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December 4, 1979

FREEDOM OF INFORMATION ACT REQUEST
FOIA-79-527
Rec'd 12-10-79

Freedom of Information Act Officer
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dear Sir:

Re: Freedom of Information Act Request

This is a request under the Freedom of Information Act ("Act"), 5 U.S.C. §552, as amended, made on behalf of the Porter County Chapter of the Izaak Walton League of America, Inc., Concerned Citizens Against Bailly Nuclear Site, Businessmen for the Public Interest, Inc., James E. Newman, Mildred Warner and George Hanks.

This request seeks all records which support, refer or relate to the Commission's purported finding which is characterized in the Notice of Opportunity for Hearing on Construction Permit Extension, dated November 26, 1979, in Docket No. 50-367 (Bailly Generating Station, Nuclear 1) as follows:

> "Pursuant to 10 CFR §50.91 of the Commission's regulations, the Commission has found that the amendment does not involve a significant hazards consideration."

Because none of the statutory exemptions from the Act's mandatory disclosure provisions applies, access to the requested records should be granted within ten (10) working days. In the unlikely event, however, that access is denied to any part of the requested records, please describe the deleted material in detail and specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies in this instance. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest.

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We anticipate that you will make the requested materials available within the statutorily prescribed period. We also request that you waive any applicable fees since disclosure meets the statutory standard for waiver of fees in that "furnishing the information can be considered as primarily benefitting the general public." 5 U.S.C. §552(a)(4)(A).

Very truly yours,

Edward W. Osann, Jr.

Edward W. Osann, Jr.

One of the Attorneys for the Izaak Walton League of America, Inc., Concerned Citizens Against Bailly Nuclear Site, Businessmen for the Public Interest, Inc., James E. Newman, Mildred Warner, and George Hanks.

EWO/js

cc: Robert J. Vollen, Esq.
Robert L. Graham, Esq.