel in anticipation of litigation (A.W.P. Privilege)  
☐ Privileged communications between counsel and a client (A.C. Privilege)  
☐ Other \_\_\_\_\_
- Ex. 6: ☒ Agency employee PII, including SSN, contact information, birthdates, etc.  
☐ Third party PII, including names, phone numbers, or other personal information
- Ex. 7(A): ☐ Copies of ongoing investigation case files, exhibits, notes, ROI's, etc.  
☐ Records that reference or are related to a separate ongoing investigation(s)
- Ex. 7(C): ☐ Special Agent or other law enforcement PII  
☐ PII of third parties referenced in records compiled for law enforcement purposes
- Ex. 7(D): ☐ Witnesses' and Allegers' PII in law enforcement records  
☐ Confidential Informant or law enforcement information provided by other entity
- Ex. 7(E): ☐ Law Enforcement Technique/Procedure used for criminal investigations  
☐ Technique or procedure used for security or prevention of criminal activity
- Ex. 7(F): ☐ Information that could aid a terrorist or compromise security