



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

NOV 13 1984

Mr. Lyle Graber, Licensing Engineer
Licensing Information Service
NUS Corporation
2536 Countryside Boulevard
Clearwater, FL 33515-2094

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IN RESPONSE REFER
TO FOIA-84-798

Dear Mr. Graber:

This is in response to your letter dated October 9, 1984, in which you requested, pursuant to the Freedom of Information Act (FOIA), that copies of SECY-84-206, SECY-84-206A, and SECY-84-300 be placed in the Public Document Room (PDR).

SECY-84-300 and portions of SECY-84-206, listed on Appendix A, are being placed in the PDR.

SECY-84-206A and portions of SECY-84-206, listed on Appendix B, are being withheld. These documents contain the predecisional legal analyses, opinions, and recommendations of the Office of the General Counsel for the Commissioners' consideration of two questions the Appeal Board certified in ALAB-769 regarding the Shoreham proceeding. Because the documents reflect the predecisional process between the Office of the General Counsel and the Commissioners, the documents are exempt from mandatory disclosure pursuant to Exemption 5 of the FOIA, 5 U.S.C. §552(b)(5), and the Commission's regulations, 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. SECY-84-206A does not contain any reasonably segregable factual portions. Mr. James A. Fitzgerald, Assistant General Counsel, is the withholding official.

This denial may be appealed to the NRC 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,

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

Enclosures: As stated

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APPENDIX A

Documents Being Placed in the PDR

1. 7/25/84 SECY-84-300, Proposed Rule to Modify the Requirement That Power Reactor Licensees Maintain Property Damage Insurance. (102 pages)
2. 5/18/84 Portions of SECY-84-206, Shoreham--Appeal Board Certification in ALAB-769. (9 pages)
3. 4/23/84 ALAB-769 (Attachment 1 of SECY-84-206). (29 pages)

APPENDIX B

Documents Being Withheld

1. SECY-84-206-- May 18, 1984, memorandum from H. Plaine, General Counsel, to the Commission, Subject: Shoreham - Appeal Board Certification in ALAB-769, portions of pages 2, 4, 5, 7, 9, and 14, and all of pages 8, 10, 11, 12, and 13.
2. Attachment 2 of SECY-84-206 Undated Draft Commission Memorandum and Order. (7 pages)
3. SECY-84-206A--May 23, 1984, memorandum from H. Plaine, General Counsel, to the Commission, Subject: Shoreham--Appeal Board Certification in ALAB-769. (5 pages)