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August 13, 1999

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FOIA/PA REQUEST

Case No: 99-328
Date Rec'd: 8-23-99
Action Off: Pugh
Related Case: _____

U. S. Nuclear Regulatory Commission
Attn: FOIA Officer
Mail Stop T-6 D8
Washington, DC 20555-0001

Re: Mexican Hat Mill, Mexican Hat, Utah
Freedom of Information Act Request

Dear Sir or Madam:

Our office represents Liberty Mutual Insurance Company in an insurance coverage action brought by Cyprus Amax Corporation stemming from events that occurred at their facility location(s) at the Mexican Hat Mill, Mexican Hat, Utah.

As part of our discovery efforts to determine exactly what happened at the Mexican Hat Mill, Mexican Hat, Utah, we respectfully request that your office review any possible files and other information your department may maintain concerning the Mexican Hat Mill, Mexican Hat, Utah. To insure that our request to view your files is appropriate and complete, we submit the following standard Freedom of Information Act language for your consideration:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 et seq., I hereby request copies of all the following documents and information pertaining to the above-mentioned site filed or produced from the time the Nuclear Regulatory Commission began regulating or investigating the presence of hazardous waste at the site to the present date.

In particular, we request detailed information which you possess in the form of documents, correspondence, memoranda and reports generated by you or any other person or entity in connection with this site, in

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- a. inspection notes
 - b. inspection photos, including aerial photographs
 - c. maps generated pursuant to inspections
 - d. records of legal actions related to the site;
3. Nontechnical descriptions of the investigation and/or remediation activities which have taken place or are to take place at the above site (i.e., the investigatory activities which uncovered contamination at the site);
 4. Any and all Manifests and/or "waste in/waste out" reports in your possession re: the site and/or Cyprus Amax Corporation;
 5. Any and all facility inspection plans or facility inspection records of the site;
 6. Any and all information submitted on Solid Waste Management Units (SWMUS) related to the site;
 7. Any and all Hazardous Constituent Release Reports;
 8. Any and all logs or field notes prepared by the Nuclear Regulatory Commission staff or contractors and any maps of the site;
 9. Any and all RCRA Facility Investigation Reports or RCRA Facility Assessment Reports;
 10. Any Records of Decision ("ROD") regarding the site and any drafts of such;
 11. Any computerized transactional database for this site;
 12. Any Remedial Investigation/Feasibility Studies performed regarding the site and any drafts of such studies;
 13. Any memoranda, reports, or other documents discussing the costs incurred thus far by the Nuclear Regulatory Commission or by any other agency at the site;
 14. Any invoices, bills of lading and any other documents discussing or indicating the alleged contribution of Cyprus Amax Corporation to the site;
 15. Any Section 107 notice letters and any section 104(e) request for information letters sent to any party and any list of addresses to whom such letters have been sent;
 16. Any responses to notice letters or information requests;

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17. Any list of potentially responsible parties (PRPs) at the site;
18. All volumetric material relating to waste contributed to the site by any and all potentially responsible parties ("PRPs");
19. Any reports or studies performed by the EPA or its contractors, including draft reports or studies;
20. Any newspaper articles or other media reports;
21. Any assessments of potential adverse health effects presented by the site, including but not limited to, risk or endangerment assessments;
22. Any records regarding site licenses, inspections, or compliance status reports pertaining to the site;
23. Any analytical test results of soil, water, or air samples taken at or near the site;
24. A list of all groundwater monitoring wells located on or near the site which have been used for assessment purposes;
25. Any memoranda, reports or other documents discussing or referring to policy or legal issues that have arisen or may arise at this site;
26. Any memoranda, reports, or other documents discussing prior removal or cleanup efforts at the site.

In order to provide a complete response to this request, please consult with Water Management District officials in other offices to the extent necessary. In addition, if this request is denied in whole or in part, please send me written notification of such action.

If the Nuclear Regulatory Commission determines that some portion of a requested document is exempt from release, I hereby request the release of any portion of the document that is not exempt. In addition, if the Nuclear Regulatory Commission determines that any exemption is applicable, I request that the agency advise me in writing as to what specific documents are being withheld. I also request that the Nuclear Regulatory Commission identify any exemption that is invoked and explain why it applies in this case.

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My direct telephone number is (213) 312-2080. If you have any questions, please do not hesitate to contact me. Thank you kindly for your patience and anticipated assistance.

Very truly yours,



Brett M. Middleton

BMM/ktk