



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

APR 1 1986

Mr. Eugene Rosolie
Coalition For Safe Power
406 Governor Building
408 Southwest Second Avenue
Portland, Oregon 97204

IN RESPONSE REFER
TO FOIA-86-107

Dear Mr. Rosolie:

This is in response to your letter dated February 19, 1986, in which you requested, pursuant to the Freedom of Information Act (FOIA), copies of SECY-85-209, SECY-85-260, SECY-85-374, and SECY-85-367A.

SECY-85-260, entitled, "Incentive Regulation of Nuclear Generating Facilities by State Public Utility Commissions (PUCS)," is already available for public inspection and copying in the NRC Public Document Room (PDR) located at 1717 H Street, NW, Washington, DC 20555, in the PDR SECY Paper File. SECY-85-367A, entitled, "Public Service Company of New Mexico's Proposed Sale and Leaseback Transaction For Refinancing Its Interest In Palo Verde 1," was addressed in our response to a previous FOIA request, FOIA-85-826. The released portions of SECY-85-367A, are also available in the PDR in file folder FOIA-85-826 under the name Rader.

SECY-85-209 and SECY-85-374 are identified on the enclosed appendix and are being withheld in part. Portions of the documents contain the predecisional analyses, opinions, and recommendations of the staff to the Commission. Because the documents reflect the predecisional process between the Commission and the staff, 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 at 10 CFR 9.5(a)(5). Release of the information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. The released portions of SECY-85-209 and SECY-85-374 are being placed in the PDR in file folder FOIA-86-107 in your name.

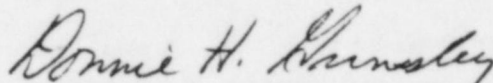
Pursuant to 10 CFR 9.15 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure and that its production or disclosure is contrary to the public interest. The person responsible for this denial is Mr. John C. Hoyle, Assistant Secretary of the Commission.

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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."

Sincerely,

A handwritten signature in cursive script that reads "Donnie H. Grimsley".

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

Enclosure: As stated

Re: 86-107

APPENDIX

Documents Being Withheld in Part

1. 6/11/85 SECY-85-209, "Alternative Approaches for Implementing the Sholly Amendment on No Significant Hazards Considerations."
2. 11/25/85 SECY-85-374, "Proposed Revision to 10 CFR Part 72 Entitled, 'Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste,' and Conforming Amendments to 10 CFR Parts 2, 19, 20, 21, 51, 70, 73, 75, and 150."