



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

September 29, 1982

The Honorable Richard A. Snelling  
Governor of Vermont  
Montpelier, Vermont 05602

Dear Governor Snelling:

This is in response to your letter of August 31, 1982 which requested clarification about notification of certain spent fuel shipments between Chalk River, Ontario, Canada and the Savannah River Plant, Aiken, South Carolina, under NRC import license ISNM81005 issued to Nuclear Assurance Corporation (NAC), Atlanta, Georgia.

According to our understanding of events and as you pointed out in your letter, NAC, in compliance with 10 CFR 73.37(f) initially notified your designee that it planned six shipments and then proceeded to make the shipments. Before the six were completed, however, it was decided that additional shipments would be made, and on August 13, 1982 a second schedule was forwarded to bring the total to eleven.

You asked in your letter whether the shipments constituted one series or two. Based on our review of the available information, it is our view that the shipments were intended to be, and, to the extent they took place, were in fact one series. Certain aspects of the schedules and accompanying correspondence indicate an intent that the shipments be viewed as a single series. First, NAC numbered the shipments serially and second, the added schedule continues the same pattern of weekly shipments without interruption. Related correspondence to NRC supports this conclusion.

However, the NAC correspondence transmitting the schedules is ambiguous. It would be reasonable for an individual to view the first schedule as a separate series.

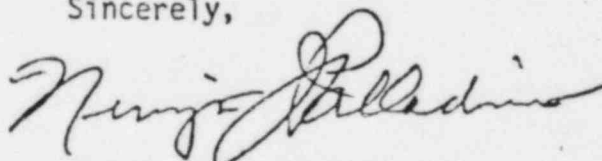
Based on the ambiguities contained in the NAC correspondence and the indications that the actual release of schedule information was confined to the first six shipments and made on August 28, 1982 which was more than ten days after the shipments were completed, the Commission has concluded that gathering further information is not necessary to protect the public health and safety. With respect to the possible unauthorized release of Safeguards Information, the protection of which is required under 10 CFR 73.21, the NRC has conducted a review of this matter and has concluded that no further action is warranted in this particular case.

In response to your question regarding the propriety of releasing the scheduling information in your possession, we believe it was proper for you to withhold this particular information prior to your request for Commission guidance on the matter. However, we believe the release of such information would now be appropriate. All of the shipments in question either have taken place or have been cancelled. Of course, all future safeguards information which becomes available to your office will have to be withheld in compliance with the Commission's regulations.

Finally, recognizing the ambiguities contained in the NAC correspondence, I have directed the NRC staff to take corrective action to minimize the possibility of a similar situation occurring. An early action will be to write to shippers and advise them to clearly point out in their correspondence with State officials the composition of a series of shipments and when changes are made to indicate whether the series is extended or a new series is being initiated. However, we should call to your attention that recent studies have indicated that information on shipments may not need to be protected as safeguards information. As a result, the staff is looking into changing our regulations to reflect the results of these studies.

If I can be of further assistance in this matter, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nunzio J. Palladino".

Nunzio J. Palladino

Nuclear Assurance Corporation  
24 Executive Park West  
Atlanta, Georgia 30329  
(404) 325-4200  
Telex: 549567, 542703

715 Horizon Drive  
Grand Junction, Colorado 81501  
(303) 245-4320  
TWX: 9109296334

Weinbergstrasse 9  
8001 Zurich, Switzerland  
(01) 470844  
Telex: 57275

August 13, 1982  
FLD/82/107/ETS

Director, Region I  
U.S. Nuclear Regulatory Commission  
Office of Inspection and Enforcement  
631 Park Avenue  
King of Prussia, Pennsylvania 19406

Attn: Mr. A. Gody

Subject: Increase in number of scheduled shipments

Dear Sir:

By letter dated July 2, 1982 (copy attached), the Nuclear Assurance Corporation made notification of a series of spent fuel shipments scheduled into the U.S.

The U.S. Department of Energy and the Atomic Energy of Canada, Limited, have reached agreement by which the number of scheduled shipments has been increased.

