



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

JUL 30 1985

Ms. Billie Pirner Garde
Citizens Clinic Director
Government Accountability Project
1555 Connecticut Avenue, NW, Suite 202
Washington, DC 20036

PDR-016
IN RESPONSE REFER
TO FOIA-85-487

Dear Ms. Garde:

This is in response to your letter dated June 29, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), copies of records related to the presentation given by Commissioner Frederick Bernthal to the Atomic Industrial Forum (AIF) in Dallas, Texas, on May 20, 1985.

The document identified on enclosed Appendix A is being placed in the NRC Public Document Room (PDR) located at 1717 H Street, NW, Washington, DC 20555, in file folder FOIA-85-487 in your name.

The three documents identified on enclosed Appendix B are being withheld. The documents contain the predecisional analysis, opinions, and recommendations between Commissioner Bernthal and his staff on topics to be discussed in his upcoming speech to the AIF. Because these documents reflect the predecisional process in the communications between the Commissioner and his 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, 10 CFR 9.5(a)(5). Release of the documents would tend to inhibit the open and frank exchange of ideas. The documents do not contain any reasonably segregable portions and 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 Mr. John C. Hoyle, Assistant Secretary of the Commission.

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,

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

Enclosures: As stated

8508150097 850730
PDR FOIA
GARDE85-487 PDR

APPENDIX A

DOCUMENTS BEING RELEASED

1. 5/20/85 Remarks by Frederick M. Bernthal, Commissioner, U.S. Nuclear Regulatory Commission, to Atomic Industrial Forum, Inc., Conference on New Directions in Licensing in Dallas, Texas. (8 pages)

APPENDIX B

DOCUMENTS BEING WITHHELD

1. 5/10/85 Memo from Comm. Bernthal to his personal staff regarding subjects to be covered in Dallas AIF speech. (1 page)
2. Undated Comments for Comm. Bernthal on various subjects to be covered in Dallas AIF speech prepared by personal staff. (12 pages)
3. Undated Memo from Comm. Bernthal to personal staff regarding subjects to be covered in Dallas AIF speech. (1 page)