



SIERRA CLUB 530 Bush Street San Francisco, California 94108 (415) 981-8634

John Ahearne, Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

April 11, 1980

APPEAL OF INITIAL FOIA DECISION
80-A-12E (80-137)
rec'd 4-16-80

Re: Freedom of Information Appeal

Dear Chairman Ahearne:

By letter dated March 13, 1980, and received by the NRC March 17, 1980, we requested copies of the following:

- a. letter application dated August 27, 1979, from NL Industries, 1130 Central Ave., Albany, N.Y. to W. Dircks, Director, NMSS, US NRC, Docket No. 110-695, including the proposed routing in the U.S. of the proposed spent fuel shipments,
- b. resubmittal letter dated Sept. 27, 1979 by George L. Stukenbroeker, Manager, Nuclear Transportation, NL Industries, including enclosure with route,
- c. letter by George McCorkle, Chief, Physical Security Licensing Branch, Division of Safeguards, NMSS, US NRC, to GL Stukenbroeker, NL Industries,
- d. any more recent information concerning the route and Curie content of the proposed Canadian spent fuel shipments and the date and time of day, when this information becomes available to the NRC.

Since the FOI request of March 13, 1980, the applicant, NL Industries, has submitted a new route plan which has been approved by the NRC. We therefore wish this additional information to be included in our request.

We have not received a response as of this date (April 11, 1980) and interpret this lack of response as a denial of our request. Pursuant to the Freedom of Information Act, 5 USC 552, we hereby appeal that denial. We have enclosed a copy of our original request.

If you do not act upon our appeal within 20 working days, we will deem our request denied. Thank you for your prompt attention to this matter.

CC: Kasun Blauner
 Burnett Diehl
 Dircks Galac
 Lippes
 Pohl Miksic
 Millar Sage

Very truly yours,

Dr. Marvin Resnikoff
Dr. Marvin Resnikoff
Sierra Club Radioactive Waste Campaign
Box 64, Station G
Buffalo, N.Y. 14213
716/832-9100

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-80-219
rec'd 4-16-80

Dupe of 8044110568

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SGPL:CRH
110-695

N. L. Nuclear
ATTN: Mr. George L. Stukenbroeker, Manager
Nuclear Transportation
1130 Central Avenue
Albany, New York 12205

DISTRIBUTION: (w/encl)

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Gentlemen:

This is in response to your letter (HT #2299) of March 11, 1980 in which you requested a change to the spent fuel route approved by our December 5, 1979 letter.

Your proposed change has been reviewed and approved. Enclosed are the revised pages of the "Spent Fuel Route Survey" ((enclosure to our December 5, 1979 letter). The portions of the pages that have been changed are underlined. Please remove and destroy the original pages (all dated November 30, 1979) and replace them with the enclosed revised pages dated March 18, 1980.

Your original application has been annotated to reflect the anticipated schedule provided in your March 11, 1980 letter.

Since your March 11, 1980 letter contains information of a type specified in 10 CFR Part 2.790(d), it is deemed to be commercial or financial within the meaning of 10 CFR Part 9.5(a)(4) and shall be subject to disclosure only in accordance with the provisions of 10 CFR Part 9.12. For the same reason, the enclosure to this letter is being withheld.

Sincerely,

"Original Signed by G. W. McCorkle"

George W. McCorkle, Chief
Physical Security Licensing Branch
Division of Safeguards, NMSS

Enclosure:
As stated

SGPL	SGPL	SGPD	SGPL	SG	SG
CRHillman/pas	DJKasun	HBlack	GWMcCorkle	DRChapell	RFBurnett
03/19/80	03/ /80	03/ /80	03/ /80	03/ /80	03/ /80