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To: <foia@nrc.gov>
Date: Tue, Aug 3, 2004 6:25 PM

FOIA/PA REQUEST
Case No.: 2004-0321
Date Rec'd: 8-4-04
Specialist: Red
Related Case: _____

NUCLEAR INFORMATION AND RESOURCE SERVICE

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August 3, 2004

Chief of FOIA-LPDR Branch

Division of Freedom of Information and Publication Services

Office of Administration

U.S. Nuclear Regulatory Commission

Washington, DC 20555

By Email: foia@nrc.gov

REQUEST FOR INFORMATION ON NUCLEAR REGULATORY COMMISSION (NRC) OFFICE OF INVESTIGATIONS REPORT (ISSUED BY NRC REGION III IN JUNE, 2003) ON EXELON/COMMONWEALTH EDISON RETALIATION AGAINST NUCLEAR SAFETY WHISTLE BLOWER OSCAR SHIRANI

To Whom It May Concern:

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's (NRC) possession which describe or discuss the findings related to the NRC Office of Investigations report, issued by NRC Region III in June, 2003 relating to Exelon/Commonwealth Edison retaliation against Oscar Shirani for his nuclear safety whistle-blowing (OI Case 3-2001-055). This request covers but is not limited to all draft and final reports, correspondence, memoranda, notes, records of telephone contacts, all types of electronic communications including fax transmissions and email, or other written records, whether in paper or computer files, preserved via the use of any medium (e.g., paper documents, hand-written notes, word processors, computer diskettes, hard drives, or network systems.). In addition, this request includes studies, analyses, work papers, internal or external communications of any sort, testimony, press releases, reports, memoranda of the like concerning, recording or in any way related to Oscar Shirani's allegations that his termination from Exelon/ComEd resulted from retaliation against his nuclear safety whistleblowing. This should include all correspondence between NRC Region III, any NRC headquarters departments, and Oscar Shirani pertaining to his request for protection from the NRC as a whistleblower engaged in protected activities.

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 Oscar Shirani's request for protection from NRC as a whistleblower engaged in protected activities, as well as documents in any way related to Oscar Shirani's allegations that his termination from Exelon/ComEd resulted from retaliation against his nuclear safety

whistleblowing.

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 public safety and regulatory compliance at nuclear power stations and NRC licensed and/or regulated dry cask storage facilities. The requested 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 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 issues and public safety 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 and other respected professionals who contribute to the full understanding of nuclear regulatory compliance and public safety.

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 regulatory compliance and public safety. NIRS intends to use the information in order to advance the concerns for public understanding of nuclear regulatory compliance and public 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:

The public understanding of the issues of nuclear regulatory compliance and public safety will be enhanced by the contribution of this information.

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

NIRS has an active subscribing membership of over 1,500 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 public safety conscious audience. Additionally, NIRS has a web site (www.nirs.org <<http://www.nirsnet.org/>>) which receives on average of 1,500 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 public concerned about public safety and regulatory compliance. NIRS will also share information with other interested parties concerned about regulatory compliance and public safety. Additionally, NIRS will post information on its

web site (www.nirs.org <<http://www.nirsnet.org/>>) which receives on average of 1,500 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 a copy of information to all interested parties 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 nuclear regulatory compliance and public safety.

Sincerely,

[signed by Kevin Kamps]

Kevin Kamps

Nuclear Waste Specialist

Nuclear Information and Resource Service

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