



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

AUG 01 1985

Mr. Frank S. Hamblett
Newman & Holtzinger, P.C.
1615 L Street, NW
Washington, DC 20036

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IN RESPONSE REFER
TO FOIA-85-460

Dear Mr. Hamblett:

This is in response to your letter dated June 25, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), a copy of SECY-85-80.

SECY-85-80, identified on the enclosed appendix, is being withheld in part. The withheld portion contains the predecisional analyses, opinions, and recommendations of the Office of Investigations (OI) for the Commissioners' consideration on the adoption of proposed investigative policies. Because the document reflects the predecisional process between the Commissioners and OI, 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, 10 CFR 9.5 (a)(5). Release of this portion of the document would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. The enclosures to this document are being placed in the NRC Public Document Room located at 1717 H Street, NW, Washington, DC 20555, in file folder FOIA-85-460 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.

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 of an Initial FOIA Decision."

Sincerely,

A handwritten signature in dark ink, appearing to read "J. M. Felton".

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

Enclosure: As stated

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PDR FOIA
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APPENDIX

DOCUMENT BEING WITHHELD IN PART

1. 03/06/85 SECY-85-80 - Memorandum from Ben Hayes, Director, Office of Investigations, to the Commissioners, Subject: Investigation Policy on Rights of Licensee Employees Under Investigation. (14 pages) [Withheld Portion]

Enclosure 1 - Letter from Palladino to Silbert, dated 4/11/83.
(2 pages)

Enclosure 2 - Letter from Silbert to the Commission, dated
09/13/83. (31 pages)

Enclosure 3 - Letter from Trott to Palladino, Jated 02/16/84.
(16 pages)

Enclosure 4 - OI Investigation Procedure Memorandum 82-010,
undated. (1 page)