



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

PDR  
016

APR 5 1987

Mr. Blair P. Bremberg  
2641 Stringham Avenue, C-103  
Salt Lake City, UT 84109

IN RESPONSE REFER  
TO FOIA-87-A-11  
(FOIA-86-705)

Dear Mr. Bremberg:

This is in response to your letter dated February 28, 1987, in which you appealed Mr. Donnie H. Grimsley's letter dated January 30, 1987, which denied four documents subject to your Freedom of Information Act (FOIA) request for documents related to the Uranium Mill Tailings Radiation Control Act of 1978. You specifically appealed the denial of a 15-page memorandum from Dick Young to Denise Fort.

Acting on your appeal, I have carefully reviewed the record in this case and have determined that the previously withheld document will continue to be withheld from public disclosure pursuant to Exemption (4) of the FOIA (5 U.S.C. 552(b)(4)) and 10 CFR 9.5(a)(4) of the Commission's regulations. Your appeal is, therefore, denied.

The document in question was submitted to and received in confidence from a state attorney. The document is, therefore, protected from mandatory disclosure under the alternative test set out in National Parks and Conservation Association v. Morton, 498 F.2d 765 (D.C. Cir. 1974). Under that test, a document can be withheld because disclosure would impair the Government's ability to obtain necessary information in the future. It is my view that a breach of understanding between the NRC and a state attorney could, in the future, inhibit the free flow of information to the NRC and could interfere with our mission.

This is a final agency decision. As set forth in the FOIA (5 U.S.C. 552(a)(4)(B)), judicial review of this decision is available in a district court of the United States in the district in which you reside, have your principal place of business, or in the District of Columbia.

Sincerely,



Victor Stello, Jr.  
Executive Director for Operations