

NATIONAL WHISTLEBLOWER CENTER
 517 Florida Avenue, NW
 Washington, DC 20001-1850
 (202) 667-7515 • Fax (202) 462-4145

February 17, 1995

Facsimile and First Class Mail
 Carol Ann Reed
 Division of Freedom of Information
 and Publications Services
 Office of Administration
 U.S. Nuclear Regulatory Commission
 Washington, D.C. 20555

APPEAL OF INITIAL FOIA DECISION

95-A-7 (95-24)
 Rec'd. 2-21-95

Dear Ms. Reed:

On behalf of the National Whistleblower Center, I hereby appeal withholding of documents requested in the Freedom of Information Act Request No. 95-24, filed with your agency, dated January 17, 1995. This request sought access to all depositions in the possession of the Nuclear Regulatory Agency taken in the diesel generator phase of discovery regarding the licensing amendment proceeding entitled: Georgia Power Company, et al., (Vogtle Electric Generating Plant, Units 1 and 2) Dockets Nos. 50-424-OLA-3 & 50-425-OLA-3, ASLBP No. 93-671-01-OLA-3. This appeal covers only paragraph 1, documents 1-15 of the request which I have attached for reference.

The documents requested in the request have been relied upon by the NRC to formulate policy and render a determination concerning a Notice of Violation issued by the NRC against Georgia Power Co. The release of these documents is absolutely critical for a public understanding of that decision rendered by the NRC.

There is absolutely no justification under law for withholding these documents.

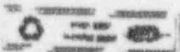
This is to inform you that, on the twentieth day from today, we will be filing a law suit in order to obtain access to these materials. If it is necessary for us to file suit we will seek a preliminary injunction in order to expedite the proceeding, attorney fees and costs and sanctions against all NRC personnel responsible for withholding these materials from the public.

Please produce the requested documents within twenty days or we will seek judicial enforcement of the Freedom of Information Act.

Yours truly,

Mary Jane Wilmoth
 Mary Jane Wilmoth

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 PDR FOIA
 WILMOTH95-A-7 PDR



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NATIONAL WHISTLEBLOWER CENTER
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January 17, 1995

Chief, FOIA/LPDR Branch
Division of Freedom of Information
and Publications Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: FOIA Request

Dear Chief:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, et seq., the National Whistleblower Center ("NWC") hereby requests a copy of any and all records and information pertaining directly or indirectly to the following:

1. All depositions in the possession of the NRC taken in the diesel generator phase of discovery regarding the licensing amendment proceeding entitled: In the Matter of Georgia Power Company, et.al. (Vogtle Electric Generating Plant, Units 1 and 2) Dockets Nos. 50-424-OLA-3 & 50-425-OLA-3, ASLBP No. 93-671-01-OLA-3, including but not limited to those contained in the following list.

- | | |
|-----------------------------|-----------------------|
| 1. John G. Aufdenkampe, Jr. | - taken June 14, 1994 |
| 2. Paul Kochery | - taken July 6, 1994 |
| 3. Thomas Webb | - taken July 7, 1994 |
| 4. Kenneth Holmes | - taken July 7, 1994 |
| 5. Kenneth Stokes | - taken July 5, 1994 |
| 6. Georgie R. Frederick | - taken June 17, 1994 |
| 7. Jimmy P. Cash | - taken July 29, 1994 |
| 8. Michael Horton | - taken June 15, 1994 |
| 9. Harry Majors | - taken May 25, 1994 |
| 10. R. Patrick McDonald | - taken July 25, 1994 |
| 11. George Bockhold | - taken July 21, 1994 |
| 12. Mike Duncan | - taken July 20, 1994 |
| 13. Charles Coursey | - taken July 20, 1994 |
| 14. Kenneth Burr | - taken May 24, 1994 |
| 15. Ester Dixon | - taken July 20, 1994 |

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January 17, 1995
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2. Hearing transcripts for dates January 4 through January 13, 1995 for the licensing amendment proceeding entitled: In the Matter of Georgia Power Company, et.al. (Vogtle Electric Generating Plant, Units 1 and 2) Dockets Nos. 50-424-OLA-3 & 50-425-OLA-3, ASLBP No. 93-671-01-OLA-3. These documents are requested in the form of computer discs, in the Wordperfect 5.1 format.

