NRC FORM 464 Part I (J) U.S. NUCLEAR REGULATORY COMMISSION	FOIA/PA	RESPONSE NUMBER		
(8-2011)	2011-0166	47		
RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST	RESPONSE FINAL	✓ PARTIAL		
REQUESTER Brad Heath	DATE JAW 2	4 2012		
PART I INFORMATION RELEASEI	<u> </u>			
No additional agency records subject to the request have been located.	•			
Requested records are available through another public distribution program.	See Comments section.			
Agency records subject to the request that are identified in the public inspection and copying at the NRC Public Document Ro	listed appendices are alread om.	y available for		
Agency records subject to the request that are identified in the public inspection and copying at the NRC Public Document Ro	om.			
Enclosed is information on how you may obtain access to and the charges for on Document Room, 11555 Rockville Pike, Rockville, MD 20852-2738.	copying records located at the	e NRC Public		
Agency records subject to the request are enclosed.				
Records subject to the request that contain information originated by or of inter- referred to that agency (see comments section) for a disclosure determination of	est to another Federal agenc and direct response to you.	y have been		
We are continuing to process your request.	,			
✓ See Comments.				
PART I.A FEES AMOUNT * You will be billed by NRC for the amount listed	None Minimum for the color			
S You will be billed by NRC for the amount listed. You will receive a refund for the amount listed.	None. Minimum fee threshores waived.	old not met.		
* See comments for details	Tood Wallou.			
PART I.B INFORMATION NOT LOCATED OR WITHHELI	FROM DISCLOSURE			
No agency records subject to the request have been located.	•	·		
Certain information in the requested records is being withheld from disclosure the reasons stated in Part II.	pursuant to the exemptions of	lescribed in and for		
This determination may be appealed within 30 days by writing to the FOIA/PA (Washington, DC 20555-0001. Clearly state on the envelope and in the letter the	Officer, U.S. Nuclear Regulat nat it is a "FOIA/PA Appeal."	ory Commission,		
PART I.C COMMENTS (Use attached Comments continu				
Group DDD,EEE, and FFF records relating to your request are being made publicly available in the "NRC Library" at http://www.nrc.gov/reading-rm/foia/japan-foia-info/2011/				
As the NRC makes records publicly available, you will be notified in writing.				
SIGNATURE - FREEDOM OF INTORMATION ACT AND BRIVACY ACT OFFICER FOR JAPAN - RELATED FOIAS. Mary Jean Raphael Mary Jean Raphael				

U.S. NUCLEAR REGULATORY COMMISSION DATE NRC FORM 464 Part II FOIA/PA RESPONSE TO FREEDOM OF INFORMATION JAN 2 4 2012 2011-0166 ACT (FOIA) / PRIVACY ACT (PA) REQUEST PART II.A -- APPLICABLE EXEMPTIONS Records subject to the request that are described in the enclosed Appendices are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)). EEE, FFF Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958. 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 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., Section 253b, subsection (m)(1), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), 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 commercial or financial information that is being withheld for the reason(s) indicated. 1 The information is considered to be confidential business (proprietary) information. 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 was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2). Disclosure will harm an identifiable private or governmental interest. Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. 1 Applicable privileges: Deliberative process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency. Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation) Attorney-client privilege. (Confidential communications between an attorney and his/her client) The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted Exemption 6: invasion of personal privacy The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) Exemption 7: (A) Disclosure could reasonably be expected to interfere with an enforcement proceeding (e.g., it would reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrong doing or a violation of NRC requirements from investigators) (C) Disclosure could constitute an unwarranted invasion of personal privacy. (D) The information consists of names of individuals 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 (Specify) PART II.B -- DENYING OFFICIALS Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

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DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPEL	APPELLATE OFFICIAL		
			EDO	SECY	IG	
Mary Jean Raphael	FOIA/PA Officer for Japan-Related FOIAs	Appendix EEE & FFF	V			

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."

APPENDIX FFF RECORDS BEING WITHHELD IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	DESCRIPTION (Page Count/Exemption)
1.	04/01/2011	eWASH-WHO169 (1 pages) (Ex. 5)
2.	03/14/2011	eWASH-WHO116 (8 pages) (Ex. 5)
3.	03/14/2011	eWASH-WHO117 (9 pages) (Ex. 5)
4.	03/14/2011	eWASH-WHO118 (150 pages) (Ex. 5)
5.	03/16/2011	eWASH-WHO124 (9 pages) (Ex. 5)
6.	03/29/2011	eWASH-WHO149 (8 pages) (Ex. 5)
7.	03/31/2011	eWASH-WHO160 (7 pages00) (Ex. 5)
8.	04/01/2011	eWASH-WHO168 (7 pages) (Ex. 5)
9.	04/14/2011	eWASH-WHO214 (26 pages) (Ex. 5)
10.	03/22/2011	eWASH-WHO142 (7 pages) (Ex. 5)
11.	03/22/2011	eWASH-WHO143 (9 pages) (Ex. 5)
12.	03/25/2011	eWASH-WHO146 (9 pages) (Ex. 5)
13.	03/23/2011	eWASH-WHO140 (10 pages) (Ex. 5)
14.	03/21/2011	eWASH-WHO141 (5 pages) (Ex. 5)
15.	04/06/2011	eWASH-WHO176 (8 pages) (Ex. 5)
16.	03/17/2011	eWASH-WHO129 (6 pages) (Ex. 5)
17.	03/17/2011	eWASH-WHO131 (7 pages) (Ex. 5)
18.	03/18/2011	eWASH-WHO138 (10 pages) (Ex. 5)
19.	04/2/2011	eWASH-WHO170 Supersedes TAB B of WHO169 (20 pages) (Ex. 5)