



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

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AUG 22 1985

Mr. Lyle Graber, Licensing Engineer
Licensing Information Service
NUS Corporation
2536 Countryside Boulevard
Clearwater, FL 33575-2094

IN RESPONSE REFER
TO FOIA-85-523

Dear Mr. Graber:

This is in response to your letter dated July 18, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), a copy of SECY-85-209.

SECY-85-209, identified on the enclosed appendix, is being withheld from disclosure. The document contains the predecisional advice, opinions, and recommendations of the staff for the Commissioners' consideration of alternative approaches for implementing the Sholly Amendment on no significant hazards considerations. 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 factual segregable portions and is being withheld in its 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

Enclosure: As stated

APPENDIX

1. 06/11/85 SECY-85-209, "Alternative Approaches for Implementing the Sholly Amendment on No Significant Hazards Considerations."
(6 pages)