



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

JUL 9 1984

Ellyn R. Weiss, Esquire
General Counsel
Union of Concerned Scientists
Harmon, Weiss & Jordan
2001 S Street, NW, Suite 430
Washington, DC 20009

IN RESPONSE REFER
TO FOIA-84-377

Dear Ms. Weiss:

This is a second response to your letter dated May 15, 1984, in which you requested, pursuant to the Freedom of Information Act, a copy of all documents considered by the Commission in its sua sponte review of the circumstances surrounding the implementation schedule for the seven long-term items which General Public Utilities (GPU) will not have completed prior to its scheduled restart of Three Mile Island Unit 1.

The documents listed on Appendix A are being placed in the NRC Public Document Room (PDR) under Docket File No. 50-320.

The document listed on Appendix B contains the analysis, opinions, and recommendations of the Chairman's legal assistant written in order to advise the Commission on the Union of Concerned Scientists' Motion to Establish Criteria for Judging "Reasonable Progress" at TMI-1. This document is 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 this document would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. The document contains no reasonably segregable factual portions not already in the public domain. Thus, the document is being withheld in its 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 to the Commission.

8502120380 840709
PDR FOIA
WEISS84-377 PDR

Ellyn R. Weiss, Esquire

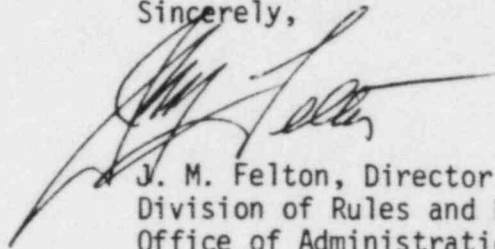
-2-

JUL 9 1984

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."

The NRC has not completed its review of the remaining documents subject to your request. We will respond as soon as that effort is completed.

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Felton", is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

Enclosures: As stated

APPENDIX A

1. 4/1/84 Chairman Palladino's Response Sheet for SECY-84-113
2. 5/2/84 Comm. Gilinsky's Response Sheet for SECY-84-113
3. 3/26/84 Comm. Roberts' Response Sheet for SECY-84-113
4. 4/24/84 Comm. Asselstine's Response Sheet for SECY-84-113
5. 4/28/84 Comm. Bernthal's Response Sheet for SECY-84-113

APPENDIX B

1. Undated Briefing Note for Chairman Palladino from Bill Reamer, Legal Assistant, Subject: SECY-84-113 - UCS Motion to Establish Criteria for Judging "Reasonable Progress" at TMI-1"