

# GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies

1901 Que Street, N.W., Washington, D.C. 20009

(202) 234-9382

July 20, 1984

Director  
Office of Administration  
Division of Rules and Records  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: FOIA 84-507  
APPEAL FROM AGENCY FAILURE TO RESPOND

**APPEAL OF INITIAL FOIA DECISION**

84-A-63E (84-507)

Act'd 7-23-84

Dear Mr. Felton:

This is an appeal pursuant to Subsection (a)(6) of the Freedom of Information Act (FOIA), as amended 5 U.S.C. §552.

By letter dated June 15, 1984, the Government Accountability Project (GAP) requested documents related to a January 1984 memo issued by Louisiana Power and Light Company concerning interviews, surveys and exit interviews, which were designed to document worker concerns at the Waterford III Steam Electric Station; copies of all surveys, interview forms and questions; as well as the actual worker responses to the surveys, interviews and exit interviews. These records pertain to the Waterford III Steam Electric Station.

We defined the request to include any and all agency records and information, including but not limited to notes, letters, files, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, engineering analyses, drawings, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, any other data compilations, interim and/or final reports, status reports, generated or obtained by NRC personnel in connection with investigations, inspections and/or reports on the above matters.

To date, we have received no response to our request, although it has been well over a month since our initial request. We have construed your failure to answer as a constructive denial of the request.

As provided under the FOIA, we expect to receive a response to this administrative appeal within twenty (20) working days.

Yours truly,

*Billie Garde/CB*

Billie Pirner Garde

*Lynne Bernabei*

Lynne Bernabei

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PDR FOIA  
GARDE84-A-63 PDR

# GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies

1901 Que Street, N.W., Washington, D.C. 20009

(202) 234-9382

June 15, 1984

## Freedom of Information Act Request

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-84-507

Rec'd 6-20-84

Director  
Office of Administration  
Nuclear Regulatory Commission  
Washington, D.C. 20555

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552, the Government Accountability Project (GAP), requests copies of any and all agency records and information, including but not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, engineering analyses, drawings, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, computer run-offs, any other data compilations, interim and/or final reports, status reports, and any and all other records relevant to and/or generated in connection with a January, 1984, memo issued by Louisiana Power and Light Company concerning interviews, surveys and exit interviews, which were designed to document worker concerns at the Waterford III Steam Electric Station. We are also requesting copies of the surveys and interview forms and questions, as well as the actual worker responses to the surveys, interviews and exit interviews.

This request includes all agency records as defined in 10 C.F.R. §9.3a(b) and the NRC Manual, Appendix 0211, Parts 1.A.2 and A.3 (approved October 8, 1980), whether they currently exist in the NRC official, "working," investigative or other files, or at any other location, including private residences.

If any records as defined in 10 C.F.R. §9.3a(b) and the NRC Manual, *supra*, and covered by this request have been destroyed and/or removed after this request, please provide all surrounding records, including but not limited to a list of all records which have been or are destroyed and/or removed, a description of the action(s) taken relevant to, generated in connection with, and/or issued in order to implement the action(s).

GAP requests that fees be waived, because "finding the information can be considered as primarily benefitting the general public," 5 U.S.C. §552(a)(4)(a). GAP is a non-profit, nonpartisan public interest organization concerned with honest and open government. Through public outreach, the Project promotes whistleblowers as agents of government accountability. Through its Citizens Clinic, GAP offers assistance to local public interest and citizens groups seeking to ensure the

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Director  
Office of Administration  
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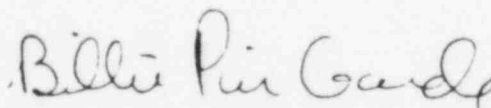
health and safety of their communities. The Citizens Clinic is currently assisting citizens groups, local governments and intervenors in Louisiana concerning the construction of the Waterford III Steam Electric Station.

We are requesting the above information as part of an ongoing monitoring project on the adequacy of the NRC's efforts to protect public safety and health at nuclear power plants.

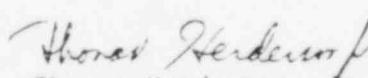
For any documents or portions that you deny due to a specific FOIA exemption, please provide an index itemizing and describing the documents or portions of documents withheld. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is relevant to the document or portion of the document withheld. This index is required under Vaughn v. Rosen (1), 484 F.2d 820 (D.C.Cir. 1973), cert. denied, 415 U.S. 977 (1974).

We look forward to your response to this request within ten days.

Yours truly,



Billie Pirner Garde  
Citizens Clinic Director



Thomas Henderson, Jr.  
Legal Intern