Robinson,
Robinson, Peterson, Berk,
Rudolph, Cross & Garde

Mary Lou Robinson
Nila Jean Robinson
John C. Peterson
Avram D. Berk
Michael Rudolph
Dan Cross
Billie Pirner Garde

Attorneys at Law
108 East College Avenue
Appleton, Wisconsin 54911
(414) 781-1817
Green Bay 494-9600
Fax 730-8841

August 1, 1990

APPEAL OF INITIAL FOIA DECISION

APPEAL OF INITIAL FOIA DECISION
90A35IG (89-540)
Rec'd 8-8-90

Inspector General
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

RE: Appeal of FOIA 89-540

TO Inspector General:

This is an appeal pursuant to subsection a(6) of the Freedom of Information Act as amended (5 U.S.C. 552), of the actual denial of the Commission to release documents requested on December 15, 1989.

By letter dated July 20, 1990, Donnie H. Grimsley, Director, Division of Freedom on Information and Publications Services, informed us that Appendix G was being withheld from disclosure in their entirety or in part, pursuant to FOIA Exemption 5, because the information consists of interagency or intraagency records that are not available through discovery litigation. Appl'cable Privilege: Deliberative Process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency; and Attorney Work product privilege; and Exemption 6, because the withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy; and Exemption 7, because the withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) that disclosure would constitute an unwarranted invasion of personal privacy. (7(c)).

We believe we are entitled to the release of the documents being withheld.

We expect your response to this appeal within 20 working days of your receipt so that we can determine whether to pursue this matter further in the courts.

Thank you for your consideration of this appeal.

Sincerely,

Linda L. Bauman
FOIA Coordinator

nrcappeal