

PDR - 016



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

MAR 12 1985

Mr. Marvin Resnikoff, Co-Director
Sierra Club Radioactive Waste Campaign
Box 92
Blairstown, NJ 07825

IN RESPONSE REFER
TO FOIA-84-905

Dear Mr. Resnikoff:

This is in further response to your letter dated December 3, 1984, in which you requested, pursuant to the Freedom of Information Act (FOIA), copies of records related to the migration of radioactively-contaminated kerosene at the NRC licensed burial ground at West Valley, New York.

The documents listed on the enclosed Appendix B are being withheld from public disclosure pursuant to Exemption 5 of the FOIA (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations. These documents contain information presenting predecisional advice, opinions, recommendations, assumptions, and conclusions with regard to the draft Task-2 report. The final Task-2 report is expected to be completed by the end of March. A copy will be forwarded to you when it is available.

Pursuant to 10 CFR 9.9 of the NRC'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, Director, Office of Nuclear Material Safety and Safeguards.

This denial may be appealed to the NRC'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 NRC's action on your request.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. M. Felton", written over a horizontal line.

J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosure: As stated

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APPENDIX B

1. 12/84 Draft Task-2 report entitled "Research Plan for Investigating Radionuclide Migration at the West Valley Facility Disposal Area." (111 pages)
2. undated Draft sections of report entitled "Research Plan for Investigating Radionuclide Migration at the West Valley Facility Disposal Area," Executive Summary, Table of Contents, Conclusions and Recommendations, and References. (29 pages)

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Freedom of Information Act Officer
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

December 3, 1984
**FREEDOM OF INFORMATION
ACT REQUEST**
FOIA-84-905
Rec'd 12-10-84

Dear Sir/Madam:

Under the Freedom of Information Act (5 USC 552), the Sierra Club Radioactive Waste Campaign requests are memoes, documents, reports and correspondence related to the migration of radioactively-contaminated kerosene at the NRC-licensed burial ground at West Valley, New York. In particular, the Campaign requests a copy of draft ORNL Task 1 and Task 2 reports, including the "Research Plan for Investigating Radionuclide Migration at the West Valley Facility Disposal Area," referred to in Memoes dated Sept. 6 and Sept. 21, 1984 to Leland C. Rouse, Chief, Advanced Fuel and Spent Fuel Licensing Branch, and all correspondence between Mr. R. Perizek and the Nuclear Regulatory Commission.


Over 1½ months ago, Mr. Rouse and Mr. A.T. Clark agreed to supply the ORNL reports, but since this has not happened, the Campaign now wishes to obtain this more inclusive list of materials under the FOIA.

Since the Campaign is a non-profit environmental organization operating in the public interest, we wish the standard copying fee to be waived.

It is our understanding that the NRC has ten business days to respond to this request from the date of receipt. Thank you for your consideration of our request.

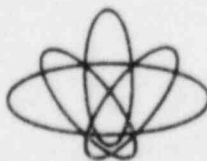
cc: L. Finaldi

Sincerely yours,


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radioactive waste
campaign**