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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

November 7, 1980

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INFORMATION
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Mr. Barry E. Katz
The Evening Press
Vestal Parkway East
Binghamton, NY 13902

IN RESPONSE REFER
TO FOIA-80-A-13E
(FOIA-80-149)

Dear Mr. Katz:

This is in response to your letter dated April 18, 1980 appealing J. M. Felton's denial of five pages of information concerning the route for spent nuclear fuel shipments from Chalk River, Canada to South Carolina through the State of New York and the Commonwealth of Pennsylvania.

In a telephone conversation between yourself and Ms. Carol Ann Reed of the Division of Rules and Records on July 9, 1980 it was agreed to expand your appeal to cover several other items. This was confirmed by your letter dated July 9, 1980 in which you requested the remaining portion of the route from Pennsylvania to South Carolina, the number of shipments and quantity of nuclear material shipped over the routes.

I have carefully reviewed the record and have determined that the previously denied information can now be released. Your appeal is, therefore, granted.

In addition, I have enclosed the remaining five pages of the spent nuclear fuel shipment from Ugdensburg, N.Y. to Savannah River, S.C. The only information deleted from the ten pages of enroute line diagrams is one line describing the mobile telephone vulnerability data. This information has been deemed to be outside the scope of your request.

I have also enclosed a sheet which shows the number of shipments made over this route from July 16, 1979 to September 10, 1980 and the total quantity of the shipments. To obtain the quantity of an individual shipment simply divide the number of shipments into the total quantity.

Sincerely,

A handwritten signature in cursive script, appearing to read "William J. Dircks".

William J. Dircks
Executive Director of Operations

Enclosures: As stated

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THE PRESS

EVENING • SUNDAY

A Gannett Newspaper

VESTAL PARKWAY EAST • BINGHAMTON, N.Y. 13902 • 607-798-1234

April 18, 1980

Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: FOIA-80-149
Freedom of Information Act Appeal

APPEAL OF INITIAL FOIA DECISION

80-A-13E(80-149)
rec'd 4-22-80

Gentlemen:

This is to appeal the denial of my request for information pursuant to the U.S. Freedom of Information Act, 5 USC 552.

On April 11, 1980 I received a letter from J.M. Felton, director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, denying my request for access to the following information:

Routes and alternate routes through New York state and Pennsylvania for the shipment by truck of spent nuclear fuel from Chalk River, Canada, to South Carolina.

The U.S. Nuclear Regulatory Commission has identified pages 13 through 17 of a letter dated March 21, 1980 to G.L. Stukenbroeker, NL Industries, from G.W. McCorkle, NRC, as being subject to my request.

I am enclosing a copy of this denial along with a copy of my original request. I do not concur in Mr. Felton's opinion that the information constitutes "commercial or financial information obtained from a person and privileged or confidential" within the meaning of 5 USC 552 (b) (4).

I believe that production and disclosure of the information is in the public interest. I trust that upon examination of these communications you will conclude that the information I am seeking should be disclosed.

As provided for in the act, I will expect to receive a reply within 20 working days.

Sincerely yours,

Barry E. Katz
Barry E. Katz
Reporter
The Evening Press

ENCLOSURES

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

80-110000

Rec'd C.R. 1100
Date... 12.2/80

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VESTAL PARKWAY EAST • BINGHAMTON, N.Y. 13902 • 607-798-1234

March 19, 1980

J.M. Felton, director
Office of Administration
Division of Rules and Records
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Felton:

Pursuant to the Freedom of Information Act, 5 USC 5^S22,
The Evening Press is requesting the following information from the
U.S. Nuclear Regulatory Commission:

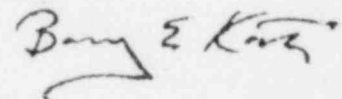
1. Routes and alternate routes through New York state and
Pennsylvania for the shipment by truck of spent nuclear fuel
from Chalk River, Canada, to South Carolina.

Please inform me of any expense in excess of \$25 which may be
incurred in connection with this request before the expense is made.

The amended Freedom of Information Act permits you to reduce or
waive the fees if it "is in the public interest because furnish-
ing the information can be considered as primarily benefiting
the public." The Evening Press believes this request fits that
category and asks you to waive any fees.

POOR ORIGINAL

Sincerely yours,



Barry E. Katz

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8004230011 (1pg)



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

April 9, 1980

The Press
Mr. Barry E. Katz
Vestal Parkway East
Binghamton, NY 13902

IN RESPONSE REFER
TO FOIA-80-149

Dear Mr. Katz:

This is in reply to your letter dated March 19, 1980, in which you requested, pursuant to the Freedom of Information Act, copies of documents detailing routes and alternate routes through New York State and Pennsylvania for the shipment by truck of spent nuclear fuel from Chalk River, Canada to South Carolina.

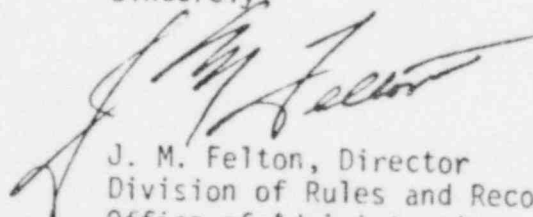
In response to your request we have identified pages 13 through 17 of a letter dated March 21, 1980 to G. L. Stukenbroeker, NL Industries, from G. W. McCorkle, NRC as being subject to your request. The information contained on these five pages of the above described document identifies the surface transportation routes for safeguarding the licensed special nuclear material contained in the irradiated reactor fuel to be transported. This information is considered commercial or financial (proprietary) information pursuant to 10 CFR 2.790(d) (copy enclosed) 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) (copy enclosed) 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 and Records
Office of Administration

Enclosures: As stated

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