



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

December 27, 1982

Mr. Lyle Graber
1917 Montego Court
Oldsmar, FL 33557

IN RESPONSE REFER
TO FOIA-82-547

Dear Mr. Graber:

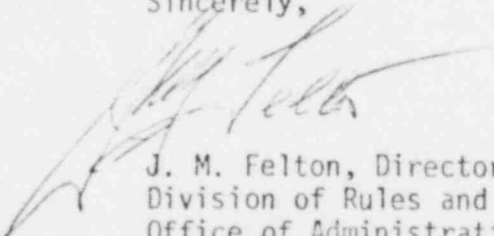
This is in final response to your letter dated November 5, 1982 in which you requested, pursuant to the Freedom of Information Act, a copy of Commission papers 82-39A, 82-197, 82-197A and 82-197B.

SECY-82-197, "Discussion of NRDC v. NRC, D.C. Cir. No. 74-1586 and Consolidated Cases (Decision Holding Invalid NRC's Original, Interim, and Final Table S-3 Fuel Cycle Rules)," is a thirty-page paper from the General Counsel to the Commission dated May 17, 1982. This document contains the legal analysis, opinions and advice of the General Counsel regarding the Court's decision in NRDC v. NRC (D.C. Cir. No. 74-1586, April 27, 1982). It contains both predecisional and legal recommendations on how to respond to that decision and therefore is being withheld pursuant to Exemption (5) of the Freedom of Information Act 5 U.S.C. 552(b)(5) and 10 CFR 9.5(a)(5) of the Commission's regulations. This document contains no reasonably segregable factual portions not contained in the Court's opinion. Release of this document would not be in the public interest because it would reveal litigation analysis and strategy in an ongoing litigation. This document is therefore being withheld in its entirety.

Pursuant to 10 CFR 9.15 of the Commission'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 person responsible for this denial is Mr. Leonard Bickwit, Jr., General Counsel to the Commission.

This denial may be appealed to the Commission within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed to the Secretary of the Commission, 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."

Sincerely,



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

Lyle Graber
1917 Montego Court
Oldsmar, FL 33557

Nov. 5, 1982

Director
Division of Rules & Records
U.S. N.R.C.
Washington, DC 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-82-547
Rec'd 11-9-82

Dear Sir:

This is a Freedom of Information Act request for the following document/s to be placed in the Public Document Room and also a copy to be sent to me since I live outside the DC area:

SECY 82-39A
SECY 82-197
SECY 82-197A
SECY 82-197B

Thank you

Lyle Graber
Lyle Graber

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