

Commonwealth of Virginia



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March 18, 1980

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-80-145  
REC'D 3-21-80

United States Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: Freedom of Information Act Request  
Entry of Radioactive Materials Through Portsmouth, Va.

Gentlemen:

I am legal counsel to the Virginia State Department of Health, the agency of the Commonwealth of Virginia which bears responsibility for the regulation of radioactive materials on behalf of the Commonwealth. This is a Freedom of Information Act request written, pursuant to 5 U.S.C. § 552, et seq., to request production and disclosure of the material listed below.

The information requested relates to the decision of the NRC to allow radioactive waste shipments to enter the United States through Portsmouth, Virginia, on a permanent basis. The following materials or documents are requested:

1. The document which designates Portsmouth, Virginia, as the port to receive spent nuclear fuel from outside the United States on a permanent basis.
2. Copies of all correspondence since January 1, 1979, between the NRC and Transnuclear, Inc., relating to the shipment of spent nuclear fuel through Portsmouth, Virginia.
3. Copies of all correspondence since January 1, 1979, between Edlow International relating to the shipment of spent nuclear fuel through Portsmouth, Virginia.

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PAGE 2  
MAY 18, 1980

4. Copies of all documents relating to the order by NRC to Transnuclear, Inc. and Edlow International to search for "practicable alternatives" to the shipment of spent nuclear fuels through Portsmouth, Virginia.
5. Copies of all documents in the possession of NRC which relate to the capability of Charleston, South Carolina, Wilmington and Moorehead City, North Carolina and Savannah, Georgia, to serve as possible ports of entry for spent nuclear fuel in the United States.
6. Copies of any local ordinances passed by cities, counties, or port authorities on the East Coast of the United States prohibiting or effectively prohibiting the shipment of spent nuclear fuel into those jurisdictions.
7. Copies of any legal analyses of such ordinances prepared by the NRC or prepared at the request of NRC.
8. Copies of any safety plans relating to the shipment of spent nuclear fuel through Portsmouth, Virginia, and the transportation of such fuel to the Virginia border, filed by Transnuclear, Inc.
9. Copies of any safety plans relating to the shipment of spent nuclear fuel through Portsmouth, Virginia, and the transportation of such fuel to the Virginia border, filed by Edlow International.

As you know, the Freedom of Information Act provides that if some parts of a file are exempt from release that "reasonably segregable" portions shall be provided. I, therefore, request that, if you determine that some portions of the requested information are exempt, you provide me with a copy of the remainder of the file in addition to a list of the material not provided. I reserve the right to appeal any such decision.

If you determine that some or all of the requested information is exempt from release, I request that you advise me as to which exemption(s) you believe to be applicable, and that you set forth the name, title and business address of each person responsible for the denial of any request, as well as the date, author, addressee and title of each document withheld.

Page 3  
March 18, 1980

I represent to you that the information requested will be used by the Virginia State Department of Health or the Virginia Attorney General's Office, both public agencies, to execute the police power of the Commonwealth of Virginia to protect the public health, safety and welfare. Because of the public nature of this use, I ask that you determine that the reproduction fee should be waived under § 552(a) (4)(A). If you should deny the waiver, either wholly or in part, we are willing to pay the appropriate costs attributable to this request unless they exceed \$ 20.00. If estimated copying and search fees exceed \$ 20.00, please call me before proceeding with this request. My address is 715 Madison Building, 109 Governor Street, Richmond, Virginia 23219 and my phone number is (804)786-1840.

As required by the FOIA, I request a reply within ten working days.

Sincerely,



R. Leonard Vance, Ph.D.  
Assistant Attorney General

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