

FOIA/PA REQUEST

Case No.: 2005-014A  
Date Rec'd: 9-13-05  
Specialist: Cullen  
Related Case: 2005-0071



September 6, 2005

Freedom of Information Act Appeal  
c/o Freedom of Information Act Officer  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

FOIA APPEAL - REQUEST NUMBER 2005-0071

Dear Sir or Madam:

I hereby appeal the decision to withhold portions of the requested record.

**EXEMPTION TWO IS INAPPLICABLE**

A number of materials were withheld under exemption b2 and b5. Exemption two is inapplicable because the release of the titles of these reports would not risk circumvention of a legal requirement. These are titles, not the reports themselves, and those portions should be reviewed and released.

**EXEMPTION FIVE IS INAPPLICABLE**

A number of materials were withheld under the provisions of exemption five, deliberative process privilege. These report titles fall under the purview of factual information and thus do not qualify as deliberative according to the USDOJ guidelines (DOJ FOIA Handbook). Moreover, the withheld material is not truly predecisional nor truly deliberative, and thus is not properly and currently withheld.

For these reasons, the withheld materials should be released.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Ravnitzky".

Michael Ravnitzky