

United States Senate

WASHINGTON, D.C. 20510

May 23, 1985

Office of Congressional Affairs
Nuclear Regulatory Commission
1717 H Street, N. W.
Washington, D.C. 20555

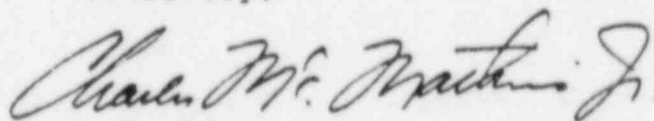
Dear Director:

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached correspondence is requested. I would appreciate your reviewing this material and providing me with your findings and views which will be forwarded to my constituent.

Please reply to my office in the Weber Building, Suite 212, 9420 Annapolis Road, Lanham, Maryland 20706, telephone 301-344-2453.

With best wishes,

Sincerely,



Charles McC. Mathias, Jr.
United States Senator

CM:bg
Enclosure

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PDR FOIA
DEZUBE85-564 PDR

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Employment Perspectives
1730 M Street, N.W., Washington, D.C. 20036
(202) 659-0818

New Address: Box 6626

Silver Spring, MD 20906

1985 MAY 10 PM 12:55
May 8, 1985

Senator Charles McC. Mathias
U.S. Senate
358 RSOB
Washington, D.C.

Dear Senator Mathias:

I am writing to inquire about two issues related to the Nuclear Regulatory Commission's handling of requests under the Freedom of Information Act and related to Federal agency and GAO handling of bid protests.

On March 14 we filed a bid protest with GAO against a contract awarded by the Nuclear Regulatory Commission which we feel was awarded unlawfully. On March 15 we filed a Freedom of Information Act with the Commission regarding information related to the awarding of that particular contract from 1976 to present in that the contract has been awarded to the same firm since 1976. The Commission did not acknowledge receipt of our FOIA request until April 8. Further, the Commission never requested an extension of deadline from us. And, to date, they have not furnished the requested information.

We have learned that our only recourse to securing this information is to go to Court, which is not feasible. First, it costs a small fortune to proceed through the Courts to secure information. Second, by the time we proceed through the Courts, the need for that information will have ceased to exist, since the GAO would have made a decision on that matter.

Secondly, the Commission has furnished to the GAO some--not all--of the information related to the procurement process. Based on conversations with the GAO, we understand that we will not be allowed to view the information furnished to the GAO as it relates to the process in general, nor to the evaluation of our proposals. Further, if the GAO requests additional information from the agency, the agency has the authority to deny that request, even if our firm or the GAO feels it is important to the decision-making process.

These are just two more examples which are consistent with the Commission's attitude and conduct toward due process and full and open disclosure. Needless to say, their posture on these issues defeats the processes of full and open competition and filing of bid protests.

Please advise us of the alternatives available to us and how you might assist us and other small business and contractors in general who are seeking to live within the intent of Congress and participated in the government contracting procedure, trusting that they would be given fair and just consideration.

Sincerely,

Vicki R. Satern
Vicki R. Satern