

Environmental Law Clinic
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April 12, 1979

APPEAL OF INITIAL FOIA DECISION

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

79-A-8C (79-47)
rec'd 4-16-79

Dear Executive Director or Secretary of the Nuclear Regulatory Commission:

This is in response to your letter dated March 16, 1979 concerning our FOIA-79-47 regarding the meaning of the term "material alteration of a licensed facility," as contained in 10 CFR Part 50.91.

We hereby appeal the decision to withhold a memorandum dated January 10, 1975 to H. Shapar from J. L. Kelley as predecisional in nature.

Pursuant to 9 CFR Sec. 9.11(c)(1) an explanation as to how Exemption (5) of the FOIA (5USC 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations applies to the records withheld and the reasons for asserting the exemption, must accompany any denial of our appeal.

We await further contact with you.

Respectfully yours,

Michael Hungerford
Michael Hungerford

MH/lz

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