



2018-000259

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**RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST**RESPONSE
TYPE☐

INTERIM

☒

FINAL

REQUESTER:

Charles Fitzpatrick

DATE:

08/03/2018

DESCRIPTION OF REQUESTED RECORDS:

All documents relating to Final Rule 10 C.F.R. 63 and its preparation or promulgation generated or received by NRC or any NRC consultant or contractor during the relevant period, including, but not limited to, all interactions or exchanges with EPA or DOE or any consultants or contractors of either of those agencies.

PART I. -- INFORMATION RELEASED

- ☒ The NRC has made some, or all, of the requested records publicly available through one or more of the following means: (1) <https://www.nrc.gov>; (2) public ADAMS, <https://www.nrc.gov/reading-rm/adams.html>; (3) microfiche available in the NRC Public Document Room; or FOIA Online, <https://foiaonline.regulations.gov/foia/action/public/home>.
- ☒ 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 Part I.D -- Comments) for a disclosure determination and direct response to you.
- ☐ We are continuing to process your request.
- ☒ See Part I.D -- Comments.

PART I.A -- FEES

AMOUNT

☐

You will be billed by NRC for the amount indicated.

☐

You will receive a refund for the amount indicated.

☐

Fees waived.

☐

Since the minimum fee threshold was not met, you will not be charged fees.

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Due to our delayed response, you will not be charged search and/or duplication fees that would otherwise be applicable to your request.

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

- ☐ We did not locate any agency records responsive to your request. *Note:* Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). See 5 U.S.C. 552(c). This is a standard notification given to all requesters; it should not be taken to mean that any excluded records do, or do not, exist.
- ☐ We have withheld certain information pursuant to the FOIA exemptions described, and for the reasons stated, in Part II.
- ☐ Because this is an interim response to your request, you may not appeal at this time. We will notify you of your right to appeal any of the responses we have issued in response to your request when we issue our final determination.
- ☒ You may appeal this final determination within 90 calendar days of the date of this response. If you submit an appeal by mail, address it to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Mail Stop T-2 F43, Washington, D.C. 20555-0001. You may submit an appeal by e-mail to FOIA.resource@nrc.gov. You may fax an appeal to (301) 415-5130. Or you may submit an appeal through FOIA Online, <https://foiaonline.regulations.gov/foia/action/public/home>. Please be sure to include on your submission that it is a "FOIA Appeal."

PART I.C -- REFERENCES AND POINTS OF CONTACT

You have the right to seek assistance from the NRC's FOIA Public Liaison by submitting your inquiry at <https://www.nrc.gov/reading-rm/foia/contact-foia.html>, or by calling the FOIA Public Liaison at (301) 415-1276.

If we have denied your request, you have the right to seek dispute resolution services from the NRC's Public Liaison or the Office of Government Information Services (OGIS). To seek dispute resolution services from OGIS, you may e-mail OGIS at ogis@nara.gov, send a fax to (202) 741-5789, or send a letter to: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. For additional information about OGIS, please visit the OGIS website at <https://www.archives.gov/ogis>.



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PART I.D -- COMMENTS

We reached out to the office of Nuclear Material Safety & Safeguards (NMSS) requesting any records responsive to your request.

NMSS staff provided two "Regulatory History" documents, which list the records that were central to the rule-making. The regulatory history for the final rule can be found on public ADAMS as ML091270476. The regulatory history for the proposed rule is enclosed. Except as noted below, the documents listed in these regulatory history documents -- which comprise all of the records responsive to your request -- are available in public ADAMS. Records with an ML Accession number are publicly available in the NRC's public electronic reading room at <https://www.nrc.gov/reading-rm.html>. If you need assistance obtaining these records, please contact the NRC's public document room at 301-415-4737 or 1-800-397-4209 or by email to PDR.Resource@nrc.gov.

The two EPA documents can be found at the following websites: <https://www.nrc.gov/docs/ML1015/ML101590169.pdf> and <https://www.regulations.gov/document?D=EPA-HQ-OAR-2005-0083-0085>.

