



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

MAY 14 1985

Robert R. Belair, Esquire
Kirkpatrick & Lockhart
1900 M Street, NW
Washington, DC 20036

IN RESPONSE REFER
TO FOIA-85-199

Dear Mr. Belair:

This is in further response to your letter dated March 20, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), copies of documents related to severe accident source term data.

The five documents identified on enclosed Appendix D are being placed in the NRC Public Document Room (PDR) located at 1717 H Street, NW, Washington, DC 20555, in file folder FOIA-85-199.

The documents identified on enclosed Appendix E are predecisional and contain the advice, analyses, opinions and recommendations of the Office of Policy Evaluation (OPE) for the Commissioners. Because the documents reflect the predecisional process between OPE 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(6)(5). Release of the documents would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. The documents do not contain any reasonably segregable factual portions. The documents are being withheld in their entirety.

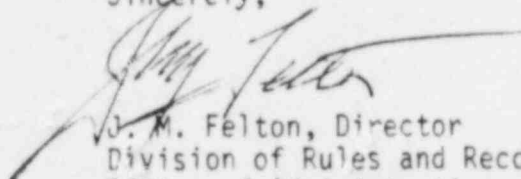
Pursuant to 10 CFR 9.15 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure and that its production or disclosure is contrary to the public interest. The person responsible for this denial is John E. Zerbe, Director, Office of Policy Evaluation.

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 the letter that it is an "Appeal from an Initial FOIA Decision."

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The search for and review of documents that are subject to your request are continuing. We will notify you upon completion of the search and review.

Sincerely,



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

Enclosures: As stated

APPENDIX D

Documents Being Placed in the PDR

1. 08/02/84 Memo from Robert Bernero to Robert Minogue re: Equipment Qualifications Source Term (2 pages)
2. 09/19/84 SECY-84-370, "NUREG-1070, 'NRC Policy on Future Reactor Designs: Decisions on Severe Accident Issues in Nuclear Power Regulations.'" (19 pages)
3. 10/12/84 SECY-84-395, "Update on Accident Source Term Reassessment." (5 pages)
4. 01/15/85 Memo from D.F. Ross to list re: Emergency Preparedness Rule (3 pages)
5. 03/01/85 Letter from Kenneth Perkins to George Thomas re: containment response review (5 pages)

APPENDIX E

Documents Being Withheld

1. 05/09/84 Memorandum to the Commission from John E. Zerbe, Director, OPE,
Subject: Technical Analysis of Safety Issues Surrounding
Operations of Shoreham at Low Power Without Onsite, Qualified
Emergency Diesel Generators (5 pages)
2. 06/14/84 Memorandum to the Commission from John E. Zerbe, Director, OPE,
Subject: NRC Policy on Reactor Containment (7 pages)
3. 06/20/84 Memorandum to the Commission from John E. Zerbe, Director, OPE,
Subject: Shoreham: Status of Issues Requiring Resolution Prior
to Licensing (4 pages)