

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

2003-0109

1

RESPONSE  
TYPE

FINAL



PARTIAL

REQUESTER

Charles Fitzpatrick

DATE

APR 22 2003

**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** 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 \*

\$ 253.71

\* 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**

- ☐ 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)**

Records have been referred to the U.S. Department of Energy for their review and direct response to the requester. Record A/7 contains copyrighted information consisting of 86 pages and is therefore not enclosed. Should you wish to view these records, please contact the NRC's Public Document Room (PDR) at 301-415-4737 or 1-800-397-4209, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

The actual fees for processing your request are:

4.5 hrs. professional search @ \$42.94 per hr. = \$193.36  
1 hr. clerical search @ \$20.94 per hr. = \$20.94  
50 minutes professional review @ \$42.94 per hr. = \$36.00  
15 minutes clerical review @ \$20.94 per hr. = \$5.25  
Duplication of 226 pages @ \$0.20 per page = \$45.20  
Total = \$300.75 (LESS ADVANCE PAYMENT OF \$554.46 = \$253.71)

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed

(6-1998)

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

2003-0109

APR 22 2003

**PART II.A -- APPLICABLE EXEMPTIONS****APPENDICES****C**

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)).

- ☐ 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 procedures 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 253(b), 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.
- ☐ 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 2.790(d)(1).
- ☐ The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.790(d)(2).
- ☒ Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. 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)
- ☐ Exemption 6: The withheld information 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 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 wrongdoing or a violation of NRC requirements from investigators).
- ☐ (C) Disclosure would 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 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).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
Sandy M. Joosten	Executive Assistant, Office of the Secretary	Appendix C		<input checked="" type="checkbox"/>	

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 A  
RECORDS ALREADY PUBLICLY AVAILABLE**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1.	Various	Listing of publicly available records

10182/4620#1

ACN: 9409020106

DATE: 930407

DTC: CM/\*MEMORANDUMS-CORRESPONDENCE

DTC: MEMO/\*INTERNAL OR EXTERNAL MEMORANDUM

EST\_PAGES: 13

L1: FORWARDS COMMENTS ON SECY-93-073 RE PROPOSED EPA STDS FOR

L2: TRU &amp; HLW DISPOSAL AT SITES OTHER THAN YUCCA MOUNTAIN

L3: (NEGATIVE CONSENT).STAFF SHOULD BE COMMENDED FOR SUPERB JOB

L4: IN PROMPTLY PREPARING SUCH HIGH QUALITY COMMENTS.

FICHE: 81123:042-81123.099

PFL: COMMS-NRCC-CORRESPONDENCE940629

REF: WM-11/?

AN#1: CURTISS J R

REFAFFIL: NRCC/@COMMISSIONERS (POST 750119)

AA#1: NRCC/@COMMISSIONERS (POST 750119)

PACKAGE: 940629-9408030066A

OTHER: 9408030066

10182/4392#2

ACN: 9409010183

DATE: 900604

DTC: CM/\*MEMORANDUMS-CORRESPONDENCE

DTC: MEMO/\*INTERNAL OR EXTERNAL MEMORANDUM

EST\_PAGES: 1

L1: APPROVES REG GUIDE &amp; REVISED LSS TOPICAL GUIDELINES PROPOSED

L2: IN SECY-90-187 TO FOCUS ON INFO RELEVANT TO LICENSING HIGH

L3: LEVEL WASTE REPOSITORY AT YUCCA MOUNTAIN.

FICHE: 81122:217-81122:217

PFL: COMMS-NRCC-CORRESPONDENCE940629

REF: WM-11/?

AN#1: CURTISS J R

REFAFFIL: NRCC/@COMMISSIONERS (POST 750119)

AA#1: NRCC/@COMMISSIONERS (POST 750119)

PACKAGE: 940629-9408030066A

OTHER: 9408030066

10182/4369#3

ACN: 9409010161

DATE: 910110

DTC: CM/\*MEMORANDUMS-CORRESPONDENCE

DTC: MEMO/\*INTERNAL OR EXTERNAL MEMORANDUM

EST\_PAGES: 1

L1: AGREES W-RECOMMENDATIONS IN SECY-90-382 RE LONG-TERM USE OF

L2: WASTE ENCAPSULATION &amp; STORAGE FACILITY SOURCES AT COMMERCIAL

L3: IRRADIATORS.COMMISSION SHOULD BE APPRISED OF NOTED STEPS.

