



OFFICE OF THE
SECRETARY

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

August 30, 1988

Robert R. Belair
KIRKPATRICK & LOCKHART
1800 M Street, N.W.
Washington, D.C. 20036-5891

Re: FOIA 88-A-34E

Dear Mr. Belair:

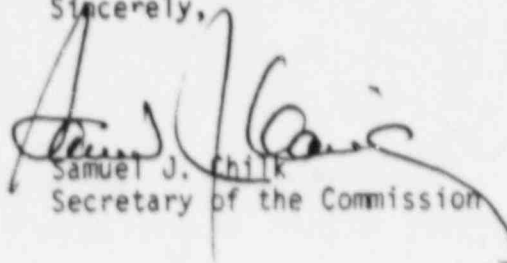
This letter responds to your June 23, 1988 appeal regarding the Agency's processing of your January 27, 1988 FOIA request for various categories of documents relating to Long Island Lighting Company. You have also appealed the Agency's denial of the document identified on Appendix B (document, B-1) of our April 8, 1988 response to your initial request (FOIA 88-63).

In response to your appeal, the withheld information was again reviewed. On the basis of this review, it has been determined that portions of document B-1 should be released. The part to be released is enclosed with this letter. The balance of this document remains withholdable under Exemption 5 of the FOIA.

Document B-1 is an undated memorandum from agency counsel (William J. Olmstead) to the Director of the Office of Nuclear Reactor Regulation (Thomas E. Murley). In this memorandum, counsel discusses the legal implications of an order of the Shoreham Licensing Board and recommends a course of action relative to the order. This attorney advice, found in the last three paragraphs of the memorandum, is legally withholdable under Exemption 5 of the FOIA (attorney-client privilege). All factual information is being released.

This letter represents final agency action on your June 23, 1988 appeal. Judicial review of the denial of documents 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. Chik
Secretary of the Commission

Enclosures: As Stated

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PDR FOIA
BELAIR88-A-34 PDR