



OFFICE OF THE
SECRETARY

770005
UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

March 22, 1991

Charles D. Hahn, Esq.
Hahn Law Office
1905 'N' Street
Auburn, Nebraska 68305

91A8

Dear Mr. Hahn:

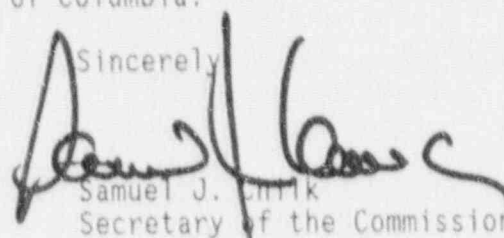
This letter responds to your March 5, 1991 appeal of this agency's denial of the document identified in Appendix A (Document Being Withheld in its Entirety) of our February 26, 1991 response to FOIA 91-52.

In response to your appeal, the document listed in Appendix A was reviewed again. On the basis of this review, it has been determined that the document that was identified as withheld in Appendix A was properly withheld pursuant to Exemption 5 of the FOIA.

An important purpose behind Exemption 5 is to protect the integrity of the federal agency's decision-making process. The document listed in Appendix A consists of an inter-office memorandum that provides a legal analysis relating to section 5(d)(2)(C) of the Low-Level Radioactive Waste Policy Amendments Act. It was prepared as part of this agency's predecisional, deliberative process. Release of this document would be likely to stifle honest and frank communication within the agency.

This letter represents final agency action on your March 5, 1991 appeal. Judicial review of the denial of this information is available in Federal District Court in the district in which you reside or have your principal place of business, or in the District of Columbia.

Sincerely,



Samuel J. Chirik
Secretary of the Commission

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PDR FOIA
HAHN91-52 PDR