

Rec'd 9-11

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September 10, 1990

FULBRIGHT JAWORSKI &
REAVIS McGRATH
NEW YORK

Re: Freedom of Information Act Request 90-361

Mr. Dick Lavins
Division of Freedom of Information
and Publications Services
Office of Administration
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Federal Express

Dear Mr. Lavins:

In accordance with your recent telephone request, this will serve to clarify our earlier Freedom of Information Act request dated August 8, 1990.

On behalf of the City of Austin, and pursuant to the provisions of the Freedom of Information Act, 5 U.S.C. § 552, and the implementing regulations of the Nuclear Regulatory Commission, 10 C.F.R. Part 9, we hereby request copies of all records of the Nuclear Regulatory Commission ("NRC") pertaining to safety and/or health complaints regarding the South Texas Nuclear Plant located in Bay City, Texas, made by organizations, groups, or individuals, including, but not limited to, former employees at the South Texas Nuclear Plant. More specifically, we request any NRC inspection reports, investigation reports or other documents relating to Houston Lighting & Power's Safe Team Program or Houston Lighting & Power's Speak Out Program and any NRC allegation management sheets. We request this information from January 1, 1975, to the present, although we believe that the majority of these documents date from 1982 to the present.

We have attempted to provide identifying information concerning the agency records covered by this request. In the

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event, however, that you should determine that this request does not describe the agency records requested with sufficient specificity to enable such agency records to be located, we ask that you again notify the undersigned pursuant to 10 C.F.R. § 9.23(b)(2) of the basis for your determination and allow us once again to confer with appropriate Nuclear Regulatory Commission personnel so that we may restate the request in such a way as to rectify any deficiency you believe exists.

In the event you determine that any of the above-described agency records or portions of such agency records are exempt from mandatory disclosure under the provisions of 5 U.S.C. § 552(b), we request that you fully describe each such agency record (or portion of such agency record) withheld, state your reasons for withholding such agency record or portions thereof, and state your reasons for not invoking your discretionary powers to release such agency record or portions thereof.

We request that non-exempt portions of agency records that are segregable from the portions that you believe to be exempt from disclosure be released as they are identified, as opposed to being withheld until the correctness of your decision with respect to the withheld portions of the agency records is determined.

We request that you release agency records responsive to this request to us as they become available, rather than delaying release until your entire search for responsive records has been completed.

In accordance with 10 C.F.R. § 9.41, the City of Austin believes inter alia that the public's interest in disclosure exceeds the requester's commercial interest in disclosure. Accordingly, the City of Austin respectfully requests a waiver or at least a partial waiver of fees. In the alternative, notice is hereby given that the City of Austin is willing to pay reasonable fees that are incurred and assessed for the search for and copying of records responsive to this request. However, in the event fees for the search and copying of responsive records will be in excess of \$250.00, please advise and confer with the undersigned prior to incurring costs in excess of such amount.

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All communications concerning this request should be directed to the undersigned. Thank you for your assistance in this matter.

Very truly yours,

A. Frank Koury
A. Frank Koury

AFK/ml

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