



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

June 29, 1979

Ellyn R. Weiss, Esquire  
Sheldon, Harmon, Roisman & Weiss  
1725 I Street, N.W.  
Suite 506  
Washington, DC 20006

IN RESPONSE REFER  
TC FOIA-79-A-9

Dear Ms. Weiss:

Reference is made to that part of your letter dated April 26, 1979 regarding your Freedom of Information Act request 79-76.

By letter dated April 3, 1979, I advised you that NRC had not completed its review of all documents subject to your request and that you would be notified when that review was completed. By letter dated April 26, 1979, you appealed NRC's failure to provide the further response.

By letter dated May 22, 1979, I informed you that an additional 21 documents had been placed in the NRC Public Document Room and that Mr. Samuel J. Chilk was the denying official for two other documents. This response completed NRC's action on your original request.

Since NRC has completed its response to your original request, no further action will be taken on your appeal of NRC's failure to provide a response to your request of March 19, 1979.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. M. Felton".

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

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ADMITTED IN MICHIGAN ONLY\*

April 26, 1979

APPEAL OF INITIAL FOIA DECISION

Mr. Lee Gossick  
Executive Director for Operations  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

79-A9E(79-76)  
79-A10E(79-86)  
w/d 5-2-79

Re: Appeal from Initial FOIA Decisions  
NRC References 79-76 and 79-86

Dear Mr. Gossick:

On March 19, 1979, the referenced Freedom of Information Act Requests were hand-delivered to the office of Mr. Joseph Felton, Director, Division of Rules and Records, Nuclear Regulatory Commission. A copy of each is attached. Under 10 CFR §9.9 the deadline for an initial determination granting or denying the requests was April 2, 1979. We now appeal the partial denial of Request No. 79-76 and the complete denial of Request No. 79-86.

Mr. Felton provided a partial response to Response No. 79-76 in a letter of April 3, 1979, in which he stated,

The NRC has not yet completed its review of the remaining documents subject to your request. We will respond as soon as the review is completed.

We have received no further response. Even assuming that this letter constituted a notification of extension of time for response under 10 CFR §9.13, the extension would have expired on April 16. We have received no written response of any kind to Request No. 79-86. As provided by §9.9(c), we consider the failure to respond to constitute denial of the requests.

We appeal to your office to order the immediate release of these documents. While the recent events at Three Mile Island may have placed an additional burden on the NRC staff, this cannot excuse the Commission from complying with the requirements of the Freedom of Information Act and its own re-

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Mr. Lee Gossick  
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gulations.

The material that the Union Concerned Scientist seeks through these requests relates to the fundamental question of reactor safety in the event of a seismic disturbance. UCS must have this material as soon as possible in order to be able to evaluate the potential danger to people working and living in the vicinity of affected nuclear reactors and to participate in the Commission's consideration of the actions that must be taken to assure the health and safety of the public.

I reiterate my request to Mr. Felton that you notify me as soon as a fair portion of the material becomes available, so that I can arrange for a courier to pick it up. I await your response.

Thank you very much.

Sincerely,



Ellyn R. Weiss

ERW/gc

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