Dear Mr. Greenewald:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemption boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

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4 pages were reviewed and 4 pages are being released.

Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

- Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].
- This information has been referred to the OGA(s) for review and direct response to you.
- We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. “Part 1” of the Addendum includes standard responses that apply to all requests. “Part 2” includes additional standard responses that apply to all requests for records about yourself or any third party individuals. “Part 3” includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.
For questions regarding our determinations, visit the www.fbi.gov/foia website under “Contact Us.” The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP’s FOIA STAR portal by creating an account following the instructions on OIP’s website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.” Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI’s FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state “Dispute Resolution Services.” Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

☑ See additional information which follows.

Sincerely,

[Signature]

Michael G. Seidel
Section Chief
Record/Information Dissemination Section
Information Management Division

Enclosures

The enclosed documents represent the final release of information responsive to your Freedom of Information/Privacy Acts (FOIPA) request.

This material is being provided to you at no charge.
FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

(i) 5 U.S.C. § 552(c). Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.

(ii) Intelligence Records. To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests on individuals:

(i) Requests for Records about any Individual—Watch Lists. The FBI can neither confirm nor deny the existence of any individual’s name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.

(ii) Requests for Records about any Individual—Witness Security Program Records. The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

(iii) Requests for Records for Incarcerated Individuals. The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

(i) Record Searches. The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.

(ii) FBI Records. Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.

(iii) Requests for Criminal History Records or Rap Sheets. The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

(iv) National Name Check Program (NNCP). The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.
EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ
Title: (U) Holtec hopes to store nuclear waste in southern NM
Date: 01/24/2019

CC:

From: ALBUQUERQUE
Contact:

Approved By: SIA

Drafted By:

Case ID #: (U//FOUO) Animal Rights/Environmental Extremism Threat;
Type 3 Assessment; Assessment Begin
Date: 1/29/2016
(U//FOUO) Radiological Weapons and Nuclear Weapons; Type 3 Assessment

Synopsis: (U) To document an Albuquerque Journal article concerning the plan by Holtec International to store nuclear waste near Carlsbad, NM

Enclosure(s): Enclosed are the following items:
1. (U) Scanned ABJ article

Details:

(U) On 23 January 2019, the Albuquerque Journal published an article documenting the desire of Holtec International to gain permission to construct and operate a nuclear waste holding facility. The US Nuclear Regulatory Commission, and more specifically the Atomic Safety and Licensing Board, will hear the concerns from environmental groups, an oil company, and another nuclear waste storage facility.
(U) As the US currently lacks a permanent underground repository for spent nuclear fuel generated by nuclear power plants, Holtec desires to build a temporary storage space until a permanent facility is built.

(U) Holtec International applied for a license in 2017 to operate a storage site. A lawyer for Beyond Nuclear claims Holtec's attempt to construct a site is illegal, per the Nuclear Waste Policy Act.

(U) The Atomic Safety and Licensing Board will regulate the hearings, decide which contentions will proceed to the next round of hearings, then make a recommendation to the NRC. If the NRC approves Holtec's application, opponents have threatened to sue.

(U) Two environmental concerns involve fracking in the area, and Holtec's inability to deal with damaged containers when they arrive.

(U) A scanned copy of the article is attached in the 1A.

◆◆
Hearings on nuclear waste facility to start today

Holtec hopes to store nuke waste in NM

BY MADDY HAYDEN
JOURNAL STAFF WRITER

The U.S. Nuclear Regulatory Commission will hold a hearing on the proposal today in Albuquerque.

The interim storage facility proposed by Holtec International.

The U.S. Nuclear Regulatory Commission will hold a hearing about a proposed interim storage facility for spent nuclear fuel in southeastern New Mexico today in Albuquerque.

The commission's three-man Atomic Safety and Licensing Board will hear contentions from attorneys representing environmental groups from around the country, as well as an oil company and a competing nuclear waste storage company.

Holtec International applied for a license with the Nuclear Regulatory Commission to construct and operate the facility near Carlsbad in 2017.

The goal of today's hearing, which will continue until Thursday, if necessary, is for the board to whittle down concerns from groups to those that will be heard later in more substantial hearings that include expert testimony and cross-examination.

"Essentially, you have to show there's a real dispute between Holtec and the other organizations," said Mindy Goldstein of Emory University's Turner Environmental Law Clinic and who is representing Beyond Nuclear at the hearing.

Out of the dozens of contentions likely to be raised, Goldstein's is one of the simplest: She argues Holtec's plan is illegal. Namely, the plan violates the Nuclear Waste Policy Act, which addresses how the country will dispose of its nuclear waste.

"The Nuclear Waste Policy Act says the private companies that generated the waste are responsible for it until it goes underground," Goldstein said Tuesday during a meeting with Journal editors and reporters. "The application that Holtec has submitted on its face violates the Nuclear Waste Policy Act because what this says is at this interim storage facility we're going to have the federal government take ownership and responsibility for this waste."

Goldstein said the board will likely decide in March which contentions can move forward to the next stage of hearings.

After those hearings, the board will make recommendations to the NRC on how to proceed. If the NRC approves the application, opponents may file suit with the D.C. Circuit Court of Appeals.

Contentions by other groups include public safety, and environmental concerns and environmental justice issues.

Terry Lodge, an attorney representing several groups, said Tuesday that fracking in the area of the proposed site is one concern he will raise.

Lodge also said Holtec does not have a method for dealing with canisters of waste that arrive at the facility damaged. Instead, Holtec will employ a "return to sender" approach, he said.

Holtec will have its own counsel at today's hearing.

"We look forward to answering the judges' questions and demonstrating that the opponents have failed to meet the NRC's standards that would justify a hearing," said Joy Russell, Holtec senior vice president of communications, in a written statement. "Notwithstanding the opponents' claims, our position has always focused on designing, constructing and operating an interim spent fuel storage facility that is safe for the environment, and benefits our clients and this country. Any assertions to the contrary ignore the scientific, technical, and engineering work, which is the basis of the project."

The hearing is open to the public and will begin at 9 a.m. at the State Bar of New Mexico at 621 Masthead NE.

There is currently no option for permanent disposal of the nation's spent nuclear fuel generated by nuclear power plants.

Holtec is proposing to build a facility that would temporarily store the waste until a permanent underground repository is built.
Title: (U//FOUO) Liaison Conducted with Holtec International Security.

Date: 03/30/2018

Approved By: A/SSA

Drafted By: 

Case ID #: 367A-PH-C2138630

(U//FOUO) Intelligence Analysis And Planning Related To Private Sector Companies.

Responsible Organization: PHILADELPHIA

Assessment Initiated: 03/23/2017, set to expire 06/21/2017

Liaison Details: (U//FOUO) On 03/16/2018, the writer, SA, and Office of Naval Intelligence met with Holtec International, 1 Holtec Boulevard, Camden, New Jersey 08104, Phone: 856-797-0900, Email:

Liaison Event: Meeting
Tripwire Initiative

Event Role: Conducted

Audience Type: Chief Security Officer (CSO)

Initiative Type: Business Alliance

Total Attendees: 1