

GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies
1901 Que Street, N.W., Washington, D.C. 20009

(202) 234-9382

February 8, 1984

Mr. William J. Dircks
Executive Director of Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Appeal from Initial Response

Dear Mr. Dircks:

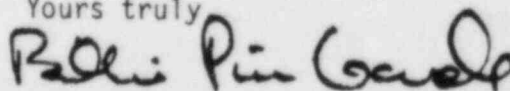
Pursuant to the Freedom of Information Act Request, 5 U.S.C. §552(a)(6)(A)(i), we appeal the effective denial of the Nuclear Regulatory Commission (NRC) of the following requests filed by our organization pursuant to the Freedom of Information Act (FOIA) about activities at the Catawba Nuclear Station:

1. FOIA 83-699, November 21, 1983, for all Agency records into (1) the allegations raised by William R. McAfee in connection with Catawba for the period of March, 1977-March, 1979; (2) the open conference held by the NRC at the Catawba site in November, 1979; (3) all NRC staff discussions of Duke Power Company's Topical Quality Assurance Manual.
2. FOIA 83-700, November 21, 1983, for all information generated with allegations raised by Nolan R. Hoopingarner.
3. FOIA 84-48, January 18, 1984, for all Agency records generated in connection with Region II and/or the OI inspection/investigation of the issues raised by Mr. Harry Langley, and the three in camera witnesses who testified in the Catawba licensing proceedings.

We expect your response within 20 working days of receipt, §552(a)(6)(A)(ii). Please comply with our initial requests regarding the production of a Vaughn index, and explanations of any relevant documents that have been destroyed.

Thank you for your immediate handling of this appeal.

Yours truly



Billie Pirner Garde
Citizens Clinic Director

BPG:me

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PDR FOIA
GARDE84-A-24E PDR

APPEAL OF INITIAL FOIA DECISION

84-A-24E (83-699)

84-A-25E (83-700)

84-A-26E (84-48)

Rec'd 2-13-84

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Institute for Policy Studies

1901 Que Street N.W. Washington D.C. 20009

(202) 234-9382

November 21, 1983

Director
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION

ACT REQUEST

FOIA-83-699

Rec'd 11-29-83

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552, the Government Accountability Project (GAP) of the Institute for Policy Studies, requests copies of any and all agency records and information, including but not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, engineering analyses, drawings, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, any other data compilations, interim and/or final reports, status reports, and any and all other records relevant to and/or generated in connection with and/or as a result of :

- allegations raised by William Ronald McAfee in connection with the Catawba Nuclear Power Station for the period of approximately March 1977 through March 1979;

- the open conference held by the NRC at the Catawba site in November 1979;

- NRC Staff discussions of Duke Power Company's Topical Quality Assurance Manual,

as well as any and all records relevant to and/or generated in connection with this FOIA request.

This request includes all agency records, as defined in 10 C.F.R. 9.3a(b) and the NRC Manual, Appendix 0211, Parts 1.A.2 and A.3 (approved October 8, 1980) whether they currently exist in NRC official "working" investigative or other files, or at any other location, including private residences.

If any records as defined in 10 C.F.R. 9.3a(b) and the NRC Manual, supra, and covered by this request have been destroyed and/or removed, or are destroyed and removed after receipt of this request, please provide all surrounding records, including but not limited to a list of all records which have been or are destroyed and/or removed, a description of the action(s) taken, relevant date(s), individual, office and/or agency-wide policies and/or justifications for the action(s), identification of all personnel involved with the actions and any and all records relevant to, generated in connection with,

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November 21, 1983

and/or issued in order to implement the action(s).

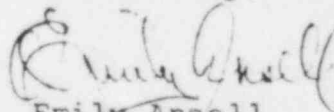
GAP requests that fees be waived because "finding the information can be considered as primarily benefitting the general public." 5 U.S.C. 552(a)(4)(A). The Government Accountability Project is a non-profit, non-partisan public interest organization concerned with honest and open government. Through legal representation, advice, national conferences, films, publications and public outreach, the Project promotes whistleblowers as agents of government accountability. Through its Citizens Clinic, GAP offers assistance to local public interest and citizens groups seeking to ensure the health and safety of their communities. The Citizens Clinic is currently assisting several citizens groups and intervenors in the South Carolina area concerning the construction of the Catawba plant.

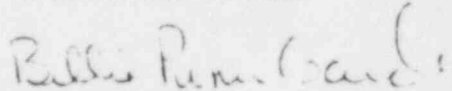
We are requesting the above information as a part of an ongoing monitoring project on the adequacy of the NRC's efforts to protect public safety and health at nuclear power plants.

For any documents or portions thereof that you deny due to specific FOIA exemption, please provide an index itemizing and describing the documents or portions of documents withheld. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is relevant to the document or portion of document withheld. This index is required under Vaughn v. Rosen (1) 484 F.2d 820 (D.C.Cir. 1973) cert. denied, 415 U.S. 977 (1974).

We look forward to your response to this request within ten days.

Yours truly,


Emily Ansell
Staff Associate


Billie Pirner Garde
Director, Citizens Clinic

EA/mf