



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

014

AUG 29 1985

Ms. Michelle Adato, Research Associate
Union of Concerned Scientists
1346 Connecticut Avenue, NW, Suite 1101
Washington, DC 20036

IN RESPONSE REFER
TO FOIA-85-427

Dear Ms. Adato:

This is in further response to your letter dated June 11, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), copies of documents related to the Brookhaven National Laboratory (BNL) report on the need for a nuclear safety board.

The documents identified on enclosed Appendix D are being placed in the NRC Public Document Room (PDR) located at 1717 H Street, NW, Washington, DC 20555, in file folder FOIA-85-427 in your name. The documents identified on enclosed Appendix E are already in the PDR. I have indicated the file location beside each document description.

SECY-85-208, entitled "Incident Investigation Program," dated July 10, 1985, is subject to your request and was addressed in our response to a previous FOIA request, FOIA-85-493, which is filed in the PDR under the name Silberg.

The documents identified on enclosed Appendix F contain the predecisional analyses, opinions, and recommendations between the Commissioners and their staffs on the BNL report. Because the documents reflect the predecisional process between the Commissioners and their staffs, 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 at 10 CFR 9.5(a)(5). Release of the documents would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. The documents do not contain any reasonably segregable factual portions and are being withheld in their entirety.

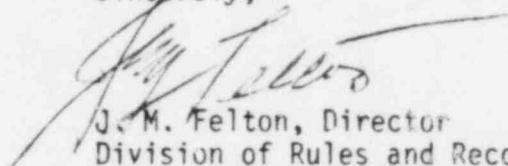
Pursuant to 10 CFR 9.15 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure and that its production or disclosure is contrary to the public interest. The person responsible for this denial is Mr. John C. Hoyle, Assistant Secretary 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."

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PDR FOIA
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The search for and review of documents that are subject to your request are continuing. We will notify you upon completion of the search and review.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. M. Felton", with a long, sweeping horizontal line extending to the right.

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

Enclosures: As stated

APPENDIX D

Documents Being Placed in the PDR

1. 05/06/85 Handwritten notes of J. Austin on slides for May 9, 1985, Commission Briefing. (2 pages)
2. Undated Handwritten notes of J. Austin relating to BNL Report. (1 page)

APPENDIX E

Documents Already in the PDR

1. 04/22/85 Memo from J. C. Hoyle to R. Fraley and J. Zerbe re: Staff Requirements -- Periodic Meeting with Advisory Committee on Reactor Safeguards, 4/11/85. (1 page) - Accession No. 8504290050
2. 04/11/85 Transcript of Commission Periodic Meeting with the ACRS. (86 pages) - Accession No. 8504250337

APPENDIX F

Documents Being Withheld

1. 05/08/85 Note from J. Meyer to F. Bernthal, Subject: BNL Report on Independent Safety Organization. (2 pages)
2. 05/02/85 Summary of BNL Report, "An Independent Safety Organization," prepared by D. Humenansky for L. Zech. (3 pages)
3. Undated Briefing sheet prepared by D. Humenansky for Comm. Zech for the 05/09/85 Comm. Meeting.