L4: OIG SHOULD REVIEW FILE TO ENSURE LESSONS LEARNED ADDRESSED.

FICHE: 81122:187-81122:216

PFL: COMMS-NRCC-CORRESPONDENCE940629

AN#1: CURTISS J R

REFAFFIL: NRCC/@COMMISSIONERS (POST 750119)

AA#1: NRCC/@COMMISSIONERS (POST 750119)

PACKAGE: 940629-9408030066A

OTHER: 9408030066

10176/7515#4

ACN: 9401060048

DATE: 920708

DTC: CM/\*MEMORANDUMS-CORRESPONDENCE  
DTC: MEMO/\*INTERNAL OR EXTERNAL MEMORANDUM  
EST\_PAGES: 4  
L1: POSES QUESTIONS RE REGULATORY REQUIREMENTS FOR HIGH LEVEL  
L2: WASTE RESPOITORY.  
FICHE: 77851:179-77851:182  
PFL: COMMS-NRCC-CORRESPONDENCE931116  
AN#1: CURTISS J R  
REFAFFIL: NRCC/@COMMISSIONERS (POST 750119)  
AA#1: NRCC/@COMMISSIONERS (POST 750119)  
PACKAGE: 931116-9401050001A  
OTHER: 9401050001  
10176/7346#5  
ACN: 9401050481  
DATE: 901219  
DTC: CL/\*CORRESPONDENCE-LETTERS  
DTC: OUT/\*OUTGOING CORRESPONDENCE  
EST\_PAGES: 3  
L1: DISCUSSES REMARKS MADE DURING 901002 HEARING BEFORE  
L2: SUBCOMMITTEE ON NUCLEAR REGULATION OF COMMITTEE ON ENVIRON &  
L3: PUBLIC WORKS RE HIGH LEVEL NUCLEAR WASTE DISPOSAL PROGRAM.  
FICHE: 77850:123-77850:125  
PFL: COMMS-NRCC-CORRESPONDENCE931116  
AN#1: CURTISS J R  
REFAFFIL: NRCC/@COMMISSIONERS (POST 750119)  
AA#1: NRCC/@COMMISSIONERS (POST 750119)  
PACKAGE: 931116-9401050001A  
OTHER: 9401050001  
10176/7285#6  
ACN: 9401050417  
DATE: 921030  
DTC: CM/\*MEMORANDUMS-CORRESPONDENCE  
DTC: MEMO/\*INTERNAL OR EXTERNAL MEMORANDUM  
EST\_PAGES: 3  
L1: RECOMMENDS COMMISSION BE IN POSITION TO INTERACT CLOSELY W-  
L2: NAS W-RESPECT TO HOW ISSUES RE ACCEPTABILITY OF HIGH LEVEL  
L3: WASTE REPOSITORY ADDRESSED.  
FICHE: 77850:068-77850:070  
PFL: COMMS-NRCC-CORRESPONDENCE931116  
AN#1: CURTISS J R  
REFAFFIL: NRCC/@COMMISSIONERS (POST 750119)  
AA#1: NRCC/@COMMISSIONERS (POST 750119)  
PACKAGE: 931116-9401050001A  
OTHER: 9401050001  
10176/6965#7  
ACN: 9401050069  
DATE: 910807  
DTC: CM/\*MEMORANDUMS-CORRESPONDENCE  
DTC: MEMO/\*INTERNAL OR EXTERNAL MEMORANDUM  
EST\_PAGES: 2  
L1: DISCUSSES TECHNICAL & LEGAL IMPLICATIONS OF TECHNOLOGY-BASED  
L2: STD FOR NRC HIGH LEVEL WASTE REPOSITORY LICENSING EFFORTS  
L3: PER REVIEW OF DRAFT EPA HIGH LEVEL WASTE STDS.  
FICHE: 77844:051-77844:062  
PFL: COMMS-NRCC-CORRESPONDENCE931116  
AN#1: CURTISS J R

REFAFFIL: NRCC/@COMMISSIONERS (POST 750119)

AA#1: NRCC/@COMMISSIONERS (POST 750119)

PACKAGE: 931116-9401050001A

OTHER: 9401050001

10176/6928#8

ACN: 9401050026

DATE: 900109

DTC: CM/\*MEMORANDUMS-CORRESPONDENCE

DTC: MEMO/\*INTERNAL OR EXTERNAL MEMORANDUM

EST\_PAGES: 1

L1: REQUESTS THAT ACTION ON SECY-89-319 'IMPLEMENTATION OF EPA

L2: HIGH LEVEL WASTE DISPOSAL STDS ' BE DELAYED UNTIL COMMISSION

L3: HAS HAD OPPORTUNITY TO DISCUSS W-ACNW CONCERNS RAISED & NRC

L4: SUBMITS ANALYSIS OF DOE RECOMMENDATIONS.

