



FOIA/PA REQUEST
Case No.: 2006-0231
Date Rec'd: 6-27-06
Specialist: Pool
Related Case: _____

A PROFESSIONAL CORPORATION
SUITE 5200 WASHINGTON MUTUAL TOWER 1201 THIRD AVENUE SEATTLE, WA 98101-3071
206.340.1000 800.423.1950 206.621.8783 FAX www.cozen.com

June 19, 2006

Doug Tuffley
Direct Phone 206.373.7206
Direct Fax 866.240.3746
dtuffley@cozen.com

**VIA CERTIFIED MAIL – RETURN
RECEIPT REQUESTED**

NRC Freedom of Information Act and Privacy
Act (FOIA/PA Officer)
US Nuclear Regulatory Commission
Mail Stop T6-D8
Washington, D.C. 20555-0001

Dear FOIA/PA Officer:

This request for records is being made under the Federal Freedom of Information Act, 5 U.S.C. §552 *et seq.* and the administrative rules and regulations promulgated thereunder. Please provide a copy of the following records:

1. Beginning in 1960 and continuing through 1990, the AEC/NRC regulations Title 10, Parts 20.303, "Disposal By Release Into Sanitary Sewer Systems," read in part: "No licensee shall discharge like material into a sanitary sewerage system unless: (a) It is readily soluble or dispersible in water." Please provide:
 - a. A copy of the original Advance Notice of Proposed Rulemaking that preceded the adoption of this regulation;
 - b. A copy of the Federal Register Notice of Adoption of this regulation;
 - c. A copy of any references, reports, technical studies, memoranda, and other documents referred to in the Notice that dealt in any way with the concept of "dispersible in water";
 - d. If there was a formal Docket created before this regulation was adopted, please provide the index to that Docket as well as the Docket number; and
 - e. If there was a Docket established prior to entering of the division of that regulation (now identified as Title 10, Part 20.2003), please provide the index to that Docket as well as any NRC references, reports, technical memoranda and

other documents that were used in developing the proposed change and the final rule adopted in the revision of Part 20.303 to the current Part 20.2003.

2. Please provide a copy of NUREG/CR-1775, dated 1980. This may also be known as Environmental Assessment of Consumer Product Containing Radioactive Material, by Buckley, D.W., R. Belanger, TE Martin, k. Nicholow, and J.D. Swenson, dated October 1, 1980, and prepared by Science Application, Inc. with their number 01380-469, LJ/f.
3. In the Federal Register Volume 46, No. 205, dated Friday, October 23, 1981 at pages 52061-63, NRC published a notice (the "Notice") titled Disposal or On-Site Storage of Thorium or Uranium Waste From Past Operations. On page 52061, the Notice states that the options presented for interim use and public comment "are contained in a Branch Technical Position. . . by the Uranium Fuel Licensing Branch Division of Fuel Cycle and Material Safety, Office of Nuclear Materials Safety and Safeguards." Section II of the Notice, titled "Branch Technical Position" and beginning on page 52061 presents "five acceptable options for disposal or on-site storage of thorium and uranium contaminated wastes." Page 52062 states "the analysis upon which the Branch Technical Position is based is available . . ." (the "Analysis"). Please provide:
 - a. Any documentation that confirms that Section II of the Notice is in fact the full and complete Branch Technical Position or, in the alternative, provide the full and complete text of the Branch Technical Position, including references, appendices, transmittal memoranda, and all other related documents;
 - b. The Analysis that provided the basis for the Branch Technical Position;
 - c. Any and all NRC publications, documents, internal memoranda, etc. that are cited, quoted from, or otherwise referenced in the Analysis; and
 - d. Any documents and any other information describing the process that resulted in the development of the Branch Technical Position and the Analysis on which it is based. For example, if there was a formal docket created in advance of the publication of the Notice, please provide: an index of the documents in the docket; date, locations, agenda, and transcripts for any hearings, public meetings, etc. associated with the docket; and the current location where the docket can be reviewed.
4. On December 17, 1982 Marshall Parrott, Manager of the Radiation Control Section of the State of Oregon Health Division sent a letter to Joel Lubenau at NRC Headquarters (copy enclosed with bates stamp ODE 00064-00066). The NRC's Donald A. Nussbauer responded to that letter on February 3, 1982. Please provide a copy of any internal memoranda, reports, etc. that were prepared by the NRC in response to Dr. Parrott's letter that were not sent to Dr. Parrott.
5. Please provide a copy of NUREG/CR-5814, dated May 1992, titled Evaluation of Exposure Pathways to Man from Disposal of Radioactive Materials into Sanitary Sewer System. This publication may also be attributed to Pacific Northwest Laboratory.

