

LAW OFFICES
BERNABEI & KATZ
1775 T STREET, N.W.
WASHINGTON, D.C. 20009
(202) 748-1848

LYNNE BERNABEI
DEBRA S. KATZ
DAVID STERN

April 12, 1990

Ms. Linda Robinson
Chief of FOIA Branch
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

APPEAL OF INITIAL FOIA DEC
90A20E(90-91)
Rec'd 4-17-90

Re: FOIA Request No. 90-91

Dear Ms. Robinson:

I am writing to appeal administratively the Nuclear Regulatory Commission's denial of Charles Hill's FOIA request, referenced above.

By letter dated April 5, 1990, the Nuclear Regulatory Commission ("NRC") informed me that it would not produce the requested records because there is an ongoing enforcement action. The report was written well over a year ago, and we believe that no enforcement action has been undertaken as a result of that report. I believe, therefore, that the NRC's reliance on Exemption 7 to withhold the requested material is incorrect, as a matter of law.

I await your response within 20 days.

Sincerely,

Debra S. Katz
Debra S. Katz

cc: Charles Hill