As we discussed, with respect to the five copyrighted documents listed in the regulatory histories, you agreed to locate them yourself. They may be located at, or through, the copyright holders' websites:

1. "Ground Water at Yucca Mountain: How High Can It Rise?" is available for "free PDF download" at this website: <https://www.nap.edu/catalog/2013/ground-water-at-yucca-mountain-how-high-can-it-rise>.
2. "Technical Bases for Yucca Mountain Standards" is available for "free PDF download" at this site: <https://www.nap.edu/catalog/4943/technical-bases-for-yucca-mountain-standards>.
3. Tim McCartin's "Regulatory Perspective on Implementation of a Dose Standard for a One-Million Year Compliance Period, Proceedings of the Materials Research Society Fall Meeting" can be found within "Scientific Basis for Nuclear Waste Management XXX". This article can be requested from Cambridge through this website: <http://www.cambridge.org/about-us/rights-permissions/permissions/permissions-requests> or you may purchase it through Amazon at this website: <https://www.amazon.com/Scientific-Basis-Nuclear-Waste-Management/dp/1558999426>.
4. "Highest Pluvial-Lake Shorelines and Pleistocene Climate of the Western Great Basin" can be found at this website: http://www.science.earthjay.com/instruction/HSU/2017_spring/GEOL_110/reading/Reheis_1999_highest_pleistocene_lakes_western_great_basin.pdf.
5. "Late Pleistocene and Holocene groundwater recharge from the chloride mass balance method and chlorine-36 data" can be found at this website: <https://agupubs.onlinelibrary.wiley.com/doi/full/10.1029/2003WR001987>.

Signature - Freedom of Information Act Officer or Designee

Stephanie A. Blaney

Digitally signed by Stephanie A. Blaney

Date: 2018.08.03 14:11:51 -04'00'



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 17, 2006

RECEIVED

2006 JAN 19 PM 6:00

RULES / DIRECTIVES
BRANCH
JAN 19 2006

MEMORANDUM TO: Michael T. Lesar, Chief
Rules and Directives Branch
Division of Administrative Services
Office of Administration

FROM: Frank P. Cardile
Rulemaking and Guidance Branch
Division of Industrial and
Medical Nuclear Safety, NMSS

A handwritten signature in dark ink, appearing to read "F. Cardile", is written over the typed name and title of the sender.

SUBJECT: REGULATORY HISTORY INDEX - PROPOSED RULE -
IMPLEMENTATION OF A DOSE STANDARD AFTER 10,000
YEARS (10 CFR PART 63)

Attached is the regulatory history index of those documents of central relevance to the subject rulemaking. As appropriate, the ADAMS Accession Number is provided for each document or package (two documents are entered with the identification number for the Licensing Support Network, LSN, for Yucca Mountain, and two documents are identified but are not in ADAMS due to copyright restrictions). This rulemaking proposed revisions to the regulations in 10 CFR Part 63 to make it consistent with the U.S. Environmental Protection Agency's proposed revisions to its standards for Yucca Mountain, which specify an individual dose limit for the period after 10,000 years. The title of the proposed rule was "Implementation of a Dose Standard After 10,000 Years" and was published in the Federal Register on September 8, 2005 (70 FR 53313).

Enclosure: Regulatory History Index

CONTACT: Frank Cardile, NMSS/IMNS
(301) 415-6185

Regulatory History for Proposed Rule - 10 CFR Part 63
Implementation of a Dose Standard After 10,000 Years
(70 FR 53313; September 8, 2005)
RIN: 3150-AH-68

Accession Number	Date of Status	Title/Description	Author Names	Author Affiliations
ML052130091	07/29/05	Review and Concurrence Memorandum: Proposed Rule 10 CFR Part 63	Miller, CL	NRC/NMSS/IMNS
ML060090379	07/29/05	Draft SECY paper	Reyes, LA	NRC/EDO
ML060090390	07/29/05	Attachment 1 to draft SECY paper: Draft Federal Register Notice	Vietti-Cook, AL	NRC/SECY
ML060090395	07/29/05	Attachment 2 to draft SECY paper: Draft Regulatory Analysis	Chang, L	NRC/NMSS/IMNS
ML052130321	08/02/2005	Memo to C. Miller from M. Lesar Re: Concurrence on proposed Part 63	Lesar, MT	NRC/ADMIN
ML052100024	08/10/2005	SECY-05-0144, Memo to The Commissioners from Luis A. Reyes (EDO) Re: Proposed Rule Part 63 (RIN 3150-AH68)	Reyes, LA	NRC/EDO
ML052100031	08/10/2005	SECY-05-0144, Attachment 1, Federal Register Notice for proposed Part 63	Reyes, LA	NRC/EDO
ML052100028	08/10/2005	SECY-05-0144, Attachment 2, Draft Regulatory Analysis for proposed Part 63	Chang, L & McCartin, T	NRC/NMSS
ML052420059	08/30/2005	SRM-SECY-05-0144, Memo from Annette Vietti-Cook to Luis A. Reyes	Vietti-Cook, AL	NRC/SECY
ML052430054	08/30/2005	Commission Voting Record	Vietti-Cook, AL	NRC/SECY

