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January 26, 1989

- * ADMITTED IN PA
- * ADMITTED IN NJ
- * ADMITTED IN DC

Director
FOI and Privacy Branch
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: FOIA Request

Dear Director:

We hereby make this request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. sec. 552, for copies of any and all NRC records and information pertaining to all aspects of the settlement negotiations and agreements in the Comanche Peak Steam and Electric Station ("CPSES") licensing proceedings effectuated during July 1988 between Citizens for Sound Energy, Juanita Ellis, Billie P. Garde, Anthony Z. Roisman, Texas Utilities Electric Company, Victor Stello, Jr., numerous unnamed "whistleblowers" and/or NRC Staff. At least one of these agreements was signed by NRC Executive Director for Operations Victor Stello, Jr. in late June of 1988 which effectuated dissolution of the Atomic Safety and Licensing Board ("ASLB") regarding CPSES. See, In the Matter of Texas Utilities Electric Co., et al., Docket Nos. 50-445-OL, 50-446-OL, 50-445-CPA, Memorandum and Order (of dismissal), slip op. of ASLB (July 13, 1988). Upon information and belief, Ms. Janice Moore and other members of NRC Staff also participated in the execution of said settlement agreements.

This request includes, but is not limited to all correspondence, press releases, internal memoranda, notes, letters, drafts, tapes, video tapes, minutes, logs, calendars, transcripts of tapes, summaries, interview reports, procedures, instructions, telephone messages, photographs, engineering or technical analyses, drawings, files, graphs, charts, agreements, handwritten notes, studies, data sheets, notebooks, books, interim and/or final reports, status reports related to the settlement of the CPSES licensing proceedings.

We also request that fees be waived because the above-referenced settlement agreements concern matters of public health and safety. Moreover, information regarding the settlements themselves as well as the large monetary

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-89-52

Rec'd 2-1-89

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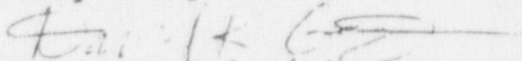
FOIA Request
January 26, 1989
Page Two

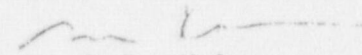
payments to the intervenor and individuals are in the public interest since they affect the licensing of a public utility.

This information is "likely to contribute significantly to public understanding of the operations of the ..." NRC and the settlement of ASLB proceedings. 5 U.S.C. sec. 552 (a)(4)(A)(iii). Generally speaking, the combination of public licensing and private employment disputes is rare. Here, the dependency of the public settlement agreements upon the terms of the settlements for private individuals, which are secret, is potentially violative of public policy.

We look forward to hearing from you within ten (10) days as the law stipulates. Please inform us of our appeal rights in the event any portion of this request is denied. Thank you.

Very Truly Yours,


David K. Colapinto


Michael D. Kohn

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