

PDR-014



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20655

December 22, 1983

OFFICE OF THE
SECRETARY

William S. Jordan III
Harmon & Weiss
1725 I Street, N.W., Suite 506
Washington, D.C. 20006

IN RESPONSE REFER
TO 83-A-33(83-479)

Dear Mr. Jordan:

This letter responds to your October 28, 1983, Freedom of Information Act appeal of "the complete denial of access to SECY-82-472" and the "effective denial of Item 4 ... related to correspondence between Commissioner Roberts or his staff and General Public Utilities." The Commission has decided to deny your appeal, as explained below.

With regard to Item 4 of your initial request, the NRC's November 1, 1983, partial response stated that the NRC had located no documents responsive to that part of your request, thus mooted that part of your appeal.

With regard to SECY-82-472, you state in your appeal that the Commission paper (SECY-82-472) and the draft order (Enclosure 1) "appear to be legitimately exempt from disclosure." We interpret this statement as your acceptance of our initial determination regarding these two segments of the withheld document. Regardless, the Commission has re-examined the matter and reaffirms the withholding of the Commission paper and the draft order for the reasons stated in the initial response.

Enclosure 2 -- List of Hardware to be Installed or Modified Prior to Restart -- is a list prepared by Commissioner Gilinsky's assistants of the equipment modifications they felt should be required at TMI-1 prior to restart. The list was provided to the Office of Policy Evaluation (OPE) to assist in their analysis of the technical issues involved in considering the various options in the TMI-1 restart decision and in preparing a draft immediate effectiveness decision for Commission consideration. This list is thus not merely a factual compilation, but rather the advice, opinions and recommendations of a Commissioner's staff on what requirements should be imposed in an ongoing adjudicatory proceeding.

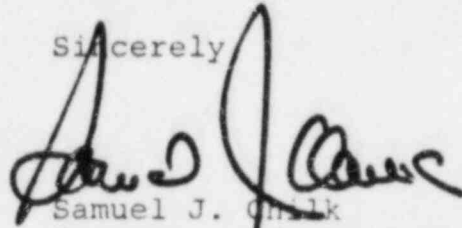
Enclosure 3 -- Summary of Gilinsky Office Items -- was prepared by OPE to summarize the status of the items presented by Commissioner Gilinsky's office in Enclosure 2. Release of any portion of this document would reveal the specific opinions and recommendations of Commissioner Gilinsky's staff, as explained above.

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The Commission has therefore determined that it would not be in the public interest to release these documents, and that they should continue to be withheld under Exemption 5, 5 U.S.C. 552(b)(5), and the Commission's regulations 10 CFR 9.5(a)(5).

This letter represents the final agency action on your October 28, 1983 FOIA appeal. Judicial review of this decision is available in a federal district court in the district in which you reside or have your principal place of business, or in the District of Columbia.

Sincerely

A handwritten signature in dark ink, appearing to read "Samuel J. Chalk". The signature is written in a cursive, somewhat stylized font.

Samuel J. Chalk
Secretary of the Commission