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

November 19, 1979

Ms. Joanne Schwart
Prairie Alliance-Law Division
P.O. Box 2424 Station A
Champaign, IL 61820

IN RESPONSE REFER
TO FOIA-79-479

Dear Ms. Schwart:

This is in partial response to your letter of November 1, 1979. Your letter was received on November 6, 1979.

In your letter you requested, in item 5, pursuant to the Freedom of Information Act, "The verbatim extractions of the Reed Report prepared by GE and supplied to the Black Fox intervenors".

For the reasons stated in my letter dated October 15, 1979, to Mr. Peter Penner of your organization (copy enclosed), and because the Reed Report has been made available to the Atomic Safety and Licensing Board in the Black Fox proceedings in confidence and is subject to a Protective Order, and also because the abstracts taken from the Reed Report are accorded confidential treatment under the terms of the same Protective Order, the requested documents are 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) of the Commission's regulations. The person responsible for this denial is the undersigned.

This denial may be appealed to the Commission within 30 days from the receipt of this letter. As provided in 10 C.F.R. 9.15, any such appeal must be in writing, addressed to the Secretary of the 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".

Sincerely,

Sheldon J. Wolfe
Sheldon J. Wolfe, Esquire
Chairman, Atomic Safety and
Licensing Board

Enclosure: As stated

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