

Case No.: 2008-0150
Date Rec'd: 3-19-08
Specialist: ~~William RAPHAE~~
Related Case: _____

FOIA Resource

From: James E. Foster [REDACTED]
Sent: Wednesday, March 19, 2008 2:27 PM
To: FOIA Resource
Subject: FOIA ACT REQUEST FOR NRC DOCUMENTS RELATED TO CHAIRMAN ZECH AND CONGRESSIONAL TESTIMONY

Ladies and Gentlemen:

Under the Freedom of Information Act, I request the following NRC documents:

- 04/26/88 Congressional testimony before the Committee on Interior and Insular Affairs: Subcommittee on Energy and the Environment.
- 05/25/88 Memo for NRC Chairman Zech, Commissioners Roberts, Carr, Rogers, from Parler, Subject: ISSUES REGARDING OI MISSION AND ROLE OF INVESTIGATIONS.
- 08/03/88 Letter, NRC Chairman Zech to M. Lujan Jr., of the House of Representatives Committee on Interior and Insular Affairs: "The Commission does not believe that a grant of authority to OI to conduct criminal investigations would enhance our ability to protect public health and safety or the government's ability to prosecute criminal violations of the Atomic Energy Act."

I believe that these documents relate to the noted congressional testimony on 04/26/1988: Daily Digest - Tuesday, April 26, 1988; pages D485 -D492, before the Committee on Interior and Insular Affairs: Subcommittee on Energy and the Environment, which held a hearing on the following bill: H.R. 4140, Nuclear Investigations Improvement Act of 1988. Testimony was heard from Senator Breaux; Representatives Mavroules and Glickman; from the following officials of the NRC: Lando W. Zech, Chairman; Thomas M. Roberts, Frederick M. Bernthal, Kenneth M. Carr and Kenneth C. Rogers, all Commissioners; and Ben B. Hayes, Director, Office of Investigations; David Williams, Director, Office of Special Investigations, GAO; and public witnesses. If there are any other NRC documents related to this testimony, I request copies of those documents also.

Thank you very much,

James E. Foster
[REDACTED]

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From: James E. Foster [REDACTED]
Sent: Wednesday, March 19, 2008 8:48 PM
To: FOIA Resource
Subject: ADDITIONAL INFORMATION REGARDING JAMES FOSTER FOIA ACT REQUEST FOR NRC DOCUMENTS RELATED TO CHAIRMAN ZECH AND CONGRESSIONAL TESTIMONY

Added information:

03/01/88 **NRC clarification, regarding October 8, 1987 testimony of B. Hayes, Director, OI, before Subcommittee on Nuclear Regulation. Hayes indicated "I was also referring to at least three important authorities given to Inspectors General, but currently not given to OI. These are: (1) the authority of the Director, OI, to appoint, direct, and supervise all subordinate OI personnel, (2) statutory authority to conduct criminal investigations,..."**

04/26/88 The Committee on Interior and Insular Affairs: Subcommittee on Energy and the Environment, a hearing on H.R. 4140, "Nuclear Investigations Improvement Act of 1988." Testimony from Senator Breaux; Representatives Mavroules and Glickman; and the NRC: Lando W. Zech, Chairman; Thomas M. Roberts, Frederick M. Bernthal, Kenneth M. Carr and Kenneth C. Rogers, Commissioners; and Ben B. Hayes, Director, Office of Investigations.

05/25/88 Memo for Zech, Roberts, Carr, Rogers from Parler, Subj: ISSUES REGARDING OI MISSION AND ROLE OF INVESTIGATIONS.

- 06/21/88 Letter, NRC (original signed by Lando Zech?) advises OPM that a review of Federal Personnel Manual (FPM) Bulletin 842-3 had been performed, and certified that positions of OI investigators met "rigorous" definition. Mentions a "pre-employment medical examination and an annual examination thereafter."
- 08/03/88 Nuclear Investigations Improvement Act : hearing before the Subcommittee on Energy and Power of the Committee on Energy and Commerce, House of Representatives, One Hundredth Congress, second session on H.R. 4140.
- 08/03/88 Letter, NRC Chairman Zech to M. Lujan Jr., of the House of Representatives Committee on Interior and Insular Affairs: "The Commission does not believe that a grant of authority to OI to conduct criminal investigations would enhance our ability to protect public health and safety or the government's ability to prosecute criminal violations of the Atomic Energy Act."
- 12/14/88 MOU with DOJ, signed by Lando Zech.
- 04/12/89 Nuclear Investigations Improvement Act of 1989 (never passed)!

Nuclear Investigations Improvement Act of 1989 (Introduced in House)

HR 1835 IH

101st CONGRESS
1st Session
H. R. 1835

To require an Office of Investigations within the Nuclear Regulatory Commission.

IN THE HOUSE OF REPRESENTATIVES

April 12, 1989

Mr. SHARP (for himself, Mr. BRYANT, Mr. UDALL, Mr. GEJDENSON, and Mr. MILLER of California) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To require an Office of Investigations within the Nuclear Regulatory Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Nuclear Investigations Improvement Act of 1989'.

SEC. 2. OFFICE OF INVESTIGATION.

Title II of the Energy Reorganization Act of 1974 (42 U.S.C. 5841 et seq.) is amended by inserting after section 205 the following new section:

SEC. 205A. OFFICE OF INVESTIGATIONS.

(a) There shall be in the Commission an office to be known as the Office of Investigations. The head of such office shall be a Director of Investigations who shall be appointed by and report directly to the Commission and serve at the pleasure of and be removable by the Commission.

(b)(1) The Office of Investigations shall have the responsibility for initiating and conducting investigations into possible violations of any law the Commission is responsible for implementing (or any rule, regulation, order, license condition, or other requirement issued under any such law) in cases where there is information indicating that such violations were willfully or intentionally caused or were the result of careless disregard for regulatory requirements.

(2) When the Director of the Office of Investigations has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director, after notifying the Commission, shall report such violation to the Department of Justice.

(c) All Commission employees shall report promptly to the Office of Investigations any information that would give rise to a reasonable belief that violations subject to investigation under subsection (b) were willfully or intentionally caused or were the result of careless disregard for regulatory requirements.

SEC. 3. CONTINUATION OF FUNCTIONS AND PERSONNEL.

(a) FUNCTIONS- In addition to functions described in section 205A of the Energy Reorganization Act of 1974, the Office of Investigations required by such section shall continue to perform the functions of the office of the Nuclear Regulatory Commission known as the Office of Investigations in existence on the day before the date of the enactment of this Act.

(b) PERSONNEL- The codification of the office described in section 205A of the Energy Reorganization Act of 1974 shall not cause any employee of the office of the Nuclear Regulatory Commission known as the Office of Investigations in existence on the day before the date of the enactment of this Act to be separated or reduced in grade or compensation.

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08/03/88

Letter, NRC Chairman Zech to M. Lujan Jr., of the House of Representatives Committee on Interior and Insular Affairs: "The Commission does not believe that a grant of authority to OI to conduct criminal investigations would enhance our ability to protect public health and safety or the government's ability to prosecute criminal violations of the Atomic Energy Act."

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James E. Foster

