



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

PDR-016

AUG 09 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-82-210, "Efforts to Improve IAEA Safeguards" and SECY-82-313, "Classification of the Morgan Report" have undergone review and a determination has been made to withhold, pursuant to Exemption (1), pages 17 and 2 respectively. These pages consist of information classified pursuant to Executive Order 12356. This information is being withheld from public disclosure pursuant to Exemption (1) of the Freedom of Information Act (5 U.S.C. 552(b)(1)) and 10 CFR 9.5(a)(1). Copies of the expurgated papers have been placed in the PDR.

SECY-82-353 is a ten-page memorandum dated August 20, 1982, to the Commission from Albert P. Kenneke, Acting Director, OPE, Subject: TMI-1 Restart Board Partial Initial Decision on Cheating and Response to Staff Enforcement Plan. Enclosure 1 to SECY-82-353 is an undated 17-page document entitled, "Summary of July 27, 1982, Partial Initial Decision on Restart of TMI-1; Operator Examination Cheating and Related Issues." Enclosure 2 is an undated four-page document entitled, "Summary of Board's Response to Staff Enforcement Plan." Enclosure 3 is an undated one-page document entitled, "TMI-1 Restart Commission Review Documentation." SECY-82-353 and the enclosures reflect the predecisional process because they contain the predecisional advice, recommendations, and analysis of the Office of the Policy Evaluation to the Commission concerning a proposed TMI-1 restart. These documents contain no reasonably segregable factual portions not already in the public domain. Because the documents reflect the predecisional process they are 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 the documents would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Therefore, they are being withheld in their entirety.

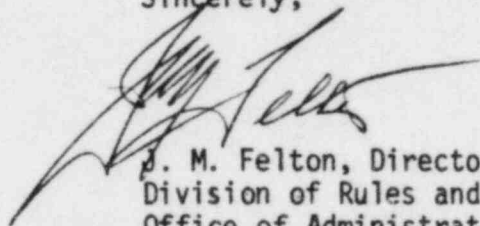
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Pursuant to 10 CFR 9.15 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure and that its production or disclosure is contrary to the public interest. The person responsible for 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."

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

Sincerely,

A handwritten signature in dark ink, appearing to read "J. M. Felton", is written over the typed name and title.

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-83-363  
Rec'd 7-1-83

Freedom of Information Act Request

Dear Mr. Felton,

On behalf of 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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