



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

016

AUG 2 1985

Jay Silberg, Esquire
Shaw, Pittman, Potts & Trowbridge
1800 M Street, NW
Washington, DC 20036

IN RESPONSE REFER
TO FOIA-85-493

Dear Mr. Silberg:

This is in response to your letter dated July 10, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), copies of 1) SECY-85-80, 2) SECY-85-208, and 3) transcripts of any Commission meetings at which these two SECY papers were discussed.

SECY-85-80 was addressed in a previous FOIA request, FOIA-85-460. Copies of this request and disclosed portions of SECY-85-80 are filed in the NRC Public Document Room (PDR) located at 1717 H Street, NW, Washington, DC 20555, under the name Hamblett.

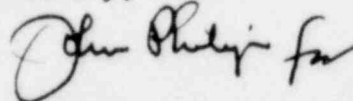
SECY-85-208, identified on the enclosed appendix, is being withheld from disclosure. The document contains the predecisional advice, opinions and recommendation of the staff to the Commission on plans to improve the program for the investigation of significant operational events. Because the document reflects the predecisional process between the Commission and the staff, 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 the document would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. The document does not contain any reasonably segregable portions and is being withheld in its entirety.

With regard to category 3 of your request, both SECY-85-80 and SECY-85-208 are "Notation Vote" papers and, therefore, were not discussed at a Commission meeting.

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 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

Re: FOIA-85-493

APPENDIX

1. 06/10/85 SECY-85-208, "Incident Investigation Program." (8 pages)