



Florida Energy Consultants, Inc.

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August 23, 1994

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-94380
Rec'd 8-24-94

Executive Director for Operations
U.S. Nuclear Regulatory Commission
White Flint Building
Washington, D.C. 20500

Re: Freedom of Information Act Request

Dear Sir:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. Part 552, et seq., Florida Energy Consultants, Inc. ("FEC") by and through the undersigned, hereby request copies of any and all U.S. Nuclear Regulatory Commission ("NRC") records and information regarding NRC licensee, Houston Lighting & Power Company ("HLP") and Nuclear Support Services, Inc. ("NSS") directly or indirectly related to the NRC's investigation of HLP and/or NSS regarding the revocation of Thomas J. Saporito Jr.'s unescorted access to the HLP South Texas Project Electric Generating Station ("STPEGS") in February of 1992 and subsequent allegations by Mr. Saporito concerning employment discrimination taken against him by HLP and NSS in his attempts to obtain work in the nuclear industry.

Specifically, FEC requests a copy of the following:

1. All investigations of allegations made by Thomas J. Saporito, Jr. concerning STPEGS and/or HLP and/or NSS investigated by the NRC Office of Investigations ("OI") between the time period of February, 1992 until the present;

*Saporito
has OI report*

93-056

Executive Director for Operations
U.S. Nuclear Regulatory Commission
FOIA Request
August 23, 1994
Page No. 2

NR 2. A February 10, 1992 Petition filed by Mr. Saporito under 10 C.F.R. 2.206 seeking actions by the NRC against HLP and/or STPEGS;

3. Any and all communications between NRC and any other person or entity directly or indirectly related to or associated with NRC OI investigations of Mr. Saporito's allegations concerning HLP and/or STPEGS during the time period of February, 1992 and the present;

OF-ED 4. Any and all information provided by the NRC to HLP, its agents, representatives, officers and employees, concerning the NRC's investigation of harassment and intimidation and discrimination allegations related to Thomas J. Saporito, Jr. concerning STPEGS and/or HLP during the time period of February, 1992 and the present;

All part of OI-Excluded OI 5. Any and all information provided by the NRC to NSS, its agents, representatives, officers and employees, concerning the NRC's investigation of harassment and intimidation and discrimination allegations related to Thomas J. Saporito, Jr. concerning STPEGS and/or HLP and/or Georgia Power Company ("GPC") and/or Plant Vogtle during the time period of February, 1992 and the present.

This FOIA request seeks information as described above and includes but is 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 the enumerated paragraphs above.

Executive Director for Operations
U.S. Nuclear Regulatory Commission
FOIA Request
August 23, 1994
Page No. 3

FEE WAIVER REQUEST

In accordance with 10 C.F.R. 9.41(a)(2) and (b), FEC hereby requests that all fees be waived for the following reasons:

Purpose:

1. The information sought will contribute significantly to the public's understanding of the operations of the government and/or is primarily in the public interest. This FOIA request seeks information relevant to a Department of Labor ("DOL") discrimination complaint filed under the Energy Reorganization Act of 1974 as amended 42 U.S.C. 5851 ("ERA") concerning the undersigned and a NRC licensee. 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." See, Polizzi v. Gibbs & Hill, Inc., Case No. 87-ERA-38, slip op. of SOL at pp.2-3 (July 18, 1989).

Extent:

2. FEC will diligently extract and analyze the substantive content of the agency record.

Nature & Qualifications:

3. FEC's activity and research will support and provide a basis for litigation under the ERA as described above. The undersigned is an experienced worker in the nuclear industry with over 10-years of knowledge about the agency's regulations and the DOL process. Moreover, the undersigned won a favorable decision in ERA Case No. 92-ERA-30 as a pro se litigant. There in that case as here in Saporito v. HLP et. al., similar procedures are followed in presenting a *prima facie* case.

Executive Director for Operations
U.S. Nuclear Regulatory Commission
FOIA Request
August 23, 1994
Page No. 4

Likely Impact on the Public's Understanding of the Subject:

4. The information and subsequent actions by FEC will be widely disseminated to the public through press releases and through grassroots environmental organizations and through FEC. Thus, the public's awareness and understanding of the agency's behavior and performance and that of the DOL and NRC's licensee as well as the adverse consequences born by whistleblowers like the undersigned will be greatly enhanced.

Size and Nature of the Public:

5. Nationwide distribution of materials across the continental United States of America.

Means of Distribution:

6. Via the media; news releases; FEC publications; public school lectures; television and radio programs; etc.

Public Access to Information:

7. Public access to information will be provided free of charge.

Requester's Commercial or Private Interest:

8. The requester has no commercial or private interest.

For any documents or portions of documents 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

Executive Director for Operations
U.S. Nuclear Regulatory Commission
FOIA Request
August 23, 1994
Page No. 5

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).

I look forward to your timely response to this FOIA request
within 10-days as the law provides.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Thomas J. Saporito, Jr.", written over a horizontal line.

Thomas J. Saporito, Jr.
President and CEO

cc: file