

LAW OFFICE

CLIFFORD & GARDE

1707 L STREET, N.W.

SUITE 500

WASHINGTON, D.C. 20036

(202) 289-8990

FAX (202) 289-8992

www.cliffordgarde.com

JOHN M. CLIFFORD*
BILLIE FIRNER GARDE**
AOIFE O'NEILL†

* ALSO ADMITTED IN MD
** ALSO ADMITTED IN TX, VI

† ONLY ADMITTED IN CA
(NOT ADMITTED IN D.C.)

FOIA/PA REQUEST

Case No.: 2006-0113
Date Rec'd: 2-13-06
Specialist: K.P. 801
Related Case:

February 13, 2006

By Fax: (301-415-5130)

FOIA/Privacy Act Officer
U.S. Nuclear Regulatory Commission
Mail Stop T6- D8
Washington, D.C. 20555-0001

Re: Freedom of Information Act Request

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended, we are requesting on behalf of our client [REDACTED] copies of any and all agency records and information, including but not limited to, notes, letters, memoranda, drafts, press releases, studies, reports, investigations, notices of violation, enforcement action reports, photographs, minutes, diaries, logs, calendars, tapes, transcripts, summaries, procedures, interviews, instructions, analyses, drawings, files, data sheets, notebooks, telephone messages, internal or external electronic mail or other electronic data backup tapes, and all other relevant and/or related information reflecting, relevant to, referred to, reviewed in connection with, or generated in connection with:

The Fitness-For-Duty Program of Nuclear Management Company at the Kewaunee Nuclear Power Plant and at the Point Beach Nuclear Plant from January 1, 2001 through the present. This request is intended to include but is not limited to the following:

- 1) All forms received from Nuclear Management Company (NMC) submitting "fitness-for-duty program performance data" from the Kewaunee Nuclear Power Plant and/or the Point Beach Nuclear Plant, as required by 10 CFR 26.71(d);
- 2) All fitness-for-duty event reports submitted to the NRC by NMC for the Kewaunee Nuclear Power Plant and/or the Point Beach Nuclear Plant, as required by 10 CFR 26.73;
- 3) All documents maintained by the NRC regarding NMC's written policy and procedures regarding Fitness-for-Duty at the Kewaunee Nuclear Power Plant and/or the Point Beach Nuclear Plant;

- 02/13/00 MON 11:20 AM 200 0000
- 4) All inspections and investigations performed by the NRC of NMC's Fitness-For-Duty program at the Kewaunee Nuclear Power Plant and/or the Point Beach Nuclear Plant, including but not limited to Office of Investigations Reports No. 3-2002-04 and 3-2002-020;
 - 5) All Findings, Notices of Proposed Violations, Proposed Fines, Violations, Press Releases, or similar documents issued to NMC for violations or potential violations of the Fitness-for-Duty program at the Kewaunee Nuclear Power Plant and/or the Point Beach Nuclear Plant;
 - 6) All allegations or complaints received by the NRC from NMC employees, union members, or contractors regarding violations or proposed violations of the Fitness-for-Duty program at the Kewaunee Nuclear Power Plant and/or the Point Beach Nuclear Plant; and
 - 7) All allegations or complaints received by the NRC from NMC employees, union members, or contractors regarding unfair denial of unescorted access by NMC to the Kewaunee Nuclear Power Plant and/or the Point Beach Nuclear Plant.

This request includes all agency records as defined in the Code of Federal Regulations and the agency manual, whether they currently exist in the official "working" investigative or other files, or at any other location, including private residences.


If any records covered by this request have been deleted, destroyed and/or removed after this request, please provide all surrounding records, including but not limited to a list of all records which have been or are deleted, destroyed and/or removed, a description of the action(s) taken, and those relevant to or generated in connection with implementing the action(s).

For any documents or portions of documents that you deny due to a 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 the document withheld. This index is required under Vaughn v. Rosen (I), 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

This request was originally submitted on August 23, 2005, and assigned FOIA/PA No. 2005-0334. A Statement of Estimated Fees was submitted on September 1, 2005, and the FOIA was closed on October 6, 2005, for our failure to timely respond. We would like to resubmit our FOIA request and have the materials made available for our inspection in the Public Document Room. We agree to pay any reasonable fees associated with processing this request.

Thank you for your attention to this request. I anticipate a complete or partial response to this request within 20 working days, as required by the FOIA.

Sincerely,


Sandra L. Shepherd for
Billie Pirner Garde