



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

PDR-016

FEB 14 1986

Diane Curran, Esquire  
Harmon, Weiss & Jordan  
2001 S Street, NW, Suite 430  
Washington, DC 20009

IN RESPONSE REFER  
TO FOIA-85-759

Dear Ms. Curran:

This is in partial response to your letter dated November 15, 1985, in which you requested, pursuant to the Freedom of Information Act, three categories of documents related to the Backfit Rule published in the Federal Register on September 20, 1985.

The records listed on the enclosed Appendix A are already available in the NRC Public Document Room (PDR), 1717 H Street, NW, Washington, DC. There is no charge for inspecting records maintained in the PDR. We are enclosing a copy of a notice that provides charges and procedures for obtaining copies of records from the PDR.

The documents listed on the enclosed Appendix B are being placed in the PDR. You may obtain access to these records by presenting a copy of this letter to the PDR staff or by requesting PDR folder FOIA-85-759 in your name.

The documents listed on the enclosed Appendix C are being withheld from public disclosure pursuant to Exemption (5) of the FOIA (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations. These documents are drafts containing advice, opinions, and recommendations. Release of this type of information would tend to inhibit the frank and candid exchange of information in future deliberations and thus would not be in the public interest. There are no reasonably segregable factual portions because release of the facts would permit an indirect inquiry into the predecisional process of the agency.

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 Hoyle, Assistant Secretary of the Commission.

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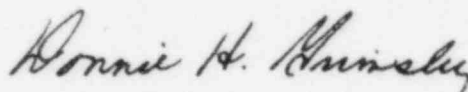
Diane Curran, Esquire

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This denial may be appealed to the Secretary of 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 search for and review of additional documents subject to your request is continuing. As soon as our efforts are completed, we will notify you.

Sincerely,

A handwritten signature in cursive script, reading "Donnie H. Grimsley".

Donnie H. Grimsley, Director  
Division of Rules and Records  
Office of Administration

Enclosures: As stated

APPENDIX A

1. 02/09/83 Letter from J. E. Tribble, Yankee Atomic Electric Co., to Chairman Palladino - Accession No. 8303160617
2. 02/25/83 Letter from Chairman Palladino to J. E. Tribble - Accession No. 8303160617
3. 04/11/83 Memorandum from J. R. Tourtellotte to Chairman Palladino, Commissioners - Accession No. 8305230720
4. 05/20/83 Memorandum from J. Zerbe to Commissioner Ahearne - Accession No. 8310110570B
5. 06/14/83 Letter from J. R. Tourtellotte to E. Weiss - Accession No. 8306160680
6. 06/22/83 Memorandum from J. R. Tourtellotte to Commissioners - Accession No. 8307080259
7. 07/07/83 Letter from C. Walske to Chairman Palladino - Accession No. 8310110570A
8. 07/20/83 Letter from Sen. George Mitchell to Chairman Palladino - Accession No. 8310180010A
9. 08/17/83 Letter from W. G. Counsil to H. Boulden - Accession No. 8311030266AA
10. 09/13/83 Letter from Chairman Palladino to E. Weiss - Accession No. 8310070363
11. 11/01/83 Letter from H. R. Denton to M. R. Edelman - Accession No. 8311140337
12. 03/12/84 Letter from Chairman Palladino to Rep. Bevill - Accession No. 8403290087
13. 08/07/84 Letter from Rep. Edward Markey to Chairman Palladino - Accession No. 8411140581A
14. 10/17/84 Letter from J. C. Ebersole, ACRS, to Chairman Palladino - Accession No. 8410220056
15. 10/31/84 Letter from Chairman Palladino to Rep. Markey - Accession No. 8411140581
16. 07/19/85 Letter from W. B. Behnke, AIF, to Chairman Palladino - Accession No. 8508260257AB
17. 11/05/85 Letter from Congressmen Moorhead to Broyhill to Chairman Palladino.

APPENDIX B

1. 03/02/83 Letter from J. E. Tribble to Chairman Palladino. (1 page)
2. 05/02/83 Memorandum from W. Dircks to Commissioners. (5 pages)
3. 06/16/83 Letter from C. Walske, AIF, to Chairman Palladino. (2 pages)
4. 06/23/83 Letter from W. G. Counsil, Nuclear Utility Backfitting and Reform Group, to S. Chilk. (2 pages)
5. 09/22/83 Letter from W. G. Dircks to C. Walske. (5 pages)
6. 09/29/83 Letter from Chairman Palladino to Sen. Mitchell. (3 pages)
7. 10/23/84 Memorandum from J. K. Asselstine to Chairman Palladino with 10/29/84 response from Chairman Palladino to Commissioner Asselstine at bottom of page. (1 page)
8. 03/12/85 Letter from D. A. Ward, ACRS, to Chairman Palladino. (3 pages)
9. 03/15/85 Letter from C. Kammerer to Rep. Moorhead. (1 page)
10. 03/15/85 Letter from C. Kammerer to Rep. Broyhill. (1 page)
11. 03/21/85 Letter from J. S. Harrington, DOE, to Chairman Palladino. (2 pages)
12. 08/15/85 Memorandum from W. Dircks to Chairman Palladino. (1 page)
13. 08/21/85 Letter from J. E. Tribble to Chairman Palladino. (1 page)
14. 09/13/84 Letter from W. Dircks to J. D. Peach, GAO. (5 pages)

APPENDIX C

1. Drafts of 9/13/83 letter to Weiss from Palladino.
2. Drafts of 9/29/83 letter to Mitchell from Palladino.
3. Drafts of 3/12/84 letter to Bevill from Palladino.
4. Drafts of 10/31/84 letter to Markey from Palladino.