FICHE: 77842:215-77842:215

PFL: COMMS-NRCC-CORRESPONDENCE931116

RPT: NACNUCLE

AN#1: CURTISS J R

REFAFFIL: ADVCM-NACNUCLE/@ADVISORY COMMITTEE ON NUCLEAR WASTE

REFAFFIL: NRCC/@COMMISSIONERS (POST 750119)

AA#1: NRCC/@COMMISSIONERS (POST 750119)

PACKAGE: 931116-9401050001A

OTHER: 9401050001

10138/1256#9

ACN: 9204200251

DATE: 920309

DTC: LB/\*LETTER BALLOT, NOMINATION VOTE, COMMISSION VOTING

DTC: VA/\*ARCHIVE RECORDS

EST\_PAGES: 3

L1: POSITIVE NOTATION VOTE RESPONSE SHEET W-COMMENTS RE

L2: SECY 91-415 'PROPOSED AMENDS TO 10CFR20 & 61 ON LOW-LEVEL

L3: WASTE SHIPMENT MANIFEST INFO & REPORTING.'

FICHE: 61378:031-61378:033

PFL: COMMS-NRCC-CORRESPONDENCE920309

RPT: AD33-1-92

FRN: 57FR14500

AN#1: CURTISS J R

REFAFFIL: NRCC/@COMMISSIONERS (POST 750119)

AA#1: NRCC/@COMMISSIONERS (POST 750119)

PACKAGE: 920309-9204200251

10136/3390#10

ACN: 9202120324

DATE: 920108

DTC: LB/\*LETTER BALLOT, NOMINATION VOTE, COMMISSION VOTING

DTC: VA/\*ARCHIVE RECORDS

EST\_PAGES: 8

L1: POSITIVE BALLOT RE SECY-91-394 NOTICE OF PROPOSED RULEMAKING

L2: TO REVISE 10CFR61 'LICENSING REQUIREMENTS FOR LAND DISPOSAL

L3: RADIOACTIVE WASTE.'

FICHE: 60564:333-60564:340

PFL: COMMS-NRCC-CORRESPONDENCE920108

AN#1: CURTISS J R

REFAFFIL: NRCC/@COMMISSIONERS (POST 750119)

AA#1: NRCC/@COMMISSIONERS (POST 750119)

PACKAGE: 920108-9202120324

10134/7147#11

ACN: 9111200241  
DATE: 911021  
DTC: LB/\*LETTER BALLOT, NOMINATION VOTE, COMMISSION VOTING  
DTC: VA/\*ARCHIVE RECORDS  
EST\_PAGES: 6  
L1: NOTATION VOTE APPROVING SECY-91-299 'REVISED COMMENTS ON  
L2: WORKING DRAFT 3 OF EPA HIGH LEVEL WASTE STDS.'  
FICHE: 59783:120-59783:125  
PFL: COMMS-NRCC-CORRESPONDENCE911021  
AN#1: CURTISS J R  
REFAFFIL: NRCC/@COMMISSIONERS (POST 750119)  
AA#1: NRCC/@COMMISSIONERS (POST 750119)  
PACKAGE: 911021-9111200241  
10132/6085#12  
ACN: 9108020041  
DATE: 910725  
DTC: TRAN/\*TRANSCRIPTS, DEPOSITIONS, NARRATIVE TESTIMONY  
DTC: TT/\*LEGAL TRANSCRIPTS & ORDERS & PLEADINGS  
EST\_PAGES: 54  
L1: TRANSCRIPT OF 910725 MEETING W-ADVISORY COMMITTEE ON NUCLEAR  
L2: WASTE IN ROCKVILLE MD RE STORAGE OF HIGH-LEVEL NUCLEAR  
L3: WASTE & SPENT FUEL  
FICHE: 58653:225-58653:281  
PFL: 10CFR--PT9.7-910725  
RPT: NACNUCLE  
REF: 10CFR9.7/?  
AN#1: SELIN I  
AN#2: ROGERS K C  
AN#3: CURTISS J R  
REFAFFIL: ADVCM-NACNUCLE/@ADVISORY COMMITTEE ON NUCLEAR WASTE  
AA#1: NRCC/@COMMISSIONERS (POST 750119)  
AA#2: NRCC/@COMMISSIONERS (POST 750119)  
AA#3: NRCC/@COMMISSIONERS (POST 750119)  
PACKAGE: 910725-9108020041  
10131/6181#13  
ACN: 9106130100  
DATE: 910521  
DTC: LB/\*LETTER BALLOT, NOMINATION VOTE, COMMISSION VOTING  
DTC: VA/\*ARCHIVE RECORDS  
EST\_PAGES: 1  
L1: NOTATION VOTE RESPONSE SHEET APPROVING W-COMMENTS  
L2: SECY-91-115 RE SCOPING STUDY FOR POTENTIAL NEGOTIATED  
L3: RULEMAKING FOR HIGH LEVEL WASTE STDS.  
FICHE: 58110:305-58110:305  
PFL: COMMS-NRCC-CORRESPONDENCE910521  
AN#1: CURTISS J R  
REFAFFIL: NRCC/@COMMISSIONERS (POST 750119)  
AA#1: NRCC/@COMMISSIONERS (POST 750119)  
PACKAGE: 910521-9106130100  
10126/2773#14  
ACN: 9009170158  
DATE: 900720  
DTC: LB/\*LETTER BALLOT, NOMINATION VOTE, COMMISSION VOTING  
DTC: VA/\*ARCHIVE RECORDS  
EST\_PAGES: 11  
L1: APPROVED & DISAPPROVED BALLOT IN PART W-COMMENTS RE

