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NUCLEAR ENERGY BUSINESS OPERATIONS
GENERAL ELECTRIC COMPANY • 175 CURTNER AVENUE • SAN JOSE, CALIFORNIA 95125

July 16, 1985

APPEAL OF INITIAL FOIA DECISION
85-A-30C (85-303
Rec'd 7-22-85

Mr. Samuel J. Chilk
Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Appeal from Initial FOIA Decision - FOIA-85-303

Dear Mr. Chilk:

The General Electric Company hereby appeals the denial of the subject request for disclosure under the Freedom of Information Act, communicated by letter from J. M. Felton to E. A. Firestone, dated June 14, 1985, received by General Electric June 24, 1985.

General Electric believes that disclosure of the requested portions of Mrs. English's transcribed statement is appropriate, for the reasons set forth in our initial request.

We see no basis for the assertion that "disclosure of the information would interfere with an ongoing investigation." The requested portions are expressly, and very narrowly, limited to:

> Statements by Vera M. English regarding particular events which occurred in the Chemical-Metallurgical Laboratory at General Electric Company's Wilmington, N.C. Fuel Manufacturing Plant between March 9 and March 11, 1984, inclusive, including, but not limited to, all statements concerning spills or alleged spills and any actions by her, if any, that were taken regarding any spills or alleged spills.

We believe that release of the requested material, thus limited, could not possibly interefere with any ongoing investigation. We would also note that Mrs. English has, acting through her counsel, waived confidentiality in matters related to this controversy.

The information requested is, however, of critical importance to General Electric in defending itself in a proceeding pending before the Department of Labor. Furthermore, we understand that Mrs. English's counsel, who also represents her in the Labor Department matter, has had access to the entire transcript in question. This creates a fundamentally unfair situation, at least to the extent that it results from an

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unwillingness on the part of the Commission to make a selective release of materials, otherwise properly releasable, which have no potential for interference with ongoing NRC activities.

If you have any questions in this matter, please call either myself, at the number shown above, or John K. Restrick, Counsel, Nuclear Energy Business Operations, at (408) 925-3103. Thank you for your prompt attention to this matter.

Very truly yours,

Barton A. Smith
Attorney
Regulation and Personnel

cc: J. A. Fitzgerald, Esq.
E. C. Shomaker, Esq.