



FOIA-87-593

RESPONSE TYPE

FINAL

☒ PARTIAL

DATE

MAR 1 1988

DOCKET NUMBER(S) (if applicable)

REQUESTER

Ms. Linda Bauman, GAP

## PART I - 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.☒ Agency records subject to the request that are identified in Appendix G are already available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.☒ Agency records subject to the request that are identified in Appendix H are being made available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.☐ The nonproprietary version of the proposal(s) 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, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.☐ Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.☐ Agency records subject to the request are enclosed. Any applicable charge for copies of the records provided and payment procedures are noted in the comments section.☐ Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.☐ In view of NRC's response to this request, no further action is being taken on appeal letter dated \_\_\_\_\_.

## PART II A - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

☐ Certain information in the requested records is being withheld from public disclosure pursuant to the FOIA exemptions described in and 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, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

Comments

8803040320 880301  
PDR FOIA  
BAUMAN87-593 PDR

SIGNATURE, DIRECTOR, DIVISION OF RULES AND RECORDS

Norman H. Hummel

## APPENDIX 6

RECORDS MAINTAINED AMONG PDR FILES

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION AND ACCESSION NUMBER</u>	<u>NO. OF PGS</u>
1.	8/25/87	NRC ltr to TU Electric (Counsll) on EA-83-64, EA 83-132, and EA 86-63 ANO 8708280262	8
2.	11/13/86	BN 86-22 to ASLB ANO 8611170012; ANO 8611190265	3
3.	5/2/86	NOV and Proposed Imposition of Civil Penalties (EA 86-63) w/concurrence sheet ANO 8605060096	8
4.	4/9/86	Ltr from TU Electric (Counsll) to Taylor (IE) on EA 83-64 & EA 83-132. ANO 8701290441	4
5.	10/17/83	NRC Ltr to TU Electric acknowledging response to NRC's NOV (EA 83-64) ANO 8311020513	3
6.	9/28/83	TU Electric Answer Protesting Civil Penalty (EA 83-64) ANO 8310050412	10
7.	9/28/83	TU's response to NOV (EA 83-64) ANO 8310050403	22
8.	9/28/83	TU Electric (Gary) ltr to NRC (DeYoung) responding to NOV and proposed imposition of civil penalty (EA 83-64) ANO 8310050403	4
9.	8/29/83	NRC ltr to TU Electric with NOV and proposed imposition of civil penalty ANO 8310030395	5
10 .	6/2/86	TU Electric (Counsll) ltr to NRC (Taylor) with responses to NOV and proposed civil imposition of civil penalty (EA 86-63) ANO 8606050141	17
11 .	9/22/86	Response to 3/6/86 ltr from GAP (B. Garde) treated as a FOIA request (refer to FOIA 86-180 and 86-A-61). ACN 8609260155	2
12 .	5/15/86	Ltr to J. Axelrad (IE) from Trial Lawyers for Public Justice, P.C. (B. Garde) with annotation ACN 8605280093	4

APPENDIX HRECORDS MAINTAINED IN THE PDR UNDER THE ABOVE REQUEST NUMBERNUMBERDATEDESCRIPTIONPAGES

1.	Undated	Brown & Root, Inc. v. Donovan, from Synopsis Syllabi and Key No. Classification (note: material is copyrighted)	11
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GOVERNMENT ACCOUNTABILITY PROJECT

1100 Connecticut Avenue, N.W., Suite 202  
Washington, D.C. 20006

(202) 232-8550

MIDWEST OFFICE

104 E. WISCONSIN AVENUE  
APPLETON, WISCONSIN 54911-4897

September 3, 1987

FREEDOM OF INFORMATION ACT REQUEST

Director  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20210

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-87-593  
Rec'd 9/8/87

TO WHOM IT MAY CONCERN

Pursuant to the Freedom of Information Act (FOIA, 5 U.S.C. 552,) the Government Accountability Project (GAP) requests copies of any and all agency records and information, including but not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, engineering analyses, drawings, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, computer runoffs, and any other data compilations, interim and/or final reports, status reports, and any and all other records relevant to and or generated in connection with an NRC, August 25, 1987 letter from James G. Keppler, Director of Special Projects to Texas Utilities Generating Company, to the attention of Mr. William G. Council, Executive Vice President, regarding why Mr. Keppler "determined after consultation with the Deputy Executive Director for Regional Operations, that the violation set forth in EA 83-64 should be withdrawn and that violations B & C of 86-63 occurred as stated." This request includes all agency records as defined in 10 C.F.R. 9.3a(b) and the NRC Manual, Appendix 0211, Parts 1.A.2 and A.3 (approved October 8, 1980) whether they currently exist in the NRC official, "working" investigative or other files, or at any other location, including private residences.

If any records as defined in 10 C.F.R. 9.3a(b) and the NRC Manual, supra, and covered by this request have been destroyed and/or removed after this request, please provide all surrounding records, including but not limited to a list of all records which have been or are destroyed and/or removed, a description of the action(s) taken relevant to, generated in connection with and/or issued in order to implement the action(s).

~~87-28439~~  
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GAP requests that fees be waived, because "finding the information can be considered as primarily benefitting the general public," 5 U.S.C. 552 (a) (4) (A). GAP is a non-profit, non-partisan public interest organization concerned with honest and open government. Through public outreach, the Project promotes whistleblowers as agents of government accountability. Through its Environmental Whistleblower Clinic, GAP offers assistance to local public interest and citizens groups and intervenors in the concern for safety at nuclear power plants.

We are requesting this information as part of an ongoing monitoring project of the NRC's efforts to protect public health and safety at and near nuclear processing plants and radioactive waste facilities.

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. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is relevant to the document or portion of the document withheld. This index is required under Vaughn v. Rosen (I), 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

We look forward to your response to this request within ten (10) working days.

Sincerely,

*Linda Bauman*

Linda Bauman  
FOIA Coordinator  
Midwest Office

Response to this request should be mailed to the Midwest Office:

104 E. Wisconsin Avenue -B  
Appleton, Wisconsin 54911-4897