

December 31, 2002

Ms. Sarah M. Fields  
P.O. Box 143  
Moab, Utah 84532

IN RESPONSE REFER  
TO FOIA/PA 2003-001A  
(FOIA/PA 2002-0428)

Dear Ms. Fields:

I am responding to your letter of November 4, 2002, which appealed the adequacy of our search for records subject to your Freedom of Information Act (FOIA) request dated September 20, 2002. In our October 28, 2002, response to your FOIA request, we identified and released five records.

Acting on your appeal, the staff searched again for records subject to your request and located one additional record (identified in the appendix). The record is being withheld in its entirety pursuant to Exemption 5 of the FOIA (5 U.S.C. 552(b)(5)) and 10 CFR 9.17(a)(5) of the Commission's regulations. This record contains confidential communications between an attorney and the attorney's client. For your information, Amendment No. 1 has only one page. At the time the amendment was issued, NRC's policy was to include only the sections that were amended.

This is a final agency decision. As set forth in the FOIA (5 U.S.C. 552 (a)(4)(B)), judicial review of this decision is available in a district court of the United States in the district in which you reside or have your principal place of business or in the District of Columbia.

Sincerely,

***/RA by Michael L. Springer Acting For/***

Patricia G. Norry, Deputy Executive  
Director for Management Services

Enclosure: As stated

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(FOIA-2002-0428)

APPENDIX A  
RECORDS WITHHELD IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	12/14/82	Memorandum for J Joyner from R Fonner, Subject: Application of 10 CFR 40.13(c)(1)(vi) (2 pages) <b>EX. 5</b>