

COMMITTEE TO BRIDGE THE GAP

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May 29, 1984

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

FREEDOM OF INFORMATION
ACT REQUEST

FOIA 84-454

Rec'd 6-5-84

FOIA Request

Dear Director Felton:

This is a request under the Freedom of Information Act, as amended.

By Memorandum and Order of February 24, 1984, the Atomic Safety and Licensing Board presiding over the UCLA reactor relicensing case forwarded to the NRC's Office of Inspector and Auditor (OIA) allegations by the Board of misconduct and material false statements by the NRC Staff and its Counsel on security matters relevant to that case. In particular, the Board accused Staff and Counsel of "substantial misrepresentations" related to sabotage protection for research reactors, misrepresentations contained both in statements made to the Board and to the Commission (the latter in SECY 83-500).

In late December, the Board had forwarded to OIA other allegations related to misrepresentations by Staff and Counsel on security matters for research reactors in general and the UCLA reactor in particular, related both to sabotage and theft protection.

OIA has, we understand, been conducting an investigation of these matters. We hereby request regarding said investigation the final report and all attachments thereto, any drafts thereof, and any and all other agency records and information as to the OIA investigation, including but not limited to, notes, letters, memoranda, instructions, drafts, minutes, diaries, logs, transcripts, files, handwritten notes, interim and final reports, status reports, and any and all other information relevant to and/or generated in connection with the OIA investigation of these matters. This request covers all material generated by and/or currently (or formerly) in possession of the NRC Staff, including but not limited to, the Office of the Inspector and Auditor, NMSS, OIE, OELD, OGC, the Commissioners, Nuclear Reactor Regulation, and Region V.

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

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PDR FOIA
HIRSCHB4-454 PDR

If any records as defined in 10 CFR 9.3a(b) and NRC Manual, supra, and covered by this request have been destroyed or removed, following this request, please provide a list of all surrounding documents and all documents detailing the circumstances surrounding the destruction or removal.

The Committee to Bridge the Gap is a non-profit, public interest group, and hereby requests a fee waiver for search and copying costs because the information sought is principally benefitting the general public. 5 USC 552 (a)(4)(a). CBG, party to the UCLA proceeding, needs the information to resolve a most important public interest concern--whether representations made by NRC Staff, and UCLA, to the Atomic Safety and Licensing Board on key security matters have been materially false. Additionally, CBG is conducting a study, for submission to the Commissioners, the Congress, and the general public, on the proposal to eliminate sabotage protection requirements at the nation's research reactors, a most important public policy matter, and the information sought will form the basis for substantial portions of the analysis of the veracity of and risks associated with Staff's proposal contained in SECY 83-500. Therefore, CBG requests fee waiver.

For any document or portions of documents denied, due to a specific FOIA exemption, index and itemize detailed justification of the grounds for each exemption, as required under Vaughn Rosen (I), 484 F 2d 820, DC Cir 1973, cert denied 415 US 977 (1974).

Please respond to the above address and phone number.

Sincerely,


Daniel Hirsch