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March 5, 1986

Executive Director for Operations
Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

Re: Appeal of FOIA Denial

Dear Sir:

On January 16, 1986, I requested on behalf of the American Civil Liberties Union of Georgia, copies of all documents regarding NRC's investigation into the Complaints of Susan Register, Leslie Price and James B. Register regarding illegal and improper procedures and practices at Georgia Power Company's Nuclear Plant Vogtle in Waynesboro, Georgia. This request was made pursuant to the Freedom of Information Act (FOIA), 5 U.S.C.A. Sec. 552 as amended. A copy of this request is enclosed. By letter dated January 21, 1986, from Linda L. Robinson, I received acknowledgement of receipt of my FOIA request. To date, I have received no written response to my request.

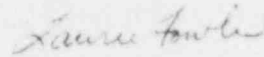
The Freedom of Information Act provides that an initial determination of whether to comply with the request must be made within ten (10) working days, 5 U.S.C.A. Sec. 552(a)(6)(a)(i) and that there be no more than one extension of ten (10) working days in specified, unusual circumstances, 5 U.S.C.A. 552(a)(6)(b). Since the NRC received my initial request prior to January 21, 1986, its initial response period, as well as the statutory extension period, has long since elapsed. This unreasonable delay is thus to be treated as a denial of that request, and this letter is a formal appeal from that denial.

I fully expect that the records requested will be furnished to me without further unnecessary delay. If, however, you should decide to withhold any portion of the requested records under the FOIA, and not to disclose them pursuant to your discretionary powers, I request that you include with your final decision an index and itemization of the withheld records correlated with the alleged statutory justification for withholding. The inclusion of such a description will better enable me to assess the need for further legal action, or help to avoid possibly unnecessary litigation. In the absence of such a description, a lawsuit will most likely be filed in which case you undoubtedly will be required to file such an index. See, e.g. Vaughn v. Rosen, 157 U.S. App. D.C. 340, 484 F.2d 820 (1973), cert. denied. 415 U.S. 977 (1974).

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Rec'd 3-7-86

Under the terms of the FOIA, I expect a reply within twenty (20) working days, 5 U.S.C.A. Sec. 552(a)(6)(A)(II). Since the NRC has already taken more than ten (10) additional days with respect to its initial denial, no further extensions are available, 5 U.S.C.A. Sec. 552(a)(6)(B).

Sincerely,



Laurie Fowler
Cooperating ACLU Attorney

LF:jy