

PDR-016



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

FEB 20 1985

Ms. Nina Bell  
Nuclear Information and Resource Service  
1346 Connecticut Avenue, NW  
Washington, DC 20036

IN RESPONSE REFER  
TO FOIA-84-470

Dear Ms. Bell:

This is a fifth response to your letter dated June 1, 1984, in which you requested, pursuant to the Freedom of Information Act (FOIA), copies of all documents prepared or utilized by, in the possession of, or routed through the Nuclear Regulatory Commission (NRC) related to:

1. The March 20, 1984, memorandum from Chairman Palladino to the Commissioners re: Licensing Delays, including, but in no way limited to, the "briefing sheets" alluded to in paragraph two of the memo; and
2. The legal authority, and justification for, expedited hearings held by Atomic Safety and Licensing Boards, Atomic Safety and Licensing Appeals Boards, and the Commission.

The two documents listed on the enclosed Appendix A are responsive to your request and are being placed in the NRC's Public Document Room (PDR), 1717 H Street, NW, Washington, DC 20555. You may obtain access to these records by presenting a copy of this letter to the PDR staff or by requesting folder FOIA-84-470 under your name.

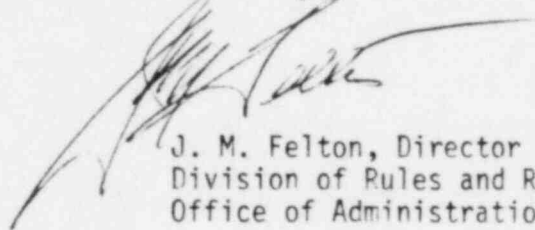
The document identified on the enclosed Appendix B is being withheld in its entirety because it is predecisional in nature. This draft document is authored by Commissioner Asselstine and contains his additional views on whether the Licensing Board hearing on the applicant's Supplemental Motion in the Shoreham case should go forward. This draft document differs from what was made final. There are no reasonably segregable factual portions. Therefore, this document is exempt from mandatory disclosure pursuant to Exemption 5 of the FOIA (5 U.S.C. 552(b)(5)) and the Commission's regulations at 10 CFR 9.5(a)(5).

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.

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 staff is continuing to review documents subject to your request. We will notify you upon completion of the review.

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Felton", written over a horizontal line.

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

Enclosures: As stated

APPENDIX A

Records Being Placed in the PDR

1. 04/03/84 Routing and Transmittal Slip to J. Youngblood et al., from T. M. Novak re: Final Draft. (1 page)
2. 05/03/84 Memo for Chairman Palladino from Martin G. Malsch re: MARCH 16, 1984, MEETING ON LICENSING DELAYS. (1 page)

APPENDIX B

Denied in Entirety - Exemption 5

1. Draft - Commissioner Asselstine's Additional Views on whether the Licensing Board Hearing on the applicant's supplemental motion in the Shoreham case should go forward. (3 pages)