



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

October 26, 1978

Mr. Steve Freedkin
Public Interest Research Group in Michigan
590 Hollister Bldg.
106 W. Allegan Street
Lansing, Michigan 48933

IN RESPONSE REFER
TO FOIA-78-253

Dear Mr. Freedkin:

This is in response to your letter dated September 26, 1978 in which you requested, pursuant to the Freedom of Information Act, NRC's decision regarding the review and potential release of Section 4.C of the contract between the Dow Chemical Company and the Consumer Power Company. Your letter was received by the Office of Administration on September 28, 1978.

The NRC Staff has reviewed the Section 4.C material and have determined that the material consists of confidential business (proprietary) information. Accordingly, Section 4.C is being withheld from public disclosure pursuant to exemption (4) of the Freedom of Information (5 U.S.C. 552(b)(4)) and 10 CFR 9.5(a)(4) of the Commission's regulations.

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 persons responsible for this denial are the undersigned and Harold R. Denton, Director, Office of Nuclear Reactor Regulation.

This denial may be appealed to the Commission's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 10 CFR 9.11, any such appeal must be in writing, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

This completes action on your request.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. M. Felton".

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

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