



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

MAY 22 1984

Ellyn R. Weiss, Esquire  
Union of Concerned Scientists  
1346 Connecticut Avenue, NW  
Suite 1101  
Washington, DC 20036

IN RESPONSE REFER  
TO FOIA-83-363

Dear Ms. Weiss:

This is in further response to your letter dated June 28, 1983 in which you requested, pursuant to the Freedom of Information Act, that all 1982 SECY papers be made available.

SECY-82-318 is a 14-page memorandum dated July 27, 1982 to the Commission from L. Bickwit, Jr., General Counsel, Subject: Review of Licensing Board Order Which Raises Sua Sponte Issues (In the Matter of Cincinnati Gas and Electric Company, Et Al) -- Docket No. 50-358-OL. Attachment A to SECY-82-318 consists of a one-page memorandum dated July 15, 1982 to the Commission from J. Frye, ASLB, Subject: Sua Sponte Issues In Cincinnati Gas and Electric Company, Et Al (William H. Zimmer Nuclear Power Plant) - Docket No. 50-358; July 15, 1982 Memorandum and Order by Atomic Safety and Licensing Board, Docket No. 50-358-OL, 28-pages. Attachment B is a three-page undated Commission draft order. Attachments A and B to SECY-82-318 have been placed in the PDR. Portions of page 3 and all of pages 4 through 14 of the July 27, 1982 Bickwit memorandum reflect the predecisional process because they contain the legal analysis, opinions, and recommendations of the Office of the General Counsel to the Commissioners. Because this information reflects the predecisional process it is exempt from mandatory disclosure pursuant to Exemption 5 of the Freedom of Information Act (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5). The information contains no reasonably segregable factual portions not already in the public domain. Release of this information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Therefore, it is being withheld. A copy of the expurgated paper will be placed in the PDR.

SECY-82-402 is a two-page memorandum dated October 14, 1982 to the Commission from S. Trubatch, Acting Assistant General Counsel, Subject: Licensee Hearing Request in Civil Penalty Case. Attachment 1 to SECY-82-402 consists of a one-page memorandum dated September 16, 1982 to S. Chilk from R. DeYoung Subject: Civil Penalty Hearing - Consolidated X-Ray Service Corporation - License No. 42-08456; August 27, 1982 letter to R. DeYoung, NRC from H. Smith, Esquire (Schoolfield and Smith) re: Consolidated X-Ray Service Corporation, one-page; undated draft notice of hearing re: Consolidated X-Ray Service, three-pages; August 6, 1982 Order Imposing Civil Monetary Penalty by R. DeYoung re: Consolidated X-Ray Service, three-pages. Attachment 2 is an undated two-page draft Commission Order re: Consolidated X-Ray Service. The

MAY 22 1984

October 4, 1982 Trubatch memorandum, September 16, 1982 DeYoung memorandum, August 27, 1982 DeYoung letter, August 6, 1982 DeYoung Order and attachment 2 have been placed in the PDR. The undated draft notice in attachment 1 reflects the predecisional process because it contains the legal analysis, opinions, and recommendations of the Office of the General Counsel to the Commissioners. Because this information reflects the predecisional process it is exempt from mandatory disclosure pursuant to Exemption 5 of the Freedom of Information Act (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5). Release of this information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Therefore, it is being withheld.

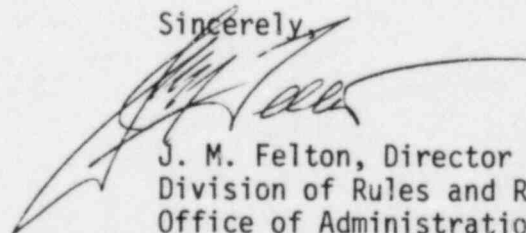
SECY-82-491 is a 13-page memorandum dated December 15, 1982 to the Commission from M. Malsch, Deputy General Counsel, Subject: NFS Erwin Hearing; NRDC's Request for DOE's Classified Information; Hearing Scope Issues: Opportunity for Written Responses to Submitted Questions; and Related Matters. The attachment to SECY-82-491 is a four-page undated draft Commission Order. Portions of page 2 and all of pages 3 through 13 of SECY-82-491 along with the attachment reflect the predecisional process because they contain the legal analysis, opinions, and recommendations of the Office of the General Counsel to the Commissioners. Because this information reflects the predecisional process it is exempt from mandatory disclosure pursuant to Exemption 5 of the Freedom of Information Act (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5). The information contains no reasonably segregable factual portions not already in the public domain. Release of this information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Therefore, it is being withheld. A copy of the expurgated paper will be placed in the PDR.

Pursuant to 10 CFR 9.15 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 person responsible for this denial is Mr. James A. Fitzgerald, Assistant General Counsel.

This denial may be appealed to the Commission within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

We will respond to the remainder of your request as expeditiously as possible.

Sincerely,



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

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June 28, 1983

Joseph Felton, Director  
Division of Rules and Records  
Office of Administration  
United States Nuclear Regulatory Commission  
Washington, D.C. 20055

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-83-365  
Rec'd 7-1-83

Freedom of Information Act Request

Dear Mr. Felton,

On behalf to The Union of Concerned Scientists and pursuant to the federal Freedom of Information Act, I hereby request that all 1982 SECY papers be made available.

Very truly yours,



Ellyn R. Weiss

ERW/cpk

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