



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

OCT 02 1995

Mr. Stephen M. Kohn  
Kohn, Kohn, & Colapinto  
517 Florida Avenue, NW.  
Washington, DC 20001-1850

IN RESPONSE REFER  
TO FOIA-95-211  
and PA 95-5

Dear Mr. Kohn:

By letter of May 2, 1995, you submitted Freedom of Information Act (FOIA) and Privacy Act requests for your client, Mr. Allen Mosbaugh, requesting amendment of his Privacy Act records and documents relating to enforcement action taken against Georgia Power Company by the NRC. In this request you asked that fees be waived. On May 17, 1995, Mr. Russell Powell, Chief, Freedom of Information/Local Public Document Room Branch, sent you a Statement of Estimated Fees for search but not duplication costs in the amount of \$11,314.97. Along with the estimated fees he informed you that your request for waiver of fees did not provide sufficient information pursuant to 10 CFR § 9.41 for the NRC to make a determination to waive or reduce fees. The Privacy Act portion of your request has already been dealt with in a letter dated August 29, 1995.

On June 1, 1995, Mr. David Colapinto, of your law firm, submitted a supplemental request for a fee waiver. This submittal stated that it was being made on behalf of Mr. Mosbaugh regarding his request for a waiver of fees. Further, it stated that the information will be used by Mr. Mosbaugh in his intervention in the NRC licensing proceedings of the Vogtle Plant.

After receipt of the additional materials and explanation submitted in the June 1 letter, a determination was made to place the documents you requested, that are not withheld under a FOIA exemption, in NRC's Public Document Room (PDR). This determination was based on concerns regarding a potential conflict between two statutes -- the Freedom of Information Act fee waiver provision at 5 U.S.C. § 552(a)(4)(A) and the statutory prohibition on funding of intervenors by the NRC, 5 U.S.C. § 504 (Note). The decision to place the documents in the PDR will provide you an opportunity to inspect the requested records at no charge.

If you have any questions regarding this letter, you may telephone Mr. Russell A. Powell at 301-415-7169.

Sincerely,

Carlton Kammerer, Director  
Division of Freedom of Information  
and Publications Services  
Office of Administration

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 5  
FOIA- 95-487

95/112

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Distribution: Subj., MPSiemien, CAREed, RAPowell, CMHolzle, DCDambly, SGFonner  
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|        |                        |           |           |                       |                   |
|--------|------------------------|-----------|-----------|-----------------------|-------------------|
| OFFICE | OGC                    | FOIA/LPDR | FOIA/LPDR | D:BFIPS <sup>DM</sup> | OGC <sup>DM</sup> |
| NAME   | MPSiemien*             | CAREed*   | RAPowell* | CKammerer             | DCDambly*         |
| DATE   | 08/ /95                | 08/ /95   | 08/ /95   | 10/2/95               | 08/26/95          |
| OFFICE | OGC                    |           |           |                       |                   |
| NAME   | SGFonner <sup>SR</sup> |           |           |                       |                   |
| DATE   | 09/20/95               | 08/ /95   | 09/ /95   | 09/ /95               | 09/ /95           |

OFFICIAL RECORD COPY

The following are the three oldest FOIA requests in the FOIA/LPDR Branch as of November 28, 1995:

| Description of Incoming  | Status of Response   | Estimated Completion Date | Action Officer |
|--|--|---------------------------|----------------|
| FOIA 94-208 from National Whistleblower Center received May 5, 1994, for copy of background records in OI Case File 2-90-02 (investigation of Mosbaugh allegations against Georgia Power). | Processing on this request was suspended by OI on 3/14/95 in order to process 3 older requests. OI has completed its review and sent records to FOIA on 7/20/95. On 8/14/95 met w/OGC and request processing put on hold pending OGC action/decision on fee waiver for intervenor [REDACTED]. Agreement reached on response to fee issue on 9/7. Documents from other offices referred to RII, SECY, OGC and NRR on 9/15 for release determination as proponent office. Referral to OI on 9/27. All office's responses received 10/10/95. Document release/withhold determinations must be compared with determinations in other Vogtle FOIAs. | 11/30/95                  | Reed           |
| FOIA 94-310 received July 11, 1994, from Paul Blanch for copies of investigative reports on Rosemount for past 4 yrs.  | Processing completed by OI. Seventh partial to requester 8/23/95. Rosemount, Inc. sent 153 company documents for proprietary determination on 6/27/95. As of 9/12/95 call, company still reviewing - agreed to complete review by 10/5/95. Licensee has not responded as of 10/19/95. Propose to prepare final reply without licensee response. Will notify of NRC intent to respond without their input - they will be notified of final NRC determination and will have to seek legal action to stay the decisions. Proposed final at OGC for concurrence on 10/16/95.   | 10/31/95                  | Pugh           |
| FOIA 94-391 received August 29, 1994, from D. Schwarzbach of Natural Resources Defense Council for information on Soviet designed PWRs.  | 4th partial sent to requester on 4/7/95. On 4/26 classified documents sent to another agency for consultation and we are awaiting their response.  | Unknown                   | Pool           |

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 5  
FOIA- 95-481

9/13

10/19/95

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FOIA- 95-481

6/1/94

11/22/95

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