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April 3, 1996

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-96-157  
Rec'd 4-9-96

Via Facsimile and U.S. Mail

Chief, FOIA/LPDR Branch  
Division of Freedom of Information  
and Publications Services  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: Privacy Act and FOIA Request

To Whom It May Concern:

We represent Mr. Ronald A. Thompson who filed a whistleblower discrimination claim against the Houston Power and Light Company ("HLP") pursuant to 29 C.F.R. Part 24. In January, 1996, Mr. William T. Russell, Director, Office of Nuclear Reactor Regulation, wrote Mr. Thompson a letter concerning language contained in a settlement agreement between Mr. Thompson and HLP. Mr. Russell informed Mr. Thompson that the NRC would request HLP to advise the NRC what actions HLP intends to take if an inquiry by third parties about Mr. Thompson and the status of his security access while he was employed at the South Texas Project. A copy of Mr. Russell's letter is attached hereto.

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, et seq., we hereby request copies of any and all records and information, including but not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, procedures, instructions, engineering analyses, drawings, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data, notebooks, books, telephone messages, computations, interim and/or final reports, status reports, and any and all other records relevant to and/or generated in connection with:

- (1) the letter from Mr. Russell to Mr. Thompson, attached hereto;
- (2) any communications between the NRC to HLP as referenced in Mr. Russell's letter; and

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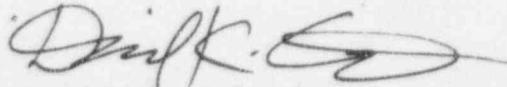
- (3) any communications between the NRC and HLP concerning Mr. Thompson and the status of his security access to South Texas Project between October 1, 1995 and the present.

As you are aware, the FOIA requires you to release documents in segregable portions in the event they contain exempt material. For any documents or portions that you deny due to a specific FOIA exemption, please provide an index itemizing and describing the documents or portions of documents withheld.

We also ask that all fees be waived because the information requested will contribute significantly to the public's understanding of the operations of the government and/or is primarily in the public interest. Notably, the Secretary of Labor has determined that cases under 29 C.F.R. Part 24 involve the litigation of "health and safety hazards to the public" not merely "private harms." Polizzi v. Gibbs & Hill, Inc., No. 87-ERA-38, slip op. of SOL at pp. 2-3 (July 18, 1989). Moreover, a fee waiver should be granted because this request should not require major expenditures of staff time or place a burden on reproduction facilities.

We look forward to hearing from you within ten (10) working days as the law stipulates.

Sincerely,



David K. Colapinto  
Attorney for Mr. Thompson

Encl.

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