

FOIA/PA REQUEST

Case No. 2004-0183
Date Recd. 3-29-04
Asst. Dir. B. [unclear]
Printed Case: [unclear]

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JOHN M. CLIFFORD*
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March 29, 2004

By Fax: (301-415-5130)

Ms. Carol Ann Reed
FOIA/Privacy Act Officer
U.S. Nuclear Regulatory Commission
Mail Stop T-6 D8
Washington, D.C. 20555-0001

Re: Freedom of Information Act Request

Dear Ms. Reed:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended, we are requesting on behalf of our client, [redacted] copies of any and all agency records and information, including but not limited to, notes, letters, memoranda, drafts, press releases, studies, reports, investigations, notices of violation, enforcement action reports, photographs, minutes, diaries, logs, calendars, tapes, transcripts, summaries, procedures, interviews, instructions, analyses, drawings, files, data sheets, notebooks, telephone messages, internal or external electronic mail or other electronic data backup tapes, and all other relevant and/or related information reflecting, relevant to, referred to, reviewed in connection with, or generated in connection with:

The transcript of the November 18-19, 2003, Pre-Enforcement Conference meeting at the Region IV offices in Arlington, Texas;

The March 15, 2004 Notice of Violation and Confirmatory Order Modifying License (OI Investigation Report No. OI-4-2002-001) and all attachments. This request is intended to include all documents received by, reviewed by, and relied upon by the NRC's Office of Enforcement in issuing the Notice and Order; this request includes any and all documents created during and about any telephone conferences and communications with the Licensee about the NOV and the Confirmatory Order, including the February 18 and March 4, 2004 letters from the Licensee;

The March 15, 2004 Notice of Violation and Proposed Imposition of Civil Penalties (NRC Inspection Report No. 030-07710/01-001), and all attachments. This request is intended to include all documents received by, reviewed by, and relied upon by the NRC's Regional Administrator in issuing the Notice and Fines.

The March 17, 2004, FOIA request from the State of Alaska Attorney General's Office regarding Enforcement Action (EA)-03-126 and OI Investigation Report No. OI-4-2002-001. This request is intended to capture all documents received by your office from the State of Alaska Attorney General's Office (AKAGO) in this matter, your response to AKAGO, and all documents provided to AKAGO in response to their FOIA request;

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The OI Investigation Report No. OI-4-2002-001, "Discrimination Against RSO By Management For Identifying A Safety Concern," dated March 3, 2003;

The September 11, 2003 NRC Letter "Response to Possible Chilling Effect" (OI Investigation Report No. OI-4-2002-001), and all responses received from the Licensee;

and

The NRC Inspection Report No. 030-07710/01-001, dated March 15, 2004.

This request includes all agency records as defined in the Code of Federal Regulations and the agency manual, whether they currently exist in the official "working" investigative or other files, or at any other location, including private residences.

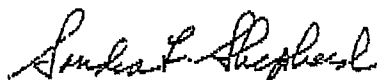
If any records covered by this request have been deleted, destroyed and/or removed after this request, please provide all surrounding records, including but not limited to a list of all records which have been or are deleted, destroyed and/or removed, a description of the action(s) taken, and those relevant to or generated in connection with implementing the action(s).

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 agree to pay any reasonable fees associated with processing this request. Please let us know in advance if such costs will exceed \$50.00.

Thank you for your attention to this request. I anticipate a complete or partial response to this request within 20 working days, as required by the FOIA.

Sincerely,



Sandra L. Shepherd for
Billie Pirner Garde

cc: Frank Congel, Director
Office of Enforcement
(By Fax: 301-415-3431)

Karla Smith, Legal Counsel
Region IV Regional Office
(By Fax: 817-860-8122)

AUTHORIZATION

By my signature below, I authorize the U.S. Nuclear Regulatory Commission to release to Billie Firmer Garde and/or Sandra L. Shepherd of Clifford & Garde, all agency records they may request on my behalf, including but not limited to any and all records released to the State of Alaska Office of Attorney General in response to a March 17, 2004 FOIA request, including but not limited to OI Investigation Report No. OI-4-2002-001 and all related records; Enforcement Action EA-03-126 and all related records; and Enforcement Action EA-03-190 and all related records; as well as any other records they may request on my behalf. This authorization is intended to include investigations conducted by the U.S. Nuclear Regulatory Commission Office of Inspector General, Office of Investigations, or Office of Enforcement.

A faxed copy of this authorization should be given the full force and effect of the original.

March 29, 2004
Date

