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September 2, 1982

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-82-413  
Rec'd 9-2-82

Mr. J.M. Felton  
Director  
Division of Rules and Records  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Felton:

By letter of August 9, 1982, the Nuclear Regulatory Commission ("NRC" or "Commission") issued (1) a Notice of Violation and Proposed Imposition of Civil Penalty ("Notice of Violation") and (2) an Order Modifying License Effective Immediately ("Order") to the Nebraska Public Power District ("NPPD") regarding Cooper Nuclear Station. On August 16, 1982, NPPD met with NRC Staff to discuss the Notice of Violation and Order. The meeting proved beneficial and established a forum in which we feel the matter may be resolved. In order for NPPD to properly analyze the matter, we, as counsel for NPPD, feel that it is necessary that NPPD obtain all relevant information bearing on the matter. To this end we request copies of all documents prepared by the NRC, its Staff and consultants regarding the August 9, 1982 letter, the Notice of Violation and Order relative to the NRC's determination or proposed imposition of (1) the civil penalty set forth in the Notice of Violation and (2) the proposed requirement regarding conduct of a management audit as set forth in the Order. Of particular importance to NPPD are those documents which set forth the factual and legal bases for the NRC determinations relating to the enforcement action including the following:

1. Transcripts of Commission meetings wherein this enforcement action was discussed, including the Commission meeting of May 18, 1982.

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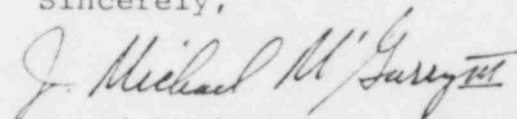
2. Information provided by the Regional Offices which form the basis for the NRC Staff recommendations to the Commission regarding this enforcement action.
3. Documents which set forth and support the NRC Staff's recommendations to the Commission regarding this enforcement action.

Documents provided should include any drafts, supporting material, studies, or other such reports, correspondence or testimony, regarding the aforementioned areas of interest.

This request should not be viewed as a signal that NPPD is assuming an adversarial posture; rather, NPPD remains willing to resolve this matter in a mutually satisfactory manner. Further, this request is a limited one, relating only to those materials that directly impact NPPD. If this information cannot be provided other than pursuant to the Freedom of Information Act, please treat this document as such a Freedom of Information Act request.

In order that we may respond in a timely manner, NPPD requests that this information be provided with all possible speed and in no event later than the 10 working days provided by 10 CFR §9.8.

Sincerely,

  
J. Michael McGarry, III

HAND DELIVERY