

June 28, 1989

MEMORANDUM FOR: Victor Stello, Executive Director
for Operations

THRU: Hugh L. Thompson, Jr., Deputy Executive Director
for Nuclear Materials Safety, Safeguards and
Operations Support

FROM: Ben B. Hayes, Director
Office of Investigations

SUBJECT: REQUEST FOR INVESTIGATION (NRR-89-06)

On May 1, 1989, the Commission requested that the Office of Investigations (OI)

At this juncture, it looks unlikely that the time period for completion will be met. Numerous attempts to arrange an interview with Macktal were unsuccessful and led to the issuance of a subpoena for his testimony. Macktal and counsel have chosen to fight the subpoena, leading to further delays.

Your Task Basis No: 00-04445, Work Item ID:89-00520-A-01, indicated a due date of June 30, 1989. However, due to the pending legal wrangling in regards to enforcement of the subpoena, it is not possible to predict a completion date for the OI inquiry at this time.

If you should have any questions or wish more detailed information on the status of OI's efforts, please do not hesitate to contact me.

Stello/Barry

OI: BL
BLetts:jw
6/28/89

OI: CW
CWhite
6/28/89

OI: BH
BHayes
6/28/89

DEDS
HThompson
6/28/89

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July 13, 1990

* ADMITTED N.Y.
* ADMITTED N.M.
* ADMITTED N.D.C.
* ADMITTED N.M.

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;

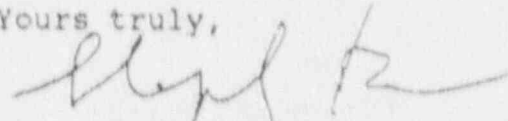
Donnie H. Grimsley
July 13, 1990
Page Three

16. All documents obtained by OI from Texas Utilities Electric Co. (TUEC), Bishop, Cook, Purcell 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

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