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January 25, 1989

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

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

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-89-47
Rec'd 1-30-89

Re: FOIA Request

Dear Director:

We represent Messrs. Syed M. A. Hasan and Joseph J. Macktal who are former "whistleblowers" at the Comanche Peak Steam Electric Station ("CPSES"). We hereby make this request on their behalf pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. sec. 552, and the Privacy Act of 1974 ("PA"), 5 U.S.C. sec. 552 a, for copies of any and all NRC records and information pertaining to:

(1) The revocation of "confidentiality" on January 23, 1989 by Mr. Victor Stello, NRC Executive Director for Operations. See, Attachment.

(2) Any and all requests for information by third parties (including NRC or other U.S. government agency personnel), formal or informal, which touches or concerns Syed M. A. Hasan or Joseph J. Macktal and/or their respective allegations about CPSES.

This 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 number (1) above. For number (2) above, documentation of requests by third parties pursuant to FOIA (or through other means), any NRC responses and/or appeals of denials thereto, is satisfactory.

The enclosed Attachment should be sufficient as identifying information and to demonstrate our representation of Messrs. Hasan and Macktal. It is our understanding that our clients have previously provided the NRC with the necessary documentation to enable us to make

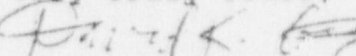
requests for information on their behalf. Please advise us at once if this is not the case.


Messrs. Hasan and Macktal also request that fees be waived. The information requested will be used to further the public policy of granting and protecting confidentiality for whistleblowers and other witnesses who testify about serious health and safety violations and/or other matters of public concern. Moreover, the information is in the "public interest" and is "likely to contribute significantly to public understanding of the operations of the ..." NRC and the issue of whistleblower confidentiality.

Our clients request this information for use to protect the confidentiality of whistleblowers -- a matter of important public policy -- and not for personal or commercial use. If the NRC releases information which our clients only provided in the public interest, and but for the promise of confidentiality, then they will each be subject to unnecessary harassment and intimidation. Each continues to work in the nuclear power industry and the release of previously protected "confidential" information to our clients' former or present employers, who are the likely requesters, could seriously damage their personal and professional lives. Moreover, the revocation of confidentiality for these whistleblowers will, most likely, deter other employees, witnesses and informants from contacting the NRC with valid safety allegations about NRC licensees.

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

Kohn, Kohn & Colapinto, P.C.
Counsel for Messrs. Hasan
and Macktal

Encl.

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