



OFFICE OF THE  
SECRETARY

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

September 23, 1996

Ms. Diane Curran  
Harmon, Curran & Spielberg  
2001 S Street, N.W.  
Suite 430  
Washington, D.C. 20009-1125

RE: FOIA Appeal 96-A-012 C  
(FOIA-96-286)

Dear Ms. Curran:

This letter responds to your September 6, 1996 appeal of the decision to withhold in the entirety the document identified on Appendix A (document "A-1") of the agency's August 2, 1996 response to your Freedom of Information Act (FOIA) request 96-286. Although untimely under our regulations, which require appeal within 30 days of the NRC's denial (10 CFR § 9.29(a)), your appeal, received September 9, 1996, was considered on the merits. In response to your appeal, the withheld material again was reviewed. I have carefully considered the material withheld from this record under policy guidance issued by the President and the Attorney General. On the basis of my examination, I have decided to grant your appeal.

Document A-1 is a one-paragraph memo dated July 8, 1996 to James M. Taylor from John C. Hoyle, Subject: Staff Requirements - SECY-96-124 - Financial Assurance for General Atomics Facilities. This document consists of a memo advising of the Commission's decision related to SECY-96-124. It had been withheld on the basis of the deliberative process privilege, exemption 5 of the FOIA. However, in accordance with the above policy, I have reviewed the denied material to determine whether it should be released and I have determined that the withheld material may be made publicly available. Therefore, I have decided to grant your appeal and release the document in question. A copy is enclosed.

Sincerely,

John C. Hoyle  
Secretary of the Commission

Enclosure:

Memo fm J. Hoyle to J. Taylor  
dated July 8, 1996

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PDR FOIA  
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