



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

November 19, 1982

Mr. Lyle Graber
1917 Montego Court
Oldsmar, FL 33557

IN RESPONSE REFER
TO FOIA-82-522

Dear Mr. Graber:

This is in response to your letter dated October 28, 1982 in which you requested, pursuant to the Freedom of Information Act, two staff papers, which you identified in your letter.

The documents listed on Appendix A have already been made available for public inspection and copying at the NRC Public Document Room (PDR), 1717 H Street, N.W., Washington, DC 20555. The charge for reproducing records located in the PDR is five cents (\$0.05) per page, as specified in 10 CFR 9.14(a). Copies of these documents can be purchased by writing directly to the PDR. Upon your agreement to pay the reproduction charges, the PDR will arrange for the records to be reproduced by Literature Research Company, a private reproduction contractor servicing the PDR. You will be billed by Literature Research Company for the reproduction charges, plus tax and postage.

Appendix B lists documents which contain advice, opinions and recommendations of the Office of the General Counsel to the Commissioners in on-going deliberations. SECY-82-303 was prepared to advise the Commission in responding to the Attorney General's petition to intervene in the Pilgrim license modification proceeding. SECY-82-318 was prepared to advise the Commission in responding to the Licensing Board's action in raising two issues sua sponte in the Zimmer proceeding. Release of these documents would not be in the public interest because it would impede the future flow of advice from the Office of the General Counsel to the Commissioners. None of the withheld documents contain any reasonably segregable factual portions not already in the public record of the relevant proceeding. The documents are therefore being withheld from public disclosure pursuant to exemption (5) of the Freedom of Information Act (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5).

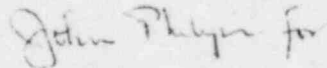
Pursuant to 10 CFR 9.9 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure and that its production or disclosure is contrary to the public interest. The person responsible for this denial is Mr. Leonard Bickwit, Jr., General Counsel.

Mr. Lyle Graber

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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, 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

Enclosures: As stated

Appendix A

1. ATTACHMENT TO SECY-82-303 (JANUARY 18, 1982 ORDER)--DOCKET NO. 50-293
2. ATTACHMENT TO SECY-82-303 (FEBRUARY 17, 1982 PETITION BY THE ATTORNEY GENERAL)--DOCKET NO. 50-293
3. ATTACHMENT TO SECY-82-303 (APRIL 2, 1982 BRIEF OF THE ATTORNEY GENERAL)--DOCKET NO. 50-293
4. ATTACHMENT TO SECY-82-303 (FEBRUARY 26, 1982 RESPONSE OF THE LICENSEE)--DOCKET NO. 50-293
5. ATTACHMENT TO SECY-82-303 (APRIL 22, 1982 NRC STAFF REPLY)--DOCKET NO. 50-293
6. ATTACHMENT TO SECY-82-318 (LICENSING BOARD'S JULY 15, 1982 MEMO AND ORDER TO THE COMMISSIONERS)--DOCKET NO. 50-358

Appendix B

1. SECY-82-303, "PETITION OF THE MASSACHUSETTS ATTORNEY GENERAL TO INTERVENE IN PROCEEDING FOR MODIFICATION OF PILGRIM STATION OPERATING LICENSE", WITH ATTACHED DRAFT ORDER--DOCKET NO. 50-293
2. SECY-82-318, "REVIEW OF LICENSING BOARD ORDER WHICH RAISES SUA SPONTE ISSUES (IN THE MATTER OF CINCINNATI GAS AND ELECTRIC COMPANY, ET AL.)--DOCKET NO. 50-358-0L", WITH ATTACHED DRAFT ORDER