

JOHN J. KILCOYNE  
ATTORNEY AT LAW  
36 SOUTH TROOPER ROAD  
TROOPER-NORRISTOWN, PA 19403-3088  
(215) 630-0300

May 31, 1983

APPEAL FROM AN INITIAL FOIA DECISION

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

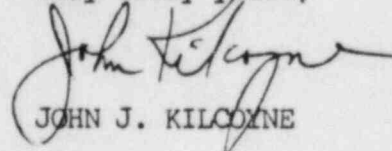
RE: APPEAL FROM AN INITIAL FOIA DECISION  
FOIA-33-160  
NRC Investigation Report 1-83-003

APPEAL OF INITIAL FOIA DECISION  
83-A-11C (83-160)  
Rec'd 6-3-82

Dear Sir:

Please accept this letter as a formal appeal from the denial issued by Mr. Ben B. Hayes, Director, Office of Investigations, in reference to the above captioned matter. It is our position that the information contained in the NRC Investigation Report 1-83-003 concerning the psychological evaluation process for placement in the nuclear industry specifically at GPU Nuclear at Three Mile Island is certainly within the interest of the public, and denying its disclosure to the public is, at best, a travesty. More specific information is certainly not at my disposal in light of the fact that I have been denied access to the above captioned report. I would appreciate the commission's prompt evaluation of Mr. Hayes' decision.

Very truly yours,

  
JOHN J. KILCOYNE

JJK/bj

CC - Mr. Thomas Quinn  
- Mr. J. M. Felton, Director  
Director of Rules and Records  
Office of Administration  
Nuclear Regulatory Commission



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

May 2, 1983

John H. Kilcoyne, Esquire  
36 South Trooper Road  
Trooper-Norristown, PA 19403-3088

IN RESPONSE REFER  
TO FOIA-83-160

Dear Mr. Kilcoyne:

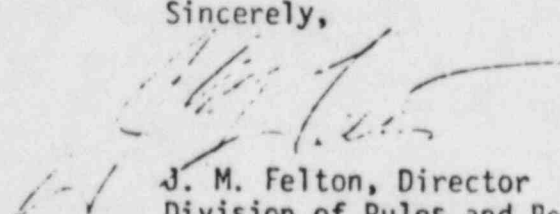
This is in response to your letter dated March 28, 1983, in which you requested, pursuant to the Freedom of Information Act (FOIA), a copy of NRC Investigation Report 1-83-003.

The report of this investigation is still under review within NRC and has not been finalized. At this point in time, it is also possible that the investigation may be expanded to obtain additional information. Consequently, the report is being withheld from public disclosure pursuant to Exemptions (5) and (7)(A) of the Freedom of Information Act (5 U.S.C. 552(b)(5) and (7)(A)) and 10 CFR 9.5(a)(5) and (7)(i) of the Commission's regulations.

Pursuant to 10 CFR 9.15 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for this denial is Mr. Ben B. Hayes, Director, Office of Investigations.

This denial may be appealed to the Commission within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

Sincerely,

  
J. M. Felton, Director  
Division of Rules and Records  
Office of Administration

~~8306200434~~

JOHN J. KILCOYNE  
ATTORNEY AT LAW  
36 SOUTH TROOPER ROAD  
TROOPER-NORRISTOWN, PA 19403-3088  
(215) 630-0300

March 28, 1983

Mr. Joseph Felton, Director  
Division of Rules and Records  
Office of Administration  
USNRC  
Washington, D. C. 20555

FREEDOM OF INFORMATION  
ACT REQUEST  
*FOIA-83-160*  
*Rec'd 3-30-83*

RE: NRC Report 1-83-003  
GPU Nuclear (3 Mile Island)  
Thomas Quinn  
Investigator - R. Keith Christopher

Dear Mr. Felton:

Confirming our phone conversation of this morning, and pursuant to the Freedom of Information Act, I am hereby requesting a full copy of NRC Report 1-83-003. It is my understanding that you will forward the same to my attention at the above address within ten (10) days.

Thank you in advance for your anticipated cooperation.

Very truly yours,

*John Kilcoyne*  
JOHN J. KILCOYNE

JJK/bj

CC - Mr. Thomas Quinn

~~8306200438~~