These additional shipments would be made along the route presently in use.

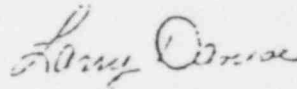
The schedule for the additional shipments is enclosed separately as safeguards information.

This notification is made in accordance with the requirements of 10 CFR 73.72.

Please let me know if you have any questions.

Sincerely,

NUCLEAR ASSURANCE CORPORATION



F. L. Danese  
Manager, Cask Operations

*ADT*  
*8210270438*  
FLD:pwh

cc: Director, Region II  
U.S. Nuclear Regulatory Commission  
Office of Inspection and  
Enforcement  
101 Marietta Street  
Suite 3100  
Atlanta, GA 30303

Material Transfer SG Licensing Branch  
Division of Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Attn: Mr. Charles Hillman

Nuclear Assurance Corporation  
24 Executive Park West  
Atlanta, Georgia 30329  
(404) 325-4200  
Telex: 549567, 542703

715 Horizon Drive  
Grand Junction, Colorado 81501  
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TWX: 5109295334

Weinbergstrasse 9  
8001 Zurich, Switzerland  
(01) 470844  
Telex: 57275

July 2, 1982

FLD/82/84/ETS

Director, Region I  
U.S. Nuclear Regulatory Commission  
Office of Inspection and Enforcement  
631 Park Avenue  
King of Prussia, Pennsylvania 19406

Attn: Mr. A. Gody

Dear Sir:

The Nuclear Assurance Corporation (NAC), as agent for Atomic Energy of Canada, Limited (AECL), plans to make a series of spent fuel shipments from an AECL facility at Chalk River to the U.S. DOE Savannah River Plant. These shipments would enter the U.S. at Alexandria Bay, New York, under NAC's Import License No. ISNM81005, Revision 1, and would continue until the material described by the license has been shipped or the shipments are delayed for reason. The schedule for these shipments is enclosed. Adjustments to the schedule will be made in writing if time permits, and by telephone (followed by letter) if necessary. This notification is made in accordance with the requirements of 10 CFR 73.72.

Sincerely,

NUCLEAR ASSURANCE CORPORATION

*F. L. Danese*

F. L. Danese  
Manager, Cask Operations

FLD:1wb

*8210050462*  
*PAR*

cc: Director, Region II  
U.S. Nuclear Regulatory Commission  
Office of Inspection and  
Enforcement  
101 Marietta Street  
Suite 3100  
Atlanta, GA 30303

Material Transfer SG Licensing Branch  
Division of Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Attn: Mr. Charles Hillman

Attn: Mr. M. D. McGuire

SCHEDULE INFORMATION

8/13/82

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The information described below is required by NRC regulations to be protected in accordance with the requirements of 10 CFR 73.21.

Total Number of shipments: 11

Estimated Time and Date of Departure from Origin (AECL):	Time	Date
Shipment 7:	04:00P	08/22/82
Shipment 8:	04:00P	08/29/82
Shipment 9:	04:00P	09/05/82
Shipment 10:	04:00P	09/12/82
Shipment 11:	04:00P	09/19/82

Estimated Time and Date of Entry at Derby Line, VT:	Time	Date
Shipment 7:	02:00A	08/23/82
Shipment 8:	02:00A	08/30/82
Shipment 9:	02:00A	09/06/82
Shipment 10:	02:00A	09/13/82
Shipment 11:	02:00A	09/20/82

Estimated Time and Date of Arrival at Destination-(SRP):	Time	Date
Shipment 7:	07:00P	08/24/82
Shipment 8:	07:00P	08/31/82
Shipment 9:	07:00P	09/07/82
Shipment 10:	07:00P	09/14/82
Shipment 11:	07:00P	09/21/82

For this series of shipments, this schedule information must be protected in accordance with the provisions of 10 CFR 73.21 until 10 days after the last shipment in the series is complete. The last shipment in this series is estimated to be completed on September 21, 1982.



Note: Lines 35 and 36 may be used in the event the above schedule is revised.