



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

ole

AUG 28 1985

Mozart G. Ratner, Esquire
1900 M Street, NW, Suite 610
Washington, DC 20036

IN RESPONSE REFER
TO FOIA-85-542

Dear Mr. Ratner:

This is in partial response to your letter dated July 25, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), copies of all memoranda and notes of all conferences and conversations on which the letter dated July 19, 1985, to you from Mr. Jensen of NRC's Office of the General Counsel (OGC) was based.

The undated draft handwritten document listed on the enclosed Appendix A is being withheld in its entirety from public disclosure. This document contains the predecisional legal analyses, opinions, and recommendations between an OGC attorney and the General Counsel. Further, this document pertains to the 2.206 petition regarding General Electric's Wilmington, North Carolina, facility and the Vera English v. General Electric Company lawsuit. The document is exempt from mandatory disclosure pursuant to Exemption (5) of the FOIA (5 U.S.C. §552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations. Release of the document would tend to inhibit the open and frank exchange of ideas essential to the deliberative process.

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. James A. Fitzgerald, Assistant General Counsel.

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."

The search for any additional records subject to your request has not yet been completed. We will notify you upon completion of search for and review of any additional records.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. M. Felton", written over a horizontal line.

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

Enclosure: As stated

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PDR FOIA
RATNER85-542 PDR

APPENDIX A

<u>DATE</u>	<u>DESCRIPTION</u>
1. undated	Draft handwritten note from Neil Jensen, OGC, to H. Plaine, General Counsel, re: Jensen to Ratner telephone call of July 15, 1985 (6 pages); attachment, draft handwritten letter from N. Jensen to M. Ratner, re: July 12 letter to B. Hayes and July 15 and 16 letters to H Plaine from Ratner (1 page)