



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST

2002-0416

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RESPONSE TYPE FINAL PARTIAL

REQUESTER

Tristan Mendoza

DATE

DEC 27 2002

PART I. -- INFORMATION RELEASED

- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments section.
- APPENDICES A** Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- APPENDICES B** Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, NW, Washington, DC.
- APPENDICES B** 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 * 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.

* See comments for details

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

- No agency records subject to the request have been located.
- Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal"

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

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

**APPENDIX A
RECORDS ALREADY PUBLICLY AVAILABLE**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	10/26/95	9801300174	Ltr from J.R. Egan to R. Fonner re: policy paper prepared by Waste Control Specialists (WCS) on plans for low-level rad waste site for disposal of DOE wastes. 19 pages
2.	12/18/96	9701300038	Ltr from J.R. Egan to R. Ratliff re: appreciation for 12/5/96 meeting with representatives of WCS on items required for Texas Dept of Health completion of review for WCS application. 3 pages
3.	09/11/97	9809030110	Press Release, "Waste Control Specialists Receives Permit, Mod Allowing Disposal of Low-Level Norm Waste." 8 pages
4.	11/27/97	9801300242	Ltr from D.P. Ferraro to W.C. Reamer/NRC referring to meeting between NRC & WCS. 1 page
5.	12/18/97	9801300244	Ltr from D. Ferraro to W.C. Reamer/NRC - forwards for review WCS Petition for Adoption of Rules, file on 12/4/97 w/Texas Dept of Health. 7 pages
6.	01/05/98	9801300248	Ltr from J.R. Egan to W.C. Reamer/NRC re: appreciation for efforts. 2 pages
7.	03/02/98	9809030137	Ltr from K. Miller to M. Roberts/NRC re: info on WCS to be discussed during 3/4/98 telecon.. 72 pages
8.	04/21/98	9805080093	Ltr from J.R. Egan to F. Cameron/NRC re: legal analysis that WCS will require NRC approval under 10 CFR 20.2002. 8 pages
9.	09/10/98	9811030175	Ltr from Senator Domenici to Chairman Jackson, urging NRC to review WCS proposal. 1 page

**APPENDIX A
RECORDS ALREADY PUBLICLY AVAILABLE**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
10.	03/22/99	9904260030	FOIA request for copy of all correspondence between Waste Control Specialists and NRC during period 9/9/98 - 3/22/99. 1 page
11.	08/27/99	9908310196	From T. Sherr to J.W. Lessig - Concludes that proposed disposal of radwaste material meets criteria in 10 CFR40.13(a) & no specific NRC approval is required for transfer of material for disposal at Waste Control Specialists. 3 pages
12.	10/30/01	ML012250482	Memo from Tom Essig to Mike Lesar re: Section 274f, Atomic Energy Act order to exempt WCS from requirements of 10 CFR Part 70. 10 pages
13.	11/21/96	9801300164	Letter to J Egan from M Malsch (2 pages)

