



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

PDR
010

OCT 18 1984

Mr. David Berick, Director
Nuclear Waste and Safety Project
Environmental Policy Institute
218 D Street, SE
Washington, DC 20003

IN RESPONSE REFER
TO FOIA-84-709

Dear Mr. Berick:

This is in further response to your letter dated August 29, 1984, in which you requested, pursuant to the Freedom of Information Act (FOIA), nine categories of documents concerning uranium mill tailings regulations.

The documents listed on Appendix Q are being placed in the NRC Public Document Room (PDR), 1717 H Street, NW, Washington, DC. You may obtain access by presenting a copy of this letter or by requesting PDR folder FOIA-84-709 in your name.

Portions of the documents listed on Appendix R and all of the documents listed on Appendix S are being withheld from public disclosure pursuant to Exemption (5) of the FOIA (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations. The information withheld consists of handwritten notes, drafts and/or predecisional advice, opinions and recommendations. Because the deleted information reflects the predecisional process of the agency, it is exempt from mandatory disclosure. Release of this information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. The nonexempt portions of the documents listed on Appendix R are being placed in the PDR. There are no reasonably segregable factual portions of the Appendix S documents because release of the facts would permit an indirect inquiry into the predecisional process of the agency.

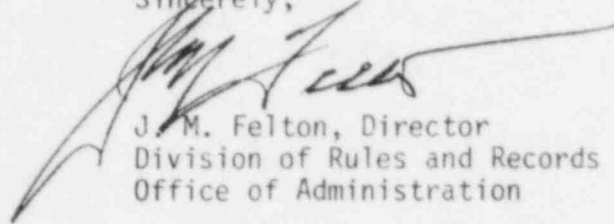
Pursuant to 10 CFR 9.15 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure and that its production or disclosure is contrary to the public interest. The person responsible for this denial is Mr. John Hoyle, Assistant Secretary of the Commission.

This denial may be appealed to the Secretary of the Commission within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

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The review of additional documents is continuing. As soon as our review is completed, we will notify you.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. M. Felton", with a long, sweeping horizontal line extending to the right.

J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosures: As stated

APPENDIX Q

1. 01/04/83 Memo for Dircks from Roberts, subject: Uranium Mill Tailings Regulations (1 page)
2. 03/06/84 Memo for Palladino and Commissioners from Dircks, subject: Uranium Mill Tailings (3 pages)
3. 03/23/84 Memo for Chilk from Roberts, subject: Staff Requirements Memorandum, dated January 1, 1983 re: SECY-83-450 - United Nuclear Corp. v. U.S. EPA, et.al. Civ. No. 83-1602C, D.N.M. (2 pages)
4. 03/29/84 Note to Commissioner Asselstine from Dircks, w/enclosures: 03/27/84 Memo Re: Respective Agency Authorities Under the Atomic Energy Act, as Amended, Summary. (30 pages)
5. 04/30/84 Memo for Palladino from Roberts, subject: Uranium Mill Tailings: Comments on Part 3 and MOU (1 page)

APPENDIX R

1. 01/27/83 Memo for Commission from J.F. Ahearne, "Mill Tailings Meeting." (1 page)
2. 06/30/83 Memo for Dircks from Chilk, "SECY-83-195 - Staff Comments on EPA's Proposed Standards for Uranium and Thorium Mill Tailings at Licensed Commercial Processing Sites" (1 page)
3. 11/03/83 SECY-83-450, "United Nuclear Corp. ET AL. v. U.S. EPA, ET AL., CIV. No. 83-1602C, 8.N.M. (47 pages)
4. 12/07/83 Memo for Comm. Asselstine from Chilk, "Uranium Mill Tailings Regulations" (1 page) w/attachments:
 - A. 12/2/83 COMJA-83-8, memo from Chilk to Dircks, "Uranium Mill Tailings Regulations," w/handwritten notes (1 page)
 - B. 12/7/83 COMJA-83-8, memo from Chilk to Asselstine, "Uranium Mill Tailings Regulations," w/handwritten notation (1 page)
 - C. 12/2/83 COMJA-83-8 Memo from Chilk to Asselstine, "Uranium Mill Tailings Regulations," w/handwritten notes (1 page)
 - D. 10/14/83 COMJA-83-8 memo from Asselstine to Cmrs., "Uranium Mill Tailings Regulations," w/handwritten notes (1 page)
 - E. 12/2/83 COMJA-83-8 memo from Chilk to Dircks, "Uranium Mill Tailings Regulation." (2 pages)
 - F. 10/14/83 COMJA-83-8 memo from Asselstine to Cmrs., "Uranium Mill Tailings Regulations," w/handwritten notes of N. Shimer (1 page)
 - G. 10/14/83 COMJA-83-3 memo from Asselstine to Cmrs., "Uranium Mill Tailings Regulations," w/handwritten vote of T. Roberts (1 page)
5. 04/26/84 Memo for Davis from Browning, "Ruckelshaus Meeting Package" (1 page) with attached "Outline for Meeting with Ruckelshaus" (10 pages) w/ listed enclosures

APPENDIX S

1. Undated Notes of J.K. Asselstine on draft ltrs to Udall and Simpson regarding relationship of NRC and EPA in uranium mill tailings program (5 pages)
2. Undated Notes of J.K. Asselstine on "Draft Tentative Recommendations from NRC Deliberations on April 19, 1984 Regarding an Overall Course of Action for Resolution of Mill-Tailings Issues Before the Commission."
3. 12/28/83 SECY-83-523, "Proposed Amendments to Uranium Mill Tailings Regulations," from Dircks to Cmrs., (6 pages)
 - A. Draft Federal Register notice of Proposed Rulemaking (30 pages)
 - B. Draft Federal Register notice of Advanced Notice of Proposed Rulemaking (8 pages)
 - C. Draft Public Announcement - Not Part of Paper forwarded to Commissioners at later date
 - D. Draft letters to Congress transmitting draft Federal Register notices (3 pages)
4. 04/06/84 Pre-NRC/EPA Meeting Briefing (13 pages)
5. 04/12/84 Memo for Commission, EDO, OGC and OPE from Palladino, "Uranium Mill Tailings" (2 pages)
6. 04/13/84 Conclusions and agreements reached between NRC/EPA Representatives (Charles S. Carter, Assistant General Counsel, EPA)
7. 04/20/84 Memo for Commission from Palladino, "Tentative Recommendations Concerning Mill Tailings Resulting from Meeting on April 19, 1984." (7 pages)
8. 04/30/84 Memo for Commission from Palladino, "Recommendations Concerning Mill Tailings." (9 pages)
9. 05/09/84 Memo to Commission from Palladino, "Meeting with Administrator Ruckelshaus " (1 page)
10. 06/04/84 Memo to Commission from Palladino, "Meeting with EPA Administrator Ruckelshaus" (26 pages)

APPENDIX S
(Continued)

11. 08/08/84 Memo to Commission from Palladino, "Proposed Amendments to Uranium Mill Tailings Regulations and Advanced Notice of Proposed Rulemaking" (2 pages)
12. 08/09/84 Memo for Commission from Palladino, "Modification to Page 2 of August 8 Memorandum on the Subject of Proposed Amendments to Uranium Mill Tailings Regulations and Advanced Notice of Proposed Rulemaking" (2 pages)