

# 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-86-183*  
*Rec'd 3-18-86*

APPEAL OF FOIA # 85-365

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

On May 13, 1985 GAP requested records relating to NRC Interim Policy on Management of Allegations - Proposed NRC Manual Chapter 0517, "Management of Allegations" dated September 9, 1984. By letter dated June 26, 1985, J.M. Felton, Director of the Division of Rules and Records, advised of 6 documents which were being released to the PDR for our inspection. An October 11, 1985 letter from Mr. Felton informed us of 9 documents, consisting of entrance conference notes, summaries of interviews with NRC employees, and draft versions of an OIA Report, which were being withheld in their entirety pursuant to FOIA Exemption 5 because they contained predecisional advice, opinions and recommendations and their release would tend to inhibit the open and frank exchange of ideas and opinions essential to the development of the NRC Manual Chapter. This information was denied by Ms. Sharon Connelly.

Mr. Felton's October 11, 1985 letter also advised of approximately 100 additional documents subject to our request consisting of preliminary draft versions of the proposed chapter and general correspondence concerning the drafts, which were being withheld in their entirety pursuant to FOIA Exemption 5 because they contained predecisional advice, opinions and recommendations. This information was denied by Mr. Felton and Mr. Harold Denton.

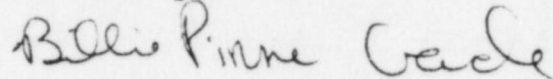
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We believe we are entitled to access to the denied documents. At a minimum there should be reasonably segregable portions of the withheld documents which are releasable.

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.

Thank you for your attention to this appeal.

Sincerely,

A handwritten signature in cursive script that reads "Billie Pirner Garde".

Billie Pirner Garde  
Director, Environmental  
Whistleblower Clinic