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*Duplicate copy
for microfiche*

GREGORY R. DALLAIRE
DIRECTOR

August 15, 1979

Director
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-79-338

rec'd 8-20-79

Re: FREEDOM OF INFORMATION ACT REQUEST

Dear Director:

Pursuant to the Freedom of Information Act, 5 USC 522, and NRC regulations, 10 CFR Sec. 91. et seq., the Upper Skagit Indian Tribe requests copies of the following records including transcripts of Commission meetings, [as defined in 10 CFR §9.3a(b)].

1. Any records, except exempt records, relating in any way to the selection of Valentine Deale as a member of the Atomic Safety and Licensing Board Panel;
2. Any records, except exempt records, relating in any way to the selection of Valentine Deale as Chairman of the Atomic Safety and Licensing Board for Docket Nos. 522 and 523;
3. Any records, except exempt records, relating in any way to the qualifications of Valentine Deale to serve as a member of the Atomic Safety and Licensing Board Panel, and to serve as Chairman of the Atomic Safety and Licensing Board for Docket Nos. 522 and 523; and
4. Any record relating in any way to instructions from the Nuclear Regulatory Commission or any NRC personnel to the Atomic Safety and Licensing Board Chairman in Dockets 50-522 and 50-523 regarding the Skagit Nuclear Power Project, the proceedings on the application for a construction permit for that project, and his duties as Chairman of the Atomic Safety and Licensing Board for Docket Nos. 522 and 523.
5. A copy of the Nuclear Regulatory Commission Manual.

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This information is requested for the purpose of clearing up concerns of the members of the tribes regarding possible prejudice to their interests resulting in the removal and replacement of the hearing board Chairman during the pendency of proceedings to license a nuclear plant in their immediate vicinity and particularly during the pendency and just prior to the remand of their petition to intervene in those proceedings. The request is made in light of the strong and critical public interest in assuring adherence to fairness, impartiality, and propriety in selection and replacement of hearing officers for the licensing of nuclear plants. The public interest dictates that the circumstances of such selections and replacement should be open to the light of public scrutiny.

Pursuant to 10 CFR 9.14(a)(z), the tribes request, as governmental entities, that fees for searching and reproduction of the requested records be waived. The tribes will derive no financial benefit from the use of the requested materials. Tribal members and the general public will derive benefits as described in the preceding paragraph. The tribes have limited resources with many competing demands upon the resources they do have. Dissemination of the requested materials will result in an improved regulatory process by clearing up the cloud of impropriety surrounding the replacement of a hearing officer during the pendency of proceedings.

Please handle this request as rapidly as possible. If any part of this request is denied, please indicate the basis for this denial.

Sincerely,



Russell W. Busch
Attorney for the Upper Skagit
Tribe

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