



8005150069

Duplicate
Copy for Mr. FeltonUNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

May 6, 1980

Dr. Marvin Resnikoff
Sierra Club Radioactive Waste Campaign
Box 64, Station G
Buffalo, NY 14213IN RESPONSE REFER
TO FOIA-80-219

Dear Dr. Resnikoff:

This is in response to that portion of your letter dated April 11, 1980, in which you requested, pursuant to the Freedom of Information Act (FOIA), a copy of NL Industries recently approved route plan.

In my response dated April 15, 1980 to your earlier FOIA request (FOIA-80-137) the NL Industries' application, subject to this request, was addressed as document B-5. Enclosed is a letter from G. W. McCorkle to NL Industries dated March 21, 1980 which is the only other document subject to this request. The enclosure to Mr. McCorkle's letter identifies the surface transportation routes and other information for safeguarding licensed special nuclear material contained in the irradiated reactor fuel being transported. This type of information is considered commercial or financial (proprietary) information pursuant to 10 CFR 2.790(d) and is being withheld from public disclosure pursuant to exemption (4) of the Freedom of Information Act (5 U.S.C. 552(b)(4)) and 10 CFR 9.5(a)(4) of the Commission's regulations.

Pursuant to 10 CFR 9.9 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 persons responsible for this denial are the undersigned and Mr. John G. Davis, Deputy Director, Office of Nuclear Material Safety and Safeguards.

This denial may be appealed to the Commission's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 10 CFR 9.11, any such appeal must be in writing, addressed to the Executive Director for Operations, 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."

This completes action on your request.

Sincerely,

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

Enclosure: As stated