

GOVERNMENT ACCOUNTABILITY PROJECT

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March 6, 1986

Victor Stello
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FOIA-86-179
Rec'd 3-18-86

APPEAL OF FOIA # 84-677

Dear Mr. Stello:

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 and effective denial of the Commission of access to records requested by the Government Accountability Project (GAP) regarding the Comanche Peak nuclear power plant.

On August 7, 1984 GAP requested documents related to a June 29, 1984 meeting between TUEC officials and the NRC regarding an investigation into illegal use of drugs at Comanche Peak. By letter dated September 17, 1984, J.M. Felton, Director of the Division of Rules and Records, advised us of one document, a draft letter with attached draft Inspection Report, which was being denied in its entirety pursuant to FOIA Exemption 5, and offered no further justification. This information was denied by Mr. John Collins. By letter dated October 10, 1985, Mr. Felton advised that the search had been completed and no additional documents had been located.

We believe we are entitled to access to the denied documents. At a minimum there should be reasonably segregable portions of the withheld documents which are releasable.

Additionally, we strongly believe the Commission possesses additional documents regarding the above-referenced matter and request that another search be performed to locate those documents. At a minimum, we request that you provide information concerning the adequacy of the initial search, listing all steps taken by your agency to locate the requested materials.

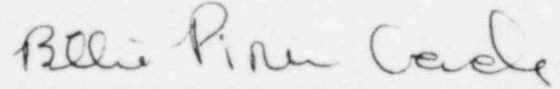
We expect your response within 20 days of your receipt of this appeal so that we can determine whether to pursue this matter in court.

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Thank you for your attention to this appeal.

Sincerely,

A handwritten signature in cursive script, reading "Billie Pirner Garde".

Billie Pirner Garde
Director, Environmental
Whistleblower Clinic