



Nuclear Information and Resource Service

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FOIA/PA REQUEST

Case No: 99-076
 Date Recd: 12-22-98
 Action Off: Reed
 Related Case: _____

December 21, 1998

Russel Powell, Chief
 FOIA-LPDR Branch
 Division of Freedom of Information and Publication Services
 Office of Administration
 U.S. Nuclear Regulatory Commission
 Washington, DC 20555

Dear Mr. Powell:

On behalf of Nuclear Information and Resource Service (NIRS), and pursuant to the Freedom of Information Act, 5 U.S.C. 552(b), et. seq., I hereby request that you make available copies of all documents in the U.S. Nuclear Regulatory Commission Office of Investigation's (OI) possession, which describe or discuss:

- 1) [Case Number 1-96-033] falsification of a surveillance test by a fire protection technician at Limerick Unit 1 and "substantiated" by OI on 2/19/97.
- 2) [Case Number 2-96-008] alleged continuing discrimination against former Stone & Webster ironworker for raising past concerns regarding fire watches at Browns Ferry Unit 1 and "unsubstantiated" by OI on 11/20/96.
- 3) [Case Number 2-96-009] alleged falsification of fire watch journals at Sequoyah 2 and "unsubstantiated" by OI on 01/24/97.
- 4) [Case Number 4-97-003] failure to conduct fire watch rounds and falsification of fire watch logs at River Bend and "substantiated" by OI on 04/11/97.
- 5) [Case Number 4-97-027] falsification of Thermo-Lag material inspection records at Comanche Peak Unit 1 and "unsubstantiated" by OI on 09/18/97.
- 6) [Case Number 1-95-012] potential falsification of fire protection records at Fitzpatrick and deemed "Higher Priority" by OI on 05/30/95.
- 7) [Case Number 2-93-030] alleged demotion of Stone and Webster general foreman for expressing fire protection concerns at Browns Ferry Unit 1 and "unsubstantiated" by OI on 12/15/94.
- 8) [Case Number 3-93-001] alleged employment discrimination against an employee for his refusal to falsify records at Thermal Science, Inc., manufacturer of Thermo-Lag fire barriers, where resolution of the OI

investigation is identified as "Other" and no referral was made to the Department of Justice by the OI as dated 03/30/95.

- 9) [Case Number 3-94-059] alleged deliberate falsification of fire watch records at Cook Unit 1 and deemed "Higher Priority" by OI on 01/18/95.
- 10) [Case Number 3-94-060] alleged deliberate falsification of fire watch round records at Quad Cities Unit 1 and deemed "Higher Priority" by OI on 10/25/95.
- 11) [Case Number 4-95-013] alleged deliberate falsification of fire watch records at Arkansas Nuclear One Unit 1 and "substantiated" by OI on 05/25/95.
- 12) [Case Number 3-96-032] falsification of fire watch logs at Cook Unit 1 and determined by a "lack of regulatory requirement" by OI on 09/30/96.
- 13) [Case Number 4-95-004] alleged discrimination and termination for refusal to falsify work steps (fire protection seals) at Arkansas Nuclear One Unit 1 and determined as a "lack of regulatory requirement" by OI on 02/26/96.
- 14) [Case Number 4-95-032] alleged false statements by fire watches to NRC inspectors at Washington Nuclear Unit 2 and deemed "Higher Priority" by OI on 10/05/95.
- 15) [Case Number 4-95-035] alleged deliberate falsification of fire watch records at Waterford Unit 3 and deemed "Higher Priority" by OI on 01/17/96.
- 16) [Case Number 4-95-044] alleged deliberate falsification of fire watch records at Waterford Unit 3 and "substantiated" by OI on 02/08/96.
- 17) [Case Number 4-95-047] alleged discrimination for reporting fire watch concerns to site management at Waterford 3 and "unsubstantiated" by OI on 01/31/96.
- 18) [Case Number 4-95-070] alleged discrimination against fire watch for refusing to violate site security procedures at Waterford Unit 3 and "unsubstantiated" by OI on 04/03/96.

This request covers but is not limited to all draft and final reports, correspondence, memoranda, notes, records of telephone contacts, electronic communications including fax transmissions and Email, or other written records, whether in paper or computer files.

Pursuant to this request, please provide all documents and communications prepared or utilized by, in the possession of, or routed through the NRC related to items 1-18.

For any portion of the request that you deem appropriate to deny, NIRS requests that you describe the information that is denied, identify the exception to the FOIA on which you rely, and explain how that exception applies to the withheld information.

Pursuant to NRC regulations at 10 CFR 9.41, NIRS requests that any searching and copying fees incurred as a result of this search be waived, and provides the following information in response to the eight criteria listed in Section 9.41(b):

1) Purpose of request:

The purpose of the request is to gather information on the long-term reliance of compensatory measures, specifically hourly roving fire watch personnel, for inoperable fire barriers currently deployed throughout the nuclear power industry. This information is currently not available in the NRC's Public Document Room.

2) Extent to which NIRS will extract and analyze the substantive content of the records:

NIRS is qualified to make use of the requested information. The staff has demonstrated the ability to accurately interpret information and communicate that information in a form comprehensible to the general public. Members of the NIRS staff have published articles in such national journals as The Progressive, Nuclear Times, Newsday and Bulletin of Atomic Scientists. NIRS is quoted as a reliable source of information on nuclear safety issues in newspapers across the country, including the New York Times, The Washington Post, and The San Francisco Chronicle.

NIRS has a working relationship with attorneys, physicists, nuclear engineers, industry fire protection consultants, Congress and other respected professionals who contribute to the full understanding of technical records, investigations and the public health and safety impact.

3) Nature of the specific activity or research in which the records will be used and NIRS's qualifications to utilize the information for the intended use in such a way that it will contribute to public understanding:

NIRS seeks the requested information solely to contribute to and help shape the public debate on adequate fire protection at nuclear power stations and the public health and safety. NIRS intends to use the information in order to advance these concerns for the public's understanding, health and safety.

4) Likely impact on the public's understanding of the subject as compared to the level of understanding of the subject prior to disclosure:

NIRS seeks to translate the requested information into the layperson's understanding of fire protection issues at nuclear power stations. The added attention will increase the public understanding and further a national debate on fire protection standards.

5) Size and nature of the public to whose understanding a contribution will be made:

NIRS has an active subscribing membership of over 1500 throughout the United States. Several thousand additional members periodically receive mailings from NIRS.

NIRS provides resource material to electronic and print media outlets with very broad outreach to a safety conscious audience. Additionally, NIRS has a web site (www.nirsnet.org) which receives on average of 250-300 visitors per day where postings on this issue will be made available.

6) Means of distribution of the requested information:

NIRS will use its own newsletter publication The Nuclear Monitor and our media contacts in both the electronic and print media outlets to provide very broad outreach to the safety conscious public. Additionally, NIRS will post information on its web site (www.nirsnet.org) which receives on average of 250-300 visitors per day.

7) Whether free access to information will be provided:

NIRS will provide the information without charge to all members of the public. Information prepared from the FOIA requested will be posted on the web site for downloading free of charge. NIRS will also provide information to traditional media outlets without charge.

8) No commercial interest by NIRS or any other party:

NIRS has no commercial interest in obtaining the requested information. This information is provided to all public requests without charge. The sole interest of NIRS is to promote a policy debate on appropriate and adequate fire protection at nuclear power stations for the sake of public health and safety.

Sincerely,



Paul Gunter, Director
Reactor Watchdog Project
Nuclear Information and Resource Service

Cc:

Congressman Edward Markey
Mr. David Walker, GAO