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November 14, 1983

CERTIFIED MAIL -
RETURN RECEIPT REQUESTED

APPEAL OF INITIAL FOIA DECISION

83-A-34E(83-510)

Rec'd 11-16-83

Executive Director of Operations
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Appeal from Initial Freedom of Information
Act Partial Decision (FOIA-83-510)

Dear Sir:

By letter dated August 23, 1983, I requested that the Nuclear Regulatory Commission provide me with copies of specific records identified in such letter (the "Request"). As of October 10, 1983, the Commission had not responded to my Request or contacted me concerning my Request. Therefore, consistent with the Commission's regulations, I treated the Commission's failure to respond in a timely manner as a denial of the Request, and appealed the denial. The Commission received my appeal on October 12, 1983.

By letter dated October 19, 1983, Director J. M. Felton of the Commission forwarded a "partial response" to my Request. The response, designated FOIA-83-510, consists of Inspection Report 50-424/83-17, 50-425/83-17. The partial response also identified Inspection Report 50-424/83-13, 50-425/83-13 as being subject to my Request, but in draft form.

I hereby reaffirm my October 10, 1983 Appeal with respect to all documents not identified in the October 19, 1983 response of the Commission and appeal the October 19, 1983 partial response. The Commission failed to provide me with all records relied upon in formulating Inspection Report 50-424/83-17, 50-425/83-17 and all records upon which Inspection Report 50-424/83-13, 50-425/83-13 may eventually be based. Consequently, the partial response with

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respect to the two Inspection Reports was incomplete and contrary to the mandates of the Freedom of Information Act. Statements of witnesses, affidavits, interview notes, and investigatory reports upon which the two Inspection Reports may rely were subject to my Request and have not been produced. Further, factual portions of records otherwise exempt from production which are easily severable from the exempt records have not been produced.

Please feel free to contact me concerning this Appeal.
I await your timely response.

Very truly yours,

Arthur H. Dornby
Arthur H. Dornby

AHD:njf

cc: Mr. J. M. Felton
Director, Division of
Rules & Records