

# EGAN, FITZPATRICK & MALSCH, PLLC

Counselors at Law

7918 Jones Branch Drive • Suite 600  
McLean, Virginia 22102  
Tel: (703) 918-4942  
Fax: (703) 918-4943

www.nuclearlawyer.com

1777 N.E. Loop 410 • Suite 600  
San Antonio, Texas 78217  
Tel: (210) 820-2667  
Fax: (210) 820-2668

Joseph R. Egan  
jegan@nuclearlawyer.com

Charles J. Fitzpatrick  
cfitzpatrick@nuclearlawyer.com

Martin G. Malsch  
mmalsch@nuclearlawyer.com

January 12, 2004

### FOIA/PA REQUEST

Case No.	2004-0093
Date Rec'd.	1-12-04
Action Off.	Paul
Related Case:	

VIA FACSIMILE

FOIA/Privacy Act Officer  
U.S. Nuclear Regulatory Commission  
Mail Stop T-6 D8  
Washington, D.C. 20555-0001

Re: Freedom of Information Act — Request for Documents

To Whom It May Concern:

Pursuant to the Freedom of Information Act ("FOIA"), 55 U.S.C. 552, we hereby request copies of all relevant documents<sup>1</sup> in your possession, custody, or control created between January 1, 1987 and the present, and meeting the following descriptions (attached for your information and facilitation of your response is an October 1988 internal United States Nuclear Regulatory Commission ("NRC") memorandum reflecting NRC's commitment to meet with the United States Air Force ("USAF") and the United States Department of Energy ("DOE") to discuss NRC concerns or restrictions on overflights of the repository or transportation routes):

1. Communications between or among USAF, NRC, and/or DOE discussing or relating to NRC concerns regarding overflights by USAF aircraft over the proposed Yucca Mountain repository.
2. Communications between or among USAF, NRC, and/or DOE discussing or relating to any possible restrictions on overflights by USAF aircraft over the proposed Yucca Mountain repository.
3. Communications between or among USAF, NRC, and/or DOE discussing or relating to NRC concerns regarding overflights of transportation routes of nuclear waste being transported to a potential Yucca Mountain repository.
4. Communications between or among USAF, NRC, and/or DOE discussing or relating to any possible restrictions on overflights of transportation routes of nuclear waste being transported to a potential Yucca Mountain repository.

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5. All agreements or draft agreements between or among USAF, NRC, and/or DOE relating in any way to the number or type of aircraft that in the future may fly in or out of Nellis Air Force Base, Nevada, and which could in any way affect or impact the proposed nuclear waste repository site at Yucca Mountain, Nevada.
6. All agreements or draft agreements between or among USAF, NRC, and/or DOE relating in any way to what flight path or course will be flown by any aircraft which will in the future fly in or out of Nellis Air Force Base, Nevada, and which could in any way affect or impact the proposed nuclear waste repository site at Yucca Mountain, Nevada.
7. All Memoranda of Understanding ("MOUs") or draft MOUs between or among USAF, NRC, and/or DOE relating in any way to the number or type of aircraft which will in the future fly in or out of Nellis Air Force Base, Nevada, and which could in any way affect or impact the proposed nuclear waste repository site at Yucca Mountain, Nevada.
8. All MOUs or draft MOUs between or among USAF, NRC, and/or DOE relating in any way to what flight path or course will be flown by any aircraft which will in the future fly in or out of Nellis Air Force Base, Nevada, and which could in any way affect or impact the proposed nuclear waste repository site at Yucca Mountain, Nevada.
9. All correspondence between or among USAF, NRC, and/or DOE relating in any way to the number or type of aircraft which will in the future fly in or out of Nellis Air Force Base, Nevada, and which could in any way affect or impact the proposed nuclear waste repository site at Yucca Mountain, Nevada.
10. All correspondence between or among USAF, NRC, and/or DOE relating in any way to what flight path or course will be flown by any aircraft which will in the future fly in or out of Nellis Air Force Base, Nevada, and which could in any way affect or impact the proposed nuclear waste repository site at Yucca Mountain, Nevada.

This request is made on behalf of the State of Nevada.

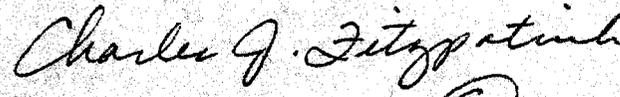
The requesting party is willing to pay up to a total amount of \$1,000 for search time and document copying costs without the necessity for further approval. The requesting party has specifically made this request as narrow as possible in order to facilitate expeditious and timely response by DOE.

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Thank you for your prompt attention to this request. If you have any questions, please contact me at 210-820-2667.

Sincerely,



Charles J. Fitzpatrick



CJF:sm

Enclosure

cc: Joseph R. Egan, Esq. (via fax)  
Mr. Robert R. Loux (via fax)

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1. "Documents," in this regard, should be given the broadest possible interpretation, to include, without limitation, all electronic documents and hard copies, tapes, CD-ROMs, notes, letters, papers, books, reports, graphics, studies and files, together with any associated compilations.



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

OCT 16 1988

NOTE TO: R. E. Browning, Director, DHLWM  
FROM: J. J. Linehan, Chief, HLPM  
RE: OCTOBER 4, 1988 DISCUSSIONS WITH R. STEIN, DOE/HQ

On October 4, 1988 R. Stein stopped in at the White Flint on his way home from work to drop off material. B. J. Youngblood and I discussed the following items with Stein:

- ESF Open Item meeting - confirm purpose of meeting. Possibly move the dates up or back one day.
- Status of NRC review of SAND85-0598, "Analyses to Evaluate the Effect of Exploratory Shafts on Repository Performance at Yucca Mountain."
- NRC committed to propose a date, by October 12, 1988, for meeting with the Air Force and DOE to discuss NRC concerns or restrictions on overflights of the repository or transportation routes.

*J. J. Linehan*  
J. J. Linehan, Chief, HLPM

cc: T. Combs, GPA  
R. Loux, State of Nevada  
R. Stein, DOE/HQ

*Can you know status of?*

*Bo*

RECEIVED  
OCT 28 1988  
NUCLEAR WASTE PROJECT OFFICE