

PDR - 016  
LPDR



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

Docket No. 50-289

JUL 24 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 an additional 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.

Document 1 listed on the appendix is a draft memorandum to the parties in the restart proceedings and contains the predecisional advice, opinions, and recommendations of the General Counsel and the Director, Office of Policy Evaluation, on what the notice should say. Documents 2 through 5 contain predecisional advice, opinions, and recommendations of the Director, Office of Policy Evaluation to the Commissioners concerning proposed schedules for a decision on the restart of Three Mile Island Unit 1. The Director, Office of Policy Evaluation, in these documents gives his opinion and advice on the steps to be taken and recommends dates for those steps. 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. 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 E. Zerbe, Director, Office of Policy Evaluation.

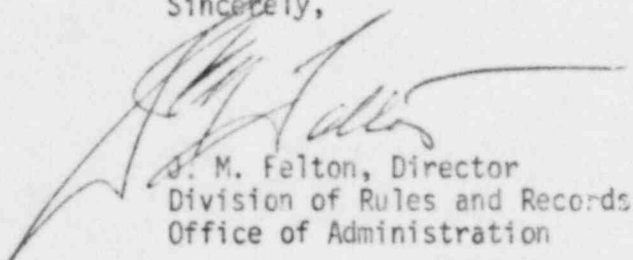
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This denial may be appealed to the Commission within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly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

Sincerely,



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

Enclosure: Appendix

APPENDIX

1. 1/25/84                      SECY-84-37 Zerbe/Plaine to the Commission;  
TMI-1 Restart: Draft Memorandum to Parties  
on Resolution of Management Issues (4 pages).
2. 3/23/84                      Draft: TMI-1 Order Milestones (2 pages).
3. 3/29/84                      Draft: TMI-1 Order Milestones (2 pages).
4. (No Date)                    Date: Zerbe to the Commission; TMI-1 Re-  
start: Decisionmaking Schedule (4pages).
5. 4/9/84                        Draft: TMI-1 Order Milestones (3 pages).
6. 4/17/84                      Draft: Chilk to Parties to TMI-1 Restart  
Proceeding; Schedule for Reaching Restart  
Decision (2 pages).
7. (No Date)                    Enclosure: Draft TMI-1 Target Schedule  
(2 pages).

**UNION OF  
CONCERNED  
SCIENTISTS**

1346 Connecticut Avenue, N.W. • S. 1101 • Washington, DC 20036 • (202) 296-5600

May 2, 1984

**FREEDOM OF INFORMATION  
ACT REQUEST**

Mr. Joseph Felton, Director  
Division of Rules and Records  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

FOIA-84-337  
rec'd 05/04/84

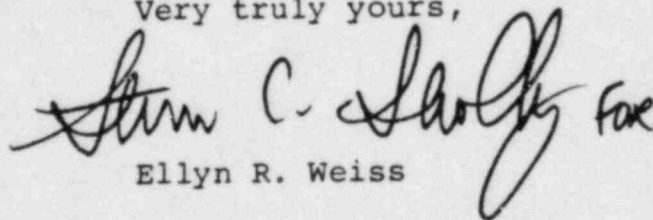
RE: FREEDOM OF INFORMATION ACT REQUEST

Dear Mr. Felton:

Pursuant to the federal Freedom of Information Act, I hereby request all letter, telephone logs, notes of conversations and/or memoranda between and among the individual Commissioners and their staff, staff of the office of General Counsel, staff of the White House and other Executive Branch agencies and the members of the Appeal Board, between December 1, 1983 and to date with regard to the schedule for the Three Mile Island, Unit 1 restart proceedings.

Note that the request covers timing and scheduling matters and therefore raises no question regarding the exemption for predecisional documents.

Very truly yours,

  
Ellyn R. Weiss

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