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October 3, 1995

APPEAL OF INITIAL FOIA DECISION  
95-A-20 E (95-364)  
Rec'd. 10-10-95

Executive Director for Operations  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Re: Appeal for an Initial FOIA Decision  
FOIA Request 95-364

Dear Sir or Madam:

Enclosed is a copy of my FOIA request and the response dated September 26, 1995 from the U.S. Nuclear Regulatory Commission. As you can see, my request is for the latest and all versions in effect during 1995 of the Perry Nuclear Plant Security Plan. Your response denies my request on the basis of Section 147 of the Atomic Energy Act.

Without admitting the correctness of your position, I am aware that the Commission would have some sensitivity in disclosing security plans. It was not my intent to receive information regarding the means by which nuclear power plants maintain their security. Rather, I wish to determine the procedures that the Perry Nuclear Plant provide for in its security plan to resolve issues regarding admission to the plant. Pursuant to Section 73.56 of Title 10 of the Code of Federal Regulations, each applicant for a license is required to submit an access authorization program within its security plan. It is this physical security plan about which I wish to obtain information.

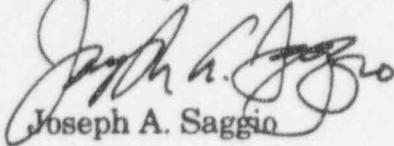
I would be entirely satisfied if you were to provide me only that part of the security plan that describes the access authorization plan. In particular I wish to know to what extent the Perry Nuclear Plant has provided for review procedures as required by 10 CFR Section 73.56(e).

It would appear to me that disclosure of the due process requirements as required by Commission Regulations would not compromise security for the Perry Nuclear Plant. I am trying to be as accommodating as possible with the

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understanding that you have a fair need to maintain security. I hope you agree with me that individuals should be allowed to know what procedures the Commission has mandated on its licensees for the resolution of due process considerations.

Very truly yours,



Joseph A. Saggio

Enclosure

cc:  
Rex Brown

JAS:ems