As you are aware, the FOIA requires you to release documents in segregable portions in the event they contain exempt material. 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.

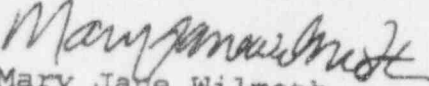
We also ask that all fees be waived because the information requested will contribute significantly to the public's understanding of the operations or activities of the government and/or is primarily in the public interest and is not in the commercial interest of the requester. The National Whistleblower Center is a tax-exempt, non-profit organization. The purpose of the NWC is to assist whistleblowers to bring allegations of corporate wrongdoing and/or government corruption to the attention of the public. See, FOIA-91-114. In addition, a similar request for a fee waiver by the NWC was granted by the NRC on January 25, 1993 in response to a FOIA request for information about whistleblower allegations against Houston Lighting & Power Co. See, FOIA-93-44.

The specific allegations of NRC OI Case No. 2-90-020R and other whistleblowing allegations concerning the Georgia Power Company and its operation of the Plant Vogtle nuclear plant have received widespread attention in the national and Georgia media. There is great public interest in the NRC's investigation of OI Case No. 2-90-020R and the diesel generator issues. The U.S. Senate Subcommittee on Nuclear Regulation held public hearings regarding allegations related to the substance of OI Case No. 2-90-020R which included the diesel generator issues. The NWC intends to disseminate to the public the information received from the NRC pursuant to this request.

FOIA Request
January 17, 1995
Page 3

We look forward to hearing from you within ten (10) working days as the law stipulates. Thank you in advance for your assistance.

Sincerely,


Mary Jane Wilmoth
for the National
Whistleblower Center

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 517 Florida Avenue, NW
 Washington, DC 20001-1850
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TELECOPY COVER SHEET

PLEASE CONTACT US IF YOU HAVE NOT PROPERLY RECEIVED THIS FAX

PLEASE DELIVER THE FOLLOWING MATERIAL AS SOON AS POSSIBLE

TO:

TELECOPY NUMBER:

Carol Ann Reed - nrc FOIA/ LPDR	5130 301) 415- 5272
Chief, FOIA/LPDR Branch	

FROM: Mary Jane WilmothNUMBER OF PAGES: 5 (Including Cover Page)

REMARKS:

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DATE SENT: 2/17/55 TIME SENT: 2:30 CASE #: 301

NATIONAL WHISTLEBLOWER CENTER
517 Florida Avenue, NW
Washington, DC 20001-1850
(202) 667-7515 • Fax (202) 462-4145

January 17, 1995

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-95-24

Rec'd. 1-19-95

Chief, FOIA/LPDR Branch
Division of Freedom of Information
and Publications Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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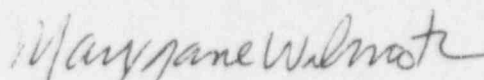
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Sincerely,

A handwritten signature in cursive script that reads "Mary Jane Wilmoth".

Mary Jane Wilmoth
for the National
Whistleblower Center

disketts for copying.

- 2/13/95 Left message for Whetstine that after copying diskettes I noticed there were no diskettes for 1/9 & 1/10 although there are transcripts for those days. Left message that I wanted to say that diskettes did not exist for those days if that was the case. Asked him to let me know.
- 2/14/95 TC from Whetstine - He found the 1/10 diskette but could not locate a diskette for 1/9. He is not sure a 1/9 diskette even exists.
- 2/15/95 Left message for Linda N-S to call.
- 2/16/95 TC to Wilmoth - Explained that we do not waive fees for records already in the PDR. She agreed to pay \$10.00 for diskettes. I also explained about going to reporting services on depositions and gave her cite in FOI Update.

Russ -
See Carol Ann's notes of
2/16/95 telecon