



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

RESPONSE TYPE FINAL PARTIAL

REQUESTER

Charles J. Fitzpatrick

DATE

MAR 03 2003

PART I. - INFORMATION RELEASED (See checked boxes)

- 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.
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| 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.
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| 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.
- This completes NRC's action on your request.

PART I.A - FEES

- Fees
- | |
|-------------------|
| AMOUNT * |
| \$ 1273.26 |

 - 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)

The records identified on Appendix C are copyrighted and, therefore, are not included in this response. Please contact the NRC Public Document Room if you would like to review the records. The records identified on Appendix D are also copyrighted and must be obtained from the originators. We have provided the contact information.

The fees for processing your request are \$169.64 for 6 hours search, \$0.00 for duplication, total \$169.64. In our Statement of Estimated fees dated January 9, 2003, you were erroneously charged you for the review of the records. However, since you state that you represent the State of Nevada you are not responsible for fees for the review of records. Therefore, you will receive a refund in the amount of \$1273.26.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed *Carol Ann Reed*

APPENDIX A
RECORDS ALREADY PUBLICLY AVAILABLE

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
01	04/27/81	9401050311	Rationale for Performance Objectives and Required Characteristics of the Geologic Setting: Technical Criteria for Regulating Geologic Disposal of High-Level Radioactive Waste / (80 Pages)
02	12/31/83	8312270396	Staff Analysis of Public Comments on Proposed Rule 10 CFR Part 60, Disposal of High Level Radioactive wastes in Geologic Repositories" / (997 Pages)
03	06/30/89	8907070066	Demonstration of Performance Assessment Methodology for High-Level for High-Level Waste Disposal in Basalt Formation/ (182 Pages)
04	07/27/90	9008030361	Staff Position SP 60-001, "Clarification of the 300-1000 years Period for Substantially Complete Containment of High Level Wastes within the Waste Packages Under 10 CFR 60.113(a)(1)(ii)(A) / (11 Pages)
05	09/17/90	9008030361	Repository Performance—the Regulatory Challenge / (53 Pages)
06	05/31/92	9206150272	Initial Demonstration of the NRC's Capability to Conduct a Performance Assessment for High-Level Waste Repository / (167 Pages)
07	05/31/92	9410180384	Demonstration of a Risk-Based Approach to High-Level Wastes Repository Evaluation / (273 Pages)
08	8/31/92	9209080179	TSPA: An Initial Total-System Performance Assessment for Yucca Mountain / (2 Pages)
09	2/24/93	9303090022	Preliminary Total-System Analysis of a Potential High-Level Nuclear Waste Repository at Yucca Mountain (2 Pages)
10	10/1995	9511160289	NUREG-1464, NRC Iterative Performance Assessment Phase 2 - Development of Capabilities for Review of a Performance

Assessment for a High-Level Waste
Repository / (579 Pages)

11	11/1995	9512210347	Total System Performance Assessment - 1995: An Evaluation of the Potential Yucca Mountain Repository / (652 Pages)
12	11/25/96	9701220401	NRC High-Level Radioactive Waste Program Annual Progress Report: Fiscal Year 1996 / (316 Pages)
13	10/31/97	9711060025	Recommendations Regarding the Implementation of the Defense-in-Depth Concept in the Revised 10 CFR Part 60 / (4 Pages)
14	10/31/01	ML013650276	NUREG-1538, [1:2] Cover - Section 3, "Preliminary Performance-Based Analyses Relevant to Dose-Based Performance Measures for Porposed Geologic Repository at Yucca Mountain. (153 pages)
15	10/31/01	ML020100305	NUREG-1538, [2:2], Page 4-1 - Appendix I. (104 pages)

APPENDIX B
RECORDS BEING RELEASED IN THEIR ENTIRETY
(If copyrighted identify with *)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
01	05/13/80	<u>Federal Register Notice</u> Vol. 45 No. 94, 10 CFR Part 60: "Technical Criteria for Regulation Geological Disposal High-Level Radioactive Waste: Advance Notice of Proposed Rulemaking" / (16 Pages)
02	07/08/81	<u>Federal Register Notice</u> Vol. 46, No. 130, 10 CFR Part 60: "Disposal of High-Level Radioactive Wastes in Geologic Repositories: Proposed Rule" / (17 Pages)
03	06/21/83	<u>Federal Register Notice</u> Vol. 48, No. 120 "Disposal of High-Level Radioactive Wastes in Geologic Repositories: Technical Criteria; Final Rule" / (36 Pages)
04	02/16/84	<u>Federal Register Notice</u> Vol. 49, No. 33 "Disposal of High-Level Radioactive Wastes in the Unsaturated Zone," Proposed Rule"/ (4 Pages)
05	07/22/85	<u>Federal Register Notice</u> Vol. 50, No. 140 " Disposal of High-Level Radioactive Wastes in the Unsaturated Zone" / (8 Pages)

**APPENDIX C
COPYRIGHTED DOCUMENTS**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1.	1995	National Academy of Sciences, Technical Basis for Yucca Mountain Standards." (225 pages)
2.	4/29/83	National Academy of Sciences, A Study of Isolation System for Geologic Disposal of Radioactive Wastes." (364 pages)

**APPENDIX D
COPYRIGHTED DOCUMENTS AVAILABLE THROUGH ORIGINATORS**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION</u>
01	1990	"Demonstrated of a Risk-Based Approach to High Level Waste Repository Evaluation," EPRI NP-7057
02	1996	"Yucca Mountain Total System Performance Assessment, Phase 3," EPRI TR-107191

CONTACT: Electric Power Research Institute
3412 Hillview Avenue
Pal Alto, CA 94304
askepri@epri.com

03	10/1990	National Academy of Science, Rethinking High-Level Radioactive Waste Disposal -- A Position Statement of the Board on Radioactive Management
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04	05/1992	National Academy of Science, Radioactive Waste Repository Licensing -- Synopsis of a Symposium Sponsored by the Board on Radioactive Waste Management
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CONTACT: Board on Radioactive Waste Management
National Research Council
2101 Constitution Ave, NW
Washington, D.C. 20418