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January 10, 1985

FREEDOM OF INFORMATION ACT REQUEST

FOIA-85-35

rec'd 01/17/85

Director
Office of Administration
U.S. Nuclear Regulatory Commission
Washington D.C. 20555

Re: Freedom of Information Act Request

Dear Sir:

This is a request under the Freedom of Information Act (5 USC Section 522). Please send me a copy of all NRC reports regarding alleged acts of non-compliance by University Nuclear Systems, Inc. (UNSI), a heating and ventilation sub-contractor at units 1 and 4, Washington Public Power Supply System, Richland, Washington, from 1980-1983, Docket numbers 50-460 and 50-513 (except those dated 3/2/81, 9/11/81, 11/20/81 and 12/3/81).

In addition, please send me copies of any daily records of investigations of the above-described subcontractor made by NRC field investigators Owen Shackledon, Gene Powers or Paul Narbut between June 1, 1981 and February 28, 1982.

I request that I be provided with a copy of all non-exempt portions of the requested records and reserve the right to appeal the withholding of any information.

I am prepared to pay reasonable costs for locating and reproducing the requested documents. However, the Freedom of Information Act provides that you may reduce or waive the fees if it is "in the public interest because furnishing information can be considered as primarily benefiting the public". 5 USC Section 522(a)(4)(A). I believe this request falls within this provision and request a waiver of fees.

I am a lawyer, representing Robert Mackowiak, an employee of UNSI who was wrongfully terminated because of his activities in attempting to enforce NRC regulations and in communicating with the NRC those items of non-compliance which he observed.


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The matter has been heard by the U. S. Ninth Circuit (Mackowiak v. Department of Labor, 735 F. 2d 1160 (1984)), which remanded the case to the Department of Labor for a consideration of whether the employer could show that the employee had been terminated for a justifiable reason.

If you have any questions regarding this request, please call me at the office number listed above.

As provided in FOIA, I will expect to receive a reply within ten (10) working days.

Sincerely,


Ann Cross Eschenbach

ACE/sc

cc: Robert Mackowiak