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6. Please provide a copy of NUREG/CR-6289, dated December 1994, titled Reconcentration of Radioactive Materials Released into Sanitary Sewers in Accordance with 10 CFR Part 20.
 7. If not included in the documents provided in response to the earlier request, please provide a complete copy of SECY 81-576.

If you have any records or documents responsive to this FOIA request, please contact: Doug Tuffley (206-373-7206, dtuffley@cozen.com), Jennifer Artiss (206-373-7242, jartiss@cozen.com), or paralegal Kish Lindberg (206-224-1269, klindberg@cozen.com) to let us know the volume of available materials and an estimated cost and time for duplication, or, alternatively, to schedule a mutually convenient time to review those documents at their storage location.

Thank you for your consideration of this request. Please call with any questions.

Very truly yours,

COZEN O'CONNOR


Doug Tuffley

DT/lrh
Enclosure



Department of Human Resources

HEALTH DIVISION

1400 S.W. 5th AVENUE, PORTLAND, OREGON 97201 PHONE 229-5797

December 17, 1982

RECEIVED
DEC 27 1982
DEPT. OF ENERGY

Joel Lubenau
Office of Asst. Director for State
Agreements Program
Office of State Programs
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Joel,

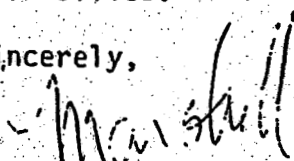
The State of Oregon requests your assistance in the evaluation of an apparent problem encountered as outlined in the enclosed letter.

It is particularly important that the information be treated confidentially. As you know, the State of Oregon has a Memorandum of Understanding with NRC regarding certain security plans for the Trojan Nuclear Power Plant. I would appreciate reciprocal recognition of that Memorandum of Understanding in this case. The material utilized is a company trade secret, and I believe can be excluded from public disclosure by you under our mutually agreed to Memorandum of Understanding.

We are seeking your opinion on the possibility of our not continuing to be in concert with the NRC relative to our state's position as it pertains to the disposal of certain radioactivity; this question arises as a result of one of your technical position papers of July, 1981.

The enclosed letter speaks to our concerns. We would like to know if continued authorization of the outlined disposal practice would cause any concerns by your office.

Sincerely,


Marshall W. Parrott, Sc.D.
Manager
Radiation Control Section

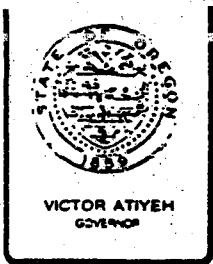
MWP:ng

Enclosure

ODE 00064

AN EQUAL OPPORTUNITY EMPLOYER

Mailing Address: P.O. Box 231, Portland, Oregon 97207

*Department of Human Resources***HEALTH DIVISION**

1400 S.W. 5th AVENUE, PORTLAND, OREGON 97201 PHONE: 229-5797

April 14, 1981

George Bissonette
Radiation Safety Officer
Precision Castparts Corp.
4600 S.E. Harney Drive
Portland, Oregon 97206

Mr. Bissonette:

As you know, the final report detailing an independent evaluation of NORM waste disposal practices in Oregon performed by Science Applications, Inc., has been released. As a result of Health Division staff review of this document, and information compiled by our staff, there are some items concerning Precision Castparts Corp., past and current procedures that need to be addressed. These items concern practices subject to state regulatory control.

You are required to advise this office of your position and any corrective actions you will take if necessary, on the following items by Friday, May 8, 1981.

- (1) Please provide us with any information you have on what radioactive material, if any, may have been delivered to the Arlington waste disposal site for burial.
- (2) Support your position that incidental disposal of NORM by release to the sanitary sewer system is in compliance with the Section C.303 of Oregon Regulations for the Control of Radiation.
- (3) Evaluate your solid waste disposal practices in light of the Oregon Department of Energy rules on burial of radioactive material. Specifically, does your solid waste stream meet the requirements of the pathway exemption limit of 57 microrem per hour net, measured 3-feet above the ground? This is to be measured at your landfill disposal site, averaged over the entire affected area, without shielding benefit of overburden.
- (4) Evaluate the current flooding dispersal risks posed by your NORM storage procedures.

ODE 00065

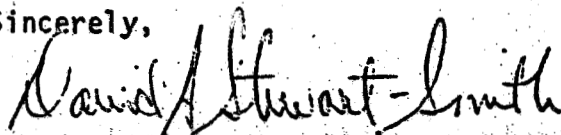
AN EQUAL OPPORTUNITY EMPLOYER

Mailing Address: P.O. Box 231, Portland, Oregon 97207
EMERGENCY PHONE (503) 229-5599

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George Bissonette
Radiation Safety Officer

Should you have any questions regarding these items or
our requirements of you, please contact either Mr. David
Wagstaff or me.

Sincerely,



David A. Stewart-Smith
Radiation Specialist
Radiation Control Section

DASS:bjv

ODE 00066