

PDR (P1-37)

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST



REQUESTOR

Mr. Stephen Kohn

PART I - AGENCY RECORDS RELEASED OR NOT LOCATED (See checked boxes)

No agency records subject to the request have been located.

No additional agency records subject to the request have been located.

Requested records are available through another public distribution program. See Comments Section.

Agency records subject to the request that are identified on Appendix(es) _____ are already available for public inspection and copying in the NRC Public Document Room, 2021 L Street, N.W., Washington, DC 20555.

Agency records subject to the request that are identified on Appendix(es) **B** are being made available for public inspection and copying in the NRC Public Document Room, 2021 L Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

The nonproprietary version of the proposal that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 2021 L Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

Agency records subject to the request that are identified on Appendix(es) _____ may be inspected and copied at the NRC Local Public Document Room, identified in the Comments Section.

Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 2021 L Street, N.W., Washington, DC.

Agency records subject to the request are enclosed **Appendix B**

Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.

You will be billed by the NRC for fees totaling \$ _____.

In view of NRC's response to this request, no further action is being taken on appeal letter dated _____ No _____

PART II. A - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

Certain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in part for the reasons stated in Part II sections B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 2021 L Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

COMMENTS

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

Donna A. Mansley

9101080375 900820
PDR FOIA
KOH90-316 PDR

Re: FOIA-90-316

APPENDIX B

RECORDS BEING PLACED INTO THE PDR UNDER THE ABOVE REQUEST NUMBER

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
<u>ITEM 16</u>		- The following record was received from B. P. Garde
1.	3/5/86	Letter to T. Devine from S. G. Burns re: Confirmation of meeting arrangements (1 page)

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DANIEL L. OSHTY**
ANNETTE R. RONSTADT*

July 13, 1990

* ADMITTED IN WA
* ADMITTED IN NJ
* ADMITTED IN DC
* ADMITTED IN MA

By Facsimile and U.S. Mail

FREEDOM OF INFORMATION ACT REQUEST

Mr. Donnie H. Grimsley
Freedom of Information Act Officer
Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST
FOIA-90-316
Rec'd 7-13-90

Dear Mr. Grimsley:

This is a request under the Freedom of Information Act,
5 U.S.C. 552 concerning NRC OI Investigation 4-89-008.

The NRC is hereby requested to produce the following
documents:

1. The following exhibits to the NRC Office of
Investigation Report entitled Comanche Peak Steam
Electric Station: Alleged Improprieties by Brown
& Root, Inc. (Case No. 4-89-008) (hereinafter OI
Request):
 - a. Ex. 1(b);
 - b. Ex. 5;
 - c. Ex. 7;
 - d. Ex. 9;
 - e. Ex. 10;
 - f. Ex. 11;
 - g. Ex. 12;
2. All documents obtained by OI from Mr. T. Louis
Austin and/or Brown & Root, Inc.;
3. All correspondence between Mr. Austin, the Lawfirm
of Shaw, Pittman, Potts and Trowbridge and/or the
Lawfirm of Bishop, Cook, Purcell & Reynolds and
OI;

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4. All copies of or excerpts from Mr. Austin's calendar (See OI Report pp. 13);
5. All documents received from Mr. Glen G. Magnuson, Jr., or other attorneys who represent, or formerly represented Mr. Austin and/or Brown & Root, Inc.;
6. All draft copies of the Macktal/Brown & Root, Inc. settlement agreement;
7. All documents related, directly or indirectly, to OI's "attempts" to obtain a copy of Magnuson's notes, memorandum and/or work product. (See "Investigator's Note" on page 16 of the OI Report);
8. All documents received from or concerning in any way Mr. Bill Bedman;
9. A copy of the settlement check (front and back) referenced on pages 18-19 of the OI Report;
10. A copy of the "note from Ellis" referenced on page 19 of the OI Report;
11. A copy of the Ellis tape recording of Macktal referenced on page 16 of the OI Report;
12. All documents created by Mr. Ben Hayes, directly or indirectly, related to the OI investigation or Report;
13. All documents which identify which employees and/or Commissioner(s) of the NRC obtained a copy or notice of the OI Report and/or the findings of the OI.
14. A copy of the notes taken by Mr. Magnuson at the Macktal/Magnuson/Austin meeting(s) and any memorandum(a) or documents prepared by or for Mr. Magnuson concerning said meeting;
15. A copy of all documents prepared by or for Mr. Magnuson in any way concerning Mr. Macktal;

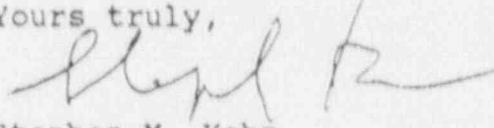
Donnie H. Grimsley
July 13, 1990
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16. All documents obtained by OI from Texas Utilities Electric Co. (TUEC), Bishop, Cook, Furcell and Reynolds, attorneys representing Brown and Root, TUEC, Garde, Austin, Government Accountability Project (GAP) and/or Trial Lawyers for Public Justice (TLPJ);
17. All documents obtained from GAP, TLPJ, Public Citizen, Arnold and Porter and Jackson and Campbell.

For the purposes of this request "document" shall mean every writing of every type and description, and every other instrument or device by which, through which or on which information has been recorded and/or preserved, including but not limited to memoranda, including those reflecting meetings, discussions or conversations, notes, letters, drawings, files, graphs, charts, maps, photographs, deeds, agreements, contracts, handwritten notes, diaries, logs, ledgers, studies, data sheets, notebooks, books, appointment calendars, telephone bills, telephone messages, receipts, vouchers, minutes of meetings, pamphlets, computations, calculations, accounting(s), financial statements, voice recordings, computer printouts, computer discs and programs, and other data (compilations, device or media on which or through which information of any type is transmitted, recorded or preserved. The term "document" also means every copy of a document when such copy is not an identical duplicate of the original.

We request that all fees be waived. We also request that all documents be produced within ten days.

Yours truly,



Stephen M. Kohn

55f/foia