

KIRKPATRICK & LOCKHART

1900 M STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE (202) 452-7000
TELEX 440209 HPHH LT
TELECOPIER (202) 452-7052

ONE BOSTON PLACE
BOSTON, MA 02108
(617) 973-5400
1428 BRICKELL AVENUE
MIAMI, FL 33131
(305) 374-8112
1500 OLIVER BUILDING
PITTSBURGH, PA 15222
(412) 355-6500

February 5, 1985

WRITER'S DIRECT DIAL NUMBER

452-7023

Executive Director for Operations
U. S. Nuclear Regulatory Commission
7735 Old Georgetown Road
Bethesda, Maryland 20814

APPEAL OF INITIAL FOIA DECISION
85-A-5C(84-942)
Rec'd 2-19-85

Re: Appeal from Initial FOIA Decision No. FOIA-84-942

Dear Sir:

This is an appeal pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(a)(6) and the Nuclear Regulatory Commission's ("NRC") regulations thereunder, 10 C.F.R. § 9.11. On behalf of our client, Suffolk County, we submitted an FOIA request on December 21, 1984 seeking written materials in the possession or control of the NRC relating to issues discussed in "CLI-84-8" -- a May 16, 1984 Commission Order pertaining to exemption requirements in the Shoreham operating license proceeding. In particular, our FOIA request sought copies of any transcripts and/or notes of any meetings attended by the Commissioners and/or by NRC staff, and/or by other persons at which issues addressed in CLI-84-8 were discussed.

To date we have received two partial responses from the NRC. The most recent response came under cover of your letter of January 16, 1985 and indicated that the NRC's "search for and review of documents related to your request is continuing." Since January 16th I have spoken to Natalie Brown, in your FOIA office on a few occasions, at which times she has advised me that the search is continuing and that additional partial responses would be forthcoming promptly.

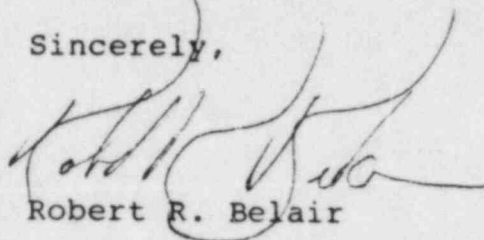
Nonetheless, despite these assurances, and despite having waited 28 working days for a complete response, we have yet to receive a complete response. As you know, the NRC's regulations at 10 C.F.R. § 9.9 require the NRC to respond to an FOIA request within 10 working days.

8506150246 850205
PDR FOIA
BELAIR85-A-5 PDR

2.

Under the FOIA, and the NRC's regulations at 10 C.F.R. § 9.9(e), we are entitled to treat the NRC's failure to make a timely response as a denial of our request and immediately appeal this denial to the NRC's Executive Director for Operations, as provided in 10 C.F.R. § 9.11. Consequently, by this letter, we hereby appeal the denial of our above-referenced FOIA request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert R. Belair", is written over the typed name. The signature is fluid and cursive, with a large loop at the end.

Robert R. Belair