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

JAN 08 1986

Ms. Dana Bottorff, Correspondent  
Ottaway News Service  
815 15th Street, NW, Suite 628  
Washington, DC 20005

IN RESPONSE REFER  
TO FOIA-85-767

Dear Ms. Bottorff:

This is in response to your letter dated November 15, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), a copy of the draft report of the Saturday, November 9, 1985, meeting of the Advisory Committee on Reactor Safeguards (ACRS). In a telephone conversation with Natalie Brown of my staff on November 21, 1985, you stated that you were interested in the draft report on the Palo Verde nuclear power plant.

The three-page draft report to Chairman Palladino entitled, "ACRS Report on the Palo Verde Nuclear Generating Station, Units 1, 2 and 3," dated November 9, 1985, is being withheld. The document contains the predecisional analyses, opinions and recommendations of the ACRS to the Commission. Release of the document would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. The 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). The document does not contain any reasonably segregable factual portions because release of the facts would permit an indirect inquiry into the predecisional process of the agency. The document is being withheld in its 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 C. Hoyle, Advisory Committee Management Officer.

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."

Sincerely,

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

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PDR FOIA  
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