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February 24, 2000

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IN REPLY REFER TO OUR
FILE: 12435.2

FOIA
Privacy Act Officer
c/o William Kane, Director
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

FOI/PA REQUEST

Case No:	<u>2000-004A</u>
Date Rec'd:	<u>3-1-00</u>
Action Off:	<u>Pool</u>
Related Case:	<u>2000-0013</u>

Re: Subject: FOIA/PA Appeal

Gentlemen:

On October 12, 1999 I requested that specific documents be provided to me regarding the decontamination and dismantlement of the General Atomics facility per the Freedom of Information Act. A copy of that request is attached. The documents that I received failed to comply with my specific request. I was particularly interested in documents exchanged between the NRC and General Atomics between September of 1991 through October of 1992. In particular, in January of 1992, General Atomics voluntarily shut the decontamination portion of the project down. The shutdown period started in January of 1992 and ended of May of 1992. The reasons and justifications for the shutdown are now the subject of a dispute between General Atomics and Valley Pines, a partnership made up of Chevron and Shell. It is critical that the documents requested from the NRC be transmitted, in particular, those in your possession dated between the dates provided above.

In March of 1992 an investigation was initiated by GA of events that GA believed gave rise to the shutdown. I have a copy of that report. The Freedom of Information request submitted to you requested all documents that relate to the receipt of that document by the NRC and any internal comments generated by reason of that document.

FOIA

February 24, 2000

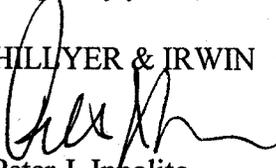
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It is imperative that the NRC immediately release the documents that I previously requested and, most particularly, the ones that I am requesting in this letter. If this matter cannot be resolved, I intend to pursue my Freedom of Information rights and have the appropriate courts issues subpoenas for the appearance of NRC employees in the upcoming proceeding that involves the decontamination and dismantlement of the facility.

It is imperative that NRC act immediately on my request due to the date that the proceeding will commence in the dispute between Valley Pines and General Atomics. Two weeks is more than sufficient for NRC to provide the records. We will pay for any costs associated with the copying of these documents. If, within two weeks, I do not have the documents that I had previously requested, I will issue subpoenas for the appearance of those necessary, including the custodian of records of these documents, to appear in court to explain why these documents have not been provided.

Very truly yours,

HILLYER & IRWIN


Peter J. Ippolito

PJI/bjr
Enclosure