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February 07, 1995

FREEDOM OF INFORMATION ACT REQUEST

FOIA-95-80
Rec'd 2-21-95

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. Art 552, et seq., Dunmire & Saporito, by and through the undersigned, hereby request a copy of the U.S. Nuclear Regulatory Commission ("NRC") record(s) and information regarding NRC licensee, Houston Lighting & Power Company ("HLP") directly related to the NRC's investigation of HLP regarding the revocation of Thomas J. Saporito Jr.'s unescorted access to the HLP South Texas Project Electric Generating Station ("STPEGS") in February, 1992 and subsequent allegations by Mr. Saporito concerning employment discrimination taken against him by HLP in his attempts to obtain work in the nuclear industry.

Specifically, we request a copy of the following:

1. A copy of the transcripts from an interview and/or deposition of Thomas J. Saporito, Jr. concerning HLP and/or STPEGS taken by the NRC Office of Investigations ("OI") regarding the revocation of Mr. Saporito's unescorted access to STPEGS in February, 1992.

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2. A copy of the transcripts from an interview and/or deposition taken by the NRC of any and all employees or agents of HLP and/or STPEGS investigated by the NRC Office of Investigations ("OI") regarding the revocation of Mr. Saporito's unescorted access to STPEGS in February, 1992.

4. A copy of the transcripts from an interview and/or deposition taken by the NRC of any and all employees or agents of Nuclear Support Services, Inc. ("NSSI") investigated by the NRC Office of Investigations ("OI") regarding discrimination of Mr. Saporito in his attempts to secure employment in the nuclear industry.

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.

FEE WAIVER REQUEST

In accordance with 10 C.F.R. 9.41(a)(2) and (b), we hereby request 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

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

Nature & Qualifications:

3. Our 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 and represents nuclear workers in prosecuting Section 211 ERA claims.

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

4. The information and subsequent actions by us 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 will be greatly enhanced.

Size and Nature of the Public:

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

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Means of Distribution:

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

Public Access to Information:

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

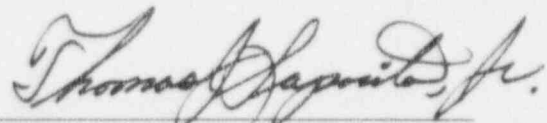
Requester's Commercial or Private Interest:

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 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).

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

Very truly yours,
DUNMIRE & SAPORITO



Thomas J. Saporito, Jr.