APPENDIX B
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	7/21/97	U.S. House of Representatives Report 105-190 to accompany H.R. 2209, Energy and Water Development Appropriations Bill, 1998. 3 pages
2.	09/02/97	Memo to J. Hickey, NRC, from R. Nelson, NRC, re: report of meeting with Waste Control Specialists (WCS). 5 pages
3.	10/06/97	NRC Meeting report of meeting to discuss NRC's branch technical position on baghouse dust contamination. 3 pages
4.	10/08/97	"LLW Forum News Flash," re: Federal Court Enjoins DOE from Excluding WCS on New Disposal Contracts. 4 pages
5.	11/10/97	"LLW Forum News Flash," re: Waste Control Specialists Authorized to Conduct Additional Operations at Texas Site. 2 pages
6.	11/14/97	Memo to R. Nelson, NRC, from J. Kennedy, NRC, re: Report of Meeting with Waste Control Specialists to discuss NRC's branch technical position on disposal of cesium contaminated baghouse dust. 1 page
7.	03/26/98	"LLW Forum News Flash," containing information on DOE's intent to conduct an analysis of its policy regarding disposal of low-level and mixed radioactive waste at commercial facilities. 3 pages
8.	07/27/00	Ltr to William Dornsife, WCS, from T. Essig, re: Exemption from NRC licensing requirements for SNM in 10 CFR Part 70 & enclosing copy of 4/24/00 ltr from Richard Ratliff to OSTP, NRC. 4 pages
9.	09/25/00	Ltr to Tom Essig, NRC, from Bill Dornsife, WCS, re: description of activities planned to be carried out under requested exemption, 30 pages
10.	11/06/00	Ltr to William Dornsife, WCS, from Tom Essig, NRC, re: Acknowledgment of Request to review and approve an exemption from 10 CFR Part 70. 1 page
11.	11/07/00	Memo to David Meyer, NRC, from Tom Essig, NRC, enclosing a Federal Register notice re: Consideration of an Exemption from Requirements of 10 CFR Part 70 for Waste Control Specialists, LLC. 3 pages
12.	12/15/00	Electronic mail between John Greeves, Director, DWM, and Thomas Essig, DWM re Waste Control Specialist Facility. 1 page

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION (PAGE COUNT)</u>
13.	01/03/01	Email from C. Hopper, ORNL, to T. Harris, NRC, re Russian experiments, 1 page
14.	01/05/01	Email from B. Dornsife, WCS, to T. Harris, NRC, re: draft summary report, 1 page
15.	01/29/01	Ltr to W. Dornsife, WCS, from Tom Essig, NRC, enclosing site visit summary report supporting request to review and approve an exemption from 10 CFR Part 70. 4 pages
16.	05/08/01	Ltr to William Dornsife, WCS, from Tom Essig, NRC, re: Request for Additional Information Regarding Request for Exemption from 10 CFR Part 70, 2 pages
17.	07/13/01	Ltr to William Dornsife, WCS, from Charlotte Abrams, NRC, re: Comments on response to request for additional information. 2 pages
18.	07/31/01	Email from C. Hopper, ORNL, to T. Harris, NRC, re explanations on WCS SER Table, 1 page
19.	11/15/01	Actual appearance of above Order to Exempt Waste Control Specialists, LLC. in the <u>Federal Register</u> / Vol. 66, No. 221/57489. 3 pages
20.	11/21/01	Ltr to William Dornsife, WCS, from Thomas Essig, NRC, enclosing the Order to Exempt Waste Control Specialists, LLC, From Requirements of 10 CFR Part 70. 36 pages
21.	3/21/97	To WCS Review from W Dunn, Subject: Final Technical Evaluation of WCS Application 3 pages
22.	10/6/98	Radioactive Material License, Waste Control Specialists 9 pages
23.	12/7/99	Letter to Waste Control Specialists from R Green 16 pages
24.	3/3/00	To R McBurney from P Shaver, Subject: Waste Control Specialists Letter of 2/22/00 to Dr. C Paperiello 1 page
25.	3/6/00	Letter to NRC from R McBurney 1 page
26.	8/21/00	Radioactive Material License, Waste Control Specialists 13 pages

27. 10/30/00 E-Mail from A Rogers to J Myers, Subject: WSC Exemption Issue 2 pages
28. 4/29/00 Letter to J Egan from F Cameron 1 page
29. 5/2/97 Waste Control Specialists, Plaintiff's Original Petition 42 pages
30. 10/3/97 Waste Control Specialists, Preliminary Injunction 12 pages
31. 8/12/97 Waste Control Specialists, Complaint for Judicial Review of Agency Action 16 pages
32. 10/28/01 Memorandum to M Lesar from T Essig, Subject:: Environmental Assessment/Finding of No Significant Impact for Exemption from Requirements of 10 CFR Part 70 for Waste Control Specialists, LLC 10 pages