

Duplicate copy for microfiche

Natural Resources Defense Council, Inc.

1725 I STREET, N.W.
SUITE 600
WASHINGTON, D.C. 20006
202 223-8210

New York Office
122 EAST 42ND STREET
NEW YORK, N.Y. 10017
212 949-0049

Western Office
25 KEARNY STREET
SAN FRANCISCO, CALIF. 94108
415 421-6561

December 10, 1979

IN RESPONSE
REFER TO:
FOIA/TBC/79-49

William Dircks, Executive Director
for Operations
c/o J. M. Felton, Director
Division of Rules and Records
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOTA-79-549
Rec'd 12-11-79

Dear Mr. Dircks:

Pursuant to the Freedom of Information Act, please provide me with copies of the initial nuclear material inventory difference (ID) reported to the NRC on or about September 17, 1979, and any subsequent reinventory IDs for the Nuclear Fuel Services facility at Erwin, Tennessee.

It is my understanding that NRC is authorized, at its discretion, to withhold IDs for up to 6 months (or longer if there are pending investigations) for national security reasons. In any event, the NRC is required under Presidential Executive Order 12065, issued June 28, 1979, to demonstrate that the national security considerations outweigh the public's need to know.

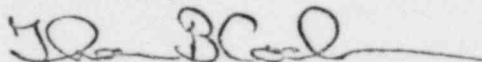
NRDC and its members are particularly interested in and wish to participate in the forthcoming determination by the Commission as to whether the NFS facility will be permitted to reopen. The ID information is essential to the preparation of our case. Since a decision by the Commission may occur very shortly (closed Commissioner hearings on NFS-Erwin are scheduled for Dec. 14), and in any case is likely to take place before the ID would otherwise become publicly available, we believe the public's need to know outweighs any possible national security considerations concerning release of ID prior to the 6-month waiting period. The investigations by NRC of these NFS-Erwin IDs are essentially completed, and therefore "pending investigations" is not a legitimate excuse for further withholding of these data.

8008010057

William Dircks
December 10, 1979
Page Two

Since we believe an NRC decision may be forthcoming soon, we cannot grant a request for an extension of time beyond the 10 days authorized under the FOIA.

Sincerely,

A handwritten signature in cursive script, appearing to read "T. B. Cochran", with a long horizontal flourish extending to the right.

Thomas B. Cochran