



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

PDR-016
LPDR

Docket No. 50-289

AUG 17 1984

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

IN RESPONSE REFER
TO FOIA-84-337

Dear Ms. Weiss:

This is a final response to your letter dated May 2, 1984, in which you requested, pursuant to the Freedom of Information Act, a copy of all documents between and among the individual Commissioners and their staffs, etc. between December 1, 1982, and the present regarding the schedule for the Three Mile Island, Unit 1 restart proceeding.

The documents listed on Appendix A are being placed in the NRC Public Document Room (PDR).

The documents listed on Appendix B contain predecisional advice, opinions, and recommendations of the Chairman and his staff concerning proposed schedules for a decision on the restart of Three Mile Island Unit 1. These documents are being withheld from public 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) of the Commission's regulations. Release of the documents would tend to inhibit the open and frank exchange of ideas essential to the deliberative process and would not be in the public interest. The documents do not contain any reasonably segregable factual portions. Therefore, the documents are being withheld in their entirety.

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. John C. Hoyle, Assistant Secretary of the Commission.

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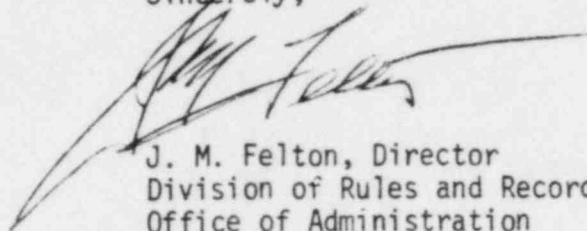
Ellyn R. Weiss, Esquire

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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."

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Felton", with a long, sweeping horizontal stroke extending to the right.

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

Enclosures: Appendices A and B

APPENDIX A

1. 1/18/84 Memo to Commissioners from J. K. Asselstine
2. 4/11/84 Chairman Palladino Response Sheet for SECY-84-153
3. 4/16/84 Commissioner Roberts Response Sheet for SECY-84-153
4. 4/16/84 Commissioner Bernthal Response Sheet for SECY-84-153
5. 4/16/84 Commissioner Asselstine Response Sheet for SECY-84-153

APPENDIX B

1. 4/24/84 Note to the Chairman from C. W. Reamer, Legal Assistant,
re: Status of TMI-1 Restart Schedule
2. 4/18/84 Chairman's comments on proposed Chilk Memorandum to
the Parties