



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

PDR
010

JUN 14 1985

Ms. Nina Bell
Assistant Director
Nuclear Information and Resource Service
1346 Connecticut Avenue, NW, 4th Floor
Washington, DC 20036

IN RESPONSE REFER
TO FOIA-85-362

Dear Ms. Bell:

This is in further response to your letter dated May 8, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), all records related to the desirability of voluntary or required redress of nuclear plant sites where work was undertaken but construction is no longer contemplated, including the Clinch River Breeder Reactor (CRBR), and NRC's legal analysis of the need for site redress.

Copies of the documents listed on the enclosed Appendix B are being placed in the NRC Public Document Room (PDR).

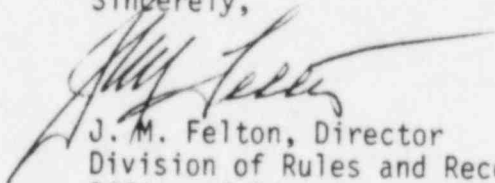
The document listed on Appendix C is a legal work product that contains predecisional advice, opinions, and recommendations of the staff and is being withheld from public disclosure pursuant to Exemption (5) of the FOIA (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations. The withheld document does not contain any reasonably segregable factual portions, and its release would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. The document 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. Guy Cunningham, Director, Office of the Executive Legal Director.

This denial may be appealed to 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 NRC has not completed its search and review of additional documents subject to your request. We will respond as soon as those efforts are completed.

Sincerely,


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

Enclosures: As stated

8507200559 850614
PDR FOIA
BELL85-362 PDR

APPENDIX B

1. 12/04/81 Draft memorandum to G. Cunningham, III from F.D. Chanania; Clinch River Breeder Reactor Exemption Request. (61 pages)
2. 02/83 Note to L. Chandler from E. Chan; Whether Withdrawal of a Construction Permit Requires an Environmental Impact Statement. (15 pages)
3. 03/05/84 Memo to W. J. Dircks from G. H. Cunningham, III; Legal Guidance on NRC actions in the Event Utilities Seek to Withdraw Their Applications to Construct and to Operate the Zimmer and Marble Hill Nuclear Plants. (6 pages)

APPENDIX C

1. 05/18/83 Note to J. Lieberman from Andrew Grosso; Authority of the NRC to Impose and Enforce Environmental Conditions on Limited Work Authorizations. (10 pages)