L2: SECY-90-162 ON EPA DRAFT HIGH LEVEL WASTE DISPOSAL STDS.  
FICHE: 55231:264-55231:274  
PFL: COMMS-NRCC-CORRESPONDENCE900720  
AN#1: CURTISS J R  
REFAFFIL: NRCC/@COMMISSIONERS (POST 750119)  
AA#1: NRCC/@COMMISSIONERS (POST 750119)  
PACKAGE: 900720-9009170158  
10124/6221#15  
ACN: 9006220329  
DATE: 900330  
DTC: LB/\*LETTER BALLOT, NOMINATION VOTE, COMMISSION VOTING  
DTC: VA/\*ARCHIVE RECORDS  
EST\_PAGES: 1  
L1: APPROVED BALLOT W-COMMENTS RE SECY-90-098 ON 890315 BRIEFING  
L2: ON ACCEPTANCE BY DOE OF GREATER THAN CLASS C WASTE.RELIABLE  
L3: SYS MUST BE IN PLACE PRIOR TO DOE RECEIPT OF WASTES TO  
L4: TRACK ALL WASTES ACCEPTED BY DOE FOR DISPOSAL.  
FICHE: 54280:208-54280:208  
PFL: COMMS-NRCC-CORRESPONDENCE900330  
AN#1: CURTISS J R  
REFAFFIL: NRCC/@COMMISSIONERS (POST 750119)  
AA#1: NRCC/@COMMISSIONERS (POST 750119)  
PACKAGE: 900330-9006220329  
D END  
15 HITS



**APPENDIX B  
RECORDS BEING RELEASED IN THEIR ENTIRETY**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	9/17/90	Remarks by James Curtiss at the Symposium on Radioactive Waste Repository Licensing National Academy of Sciences National Research Council (10 pages)
2.	9/26/90	Memorandum for J Taylor from J Curtiss, Subject: Draft Testimony for the October 2, 1990 Hearing of the Federal Program for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste (3 pages)
3.	9/20/90	Congressional Record (4 pages)
4.	10/18/90	Note to Jim from Janet, Subject: Text of Your Remarks at the NAS Symposium (11 pages)
5.	7/8/92	Memorandum for J Taylor from J Curtiss, Subject: Questions Concerning Regulatory Requirements for High-Level Waste Repository (4 pages)
6.	6/16/93	Remarks by James Curtiss at the Safewaste '93 International Conference Safe Management and Disposal of Nuclear Waste (6 pages)
7.	12/14/92	*Briefing Book, Yucca Mountain Site Tour, James R. Curtiss (188 pages) (101 pages released, 86 pages of newspaper articles)

**APPENDIX C  
RECORDS WITHHELD IN THEIR ENTIRETY**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u></b>
1.	9/26/90	Note to JRC, et al., from Ann (1 page) (outside scope) attaching draft (2 pages) <b>Outside Scope and Ex. 5</b>