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FOIA/PA REQUEST

Case No: 2001-0210
Date Rec'd: 3-30-2001
Action Off: Brown
Related Cases: _____

March 30, 2001

VIA FAX AND FIRST CLASS MAIL

FOIA Officer
Rules and Directives Branch
Division of Administration Services
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Re: FOIA Request

Dear FOIA Officer:

We represent RANDY ROBARGE. Pursuant to the Freedom of Information and Privacy Acts (FOIPA), 5 U.S.C. §§ 552 and 552a, et seq., we hereby request copies of any and all records and information, including but not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, procedures, instructions, drawings, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data, notebooks, books, telephone messages, computations, interim and/or final reports, status reports, and any and all other records relevant to and/or generated in connection with the following:

1. Written allegations made by Randy Robarge to the NRC Region III Office in Lisle, Illinois in which he expressed a concern of employment discrimination associated with the Commonwealth Edison Company (Allegation No. RIII-99-A-0129, Allegation No. RIII-00-A-0127);
2. The investigation conducted by the NRC Office of Investigations (OI) between March 10 and October 15, 1998 at ComEd's Zion Generating Station, and the resulting Notice of Violation dated November 3, 1999 addressed to Raymond E. Landrum (NRC Office of Investigations Report No. 3-1998-012);

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This request covers the complete work product and entire investigatory files created by the NRC investigators, and also includes, but is not limited to the following information:

- (1) All documents directly or indirectly related to Randy Robarge;
- (2) All documents directly or indirectly related to the claim filed by Mr. Robarge with the U.S. Department of Labor concerning possible whistleblower retaliation (DOL file 5-1260-00-040/946079), including but not limited to any and all documents which were filed with the NRC related in any manner to Randy Robarge;
- (3) Copies of any statements and/or documents provided to the NRC or any other persons with respect to Mr. Robarge's claim with the Department of Labor.

As you are aware, the FOIA requires you to release documents in segregable portions in the event they contain exempt material. For any documents or portions that you deny due to a specific FOIA exemption, please provide an index itemizing and describing the documents or portions of documents withheld.

We also ask that all fees be waived because the information requested will contribute significantly to the public's understanding of the operations of the government and/or is primarily in the public interest. Notably, the Secretary of Labor has determined that cases under 29 C.F.R. Part 24 involve the litigation of "health and safety hazards to the public" not merely "private harms." Polizzi v. Gibbs & Hill, Inc., No. 87-ERA-38, slip op. of SOL at pp. 2-3 (July 18, 1989). Moreover, a fee waiver should be granted because this request should not require major expenditures of staff time or place a burden on reproduction facilities.

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We look forward to hearing from you within twenty (20) working days as the law stipulates. Please feel free to call me at (202)342-1903 if you have any question.

Sincerely,



Stephen M. Kohn
Amy S. Rogers