

David DeKok
113 Conoy Street
Harrisburg, Pa. 17104
April 15, 1991

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

APPEAL OF INITIAL FOIA DECISION
9141000 91-17)
Rec'd 4-22-91

Re: Appeal from an Initial FOIA Decision

Dear Sir or Madam:

Pursuant to the Freedom of Information Act, I am appealing the denial to me by John C. Hoyle, Assistant Secretary of the Commission, of a document requested under the act. The case number is FOIA-91-17.

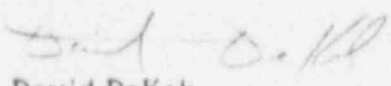
Mr. Hoyle, in a letter of March 14, 1991, which I received on March 17, 1991, denied me a memorandum of Feb. 2, 1960, from L.K. Olson to the Commissioners on the subject of Saxton Nuclear Experimental Corp., Docket No. 50-146 (3 pages). He cited exemption 5, attorney-client privilege.

This document is 31 years-old and I would argue that the need for it to remain confidential has passed. Saxton is no longer in operation and any issues this memo addresses are probably of interest only to historians. In addition, this exemption to FOIA is supposed to apply only to documents prepared for specific litigation. If that is not the case, the exemption cited is inapplicable.

If you still decide that the entire document cannot be released, however, I would ask that you segregate the factual material contained in it and provide that to me.

Thank you for your attention to this matter.

Sincerely,


David DeKok