ML052410041	08/30/2005	Memo to M. Lesar and P. Lohaus from S. Moore: Proposed Rule Package, Implementation of August 30, 2005, SRM	Moore, SW	NRC/NMSS/IMNS/RGB
ML052410050	09/01/2005	Federal Register notice for Proposed Part 63	Vietti-Cook, AL	NRC/SECY
ML052420436	08/30/2005	Draft Regulatory Analysis for proposed Part 63	Chang, L	NRC/IMNS/RGB
ML052150020	09/07/2005	Congressional letter to Honorable Ralph Hall and George Voinovich, Re: Proposed Part 63	Outlaw, W	NRC/OCA
ML060090402	01/06/06	Regulatory History for Proposed Rule - 10 CFR Part 63	Cardile, F	NRC/IMNS
ML041350316	03/31/2004	Technical Report: System-Level Performance Assessment of Proposed Repository at Yucca Mountain using TPA Version 4.1 Code	Codell, R, et al	NRC/NMSS/DHLWRS
DEN0011320417 (LSN ID number)	1999	U.S. Geological Survey Open File Report 99-338. Quantitative Paleoclimatic Reconstructions from Late Pleistocene Plant Macrofossils of the Yucca Mountain Region	Thompson, R, et al	U.S. Geological Survey
DEN001331654 (LSN ID number)	03/14/2002	DOE Civilian Radioactive Waste Management Technical Report: Future Climate Analysis - 10,000 years to 1,000,000 Years After Present	Sharpe, S	Desert Research Institute
Copyright material	1999	Quaternary Research Journal Article: Highest Pluvial-Lake Shorelines and Pleistocene Climate of the Western Great Basin Volume 52 pages 196-205	Reheis, M	U.S. Geological Survey

Copyright material	2003	Water Resources Research Journal Article: Late Pleistocene and Holocene Groundwater Recharge from the Chloride Mass Balance Method and Chlorine-36 Data Volume 39, Number 7, 1182	Winterle, J, et al	Center for Nuclear Waste Regulatory Analyses
ML060130122	1/17/06	Regulatory History Index for Proposed Rule 10 CFR Part 63 - Implementation of a Dose Standard After 10,000 Years (RIN: 3150-AH-68)	Frank Cardile	NRC/NMSS/IMNS



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 13, 2005

MEMORANDUM TO: Timothy McCartin, DHLWRS/NMSS

FROM: Doris Mendiola, RDB/DAS/ADM *[Signature]*

SUBJECT: REGULATORY HISTORY PROCEDURES - PROPOSED RULE:
IMPLEMENTATION OF A DOSE STANDARD AFTER 10,000 YEARS
(10 CFR PART 63 - AH68)

In a memorandum dated March 24, 2000 (copy attached), the Executive Director for Operations established procedures for ensuring that a complete regulatory history is compiled for each rulemaking action undertaken by an office under his purview. Briefly, these procedures require that--

Documents of central relevance to a rulemaking be maintained, and identified for a source of access; and

An index of documents comprising the regulatory history be developed and submitted to the Rules and Directives Branch (RDB) within 60 days after the rulemaking is completed.

The rulemaking that is amending its regulations governing the disposal of high-level radioactive wastes in a proposed geologic repository at Yucca Mountain, Nevada, was published on September, 8, 2005 (70 FR 53313).

The Regulatory History should be created in ADAMS. All documents currently in WordPerfect should be transferred to ADAMS. In the profile of each document related to the Regulatory History, use the Regulation Identifier Number (RIN) as the Case/Reference Number. This will make it easier to combine all the documents into a folder under ADAMS. For help in creating this folder, contact the ADAMS helpline at 415-1234.

Please prepare an index of all the documents included in this folder and forward the completed index to the RDB (T6-D59) by December 13, 2005. This index should also be included in the Regulatory History. In your transmittal memorandum to RDB, please include the title of the rule, the complete Federal Register citation, and a listing of all parts affected by the document.

Check all attachments to each document to ensure that no documents to be withheld are inadvertently released. SECY Papers concerning rulemaking issues are generally released to the public. The Staff Requirements Memorandum (SRM) generally contains instructions from SECY that indicate when and if a SECY Paper, the SRM, and Commission vote sheets may be made available to the public. Any questions concerning the release of any SECY Paper, SRM, or Commissioner vote sheet must be coordinated with the Office of the Secretary. Commission vote sheets may be released to the public if so stated on the vote sheet.

If you cannot meet the December 13, 2005, deadline, please let me know. If you have any questions call me at 415-6297.

Attachment: As stated

Distribution:

RDB RDG
RDB SUBJECT
DMENDIOLA (AH68)
MLESAR

RDB:DAS:ADM
DMENDIOLA
10 / 13 / 05

A handwritten signature in dark ink, appearing to be "Dre", is written over the typed name "DMENDIOLA".

OFFICIAL RECORD COPY