

Glen H. Spain  
Attorney at Law

Phone 924-1827  
Area Code 415

533 Magnolia Ave.  
P.O. Box 1009  
Larkspur, CA 94939

Nuclear Regulatory Commission  
Attn: Freedom of Information Act Officer  
1717 H Street, NW  
Washington, D.C. 20555

August 23, 1980

FREEDOM OF INFORMATION  
ACT REQUEST

Re: Freedom of Information Act Request

FOIA-80-456  
M'D 9-2-80

Dear Sir:

This letter is written on behalf of Ms. Nada Lewis and Mr. John Conwell, my clients. Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552, as amended, they hereby request access to and the opportunity to copy the following information:

All directives, memoranda, studies, research reports, statistics, letters or other records and documents, including written memoranda of telephone conversations, which are in the possession of the NRC, and relate to:

- (1) Any sites used for dumping of radioactive wastes off the shores of the states of California, Oregon, or Washington, including but not limited to disclosure of:
  - (a) information as to the composition of such radioactive wastes;
  - (b) information as to the containers used for containing such wastes;
  - (c) information as to the dates of such dumpings, and;
  - (d) information as to the locations of such dumpings.
- (2) Potential or actual health or environmental hazards associated with the dumping of radioactive wastes off the shores of California, Oregon or Washington.

Nuclear Regulatory Commission  
Re: FOIA request  
August 23, 1980

Reasonable standard charges for actual search time and copying fees, as provided by regulation, will be paid. However, we request that you waive any applicable fees since disclosure meets the statutory standard for waiver of fees in that it would clearly be "in the public interest because furnishing the information can be considered as primarily benefiting the general public." 5 U.S.C. Sec. 552 (a) (4) (A). In this regard, we further point out that my clients intend to make this information totally available to the media for the widest possible circulation. If fees are decided to be charged, please contact me by phone before a fee charge of \$100.00 is exceeded.

We request that you make a formal response within the statutorily prescribed period.

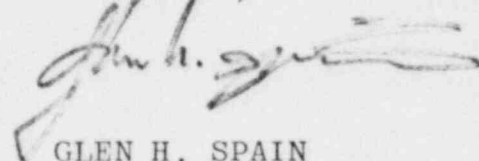
It is my opinion that the documents are publicly available under the FOIA, are not exempt, and that no reasonable grounds exist for withholding this information.

In the event, however, that access is denied to any part of the requested records, please describe the deleted material in detail and specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies in this instance. We also ask, in light of the tremendous public interest in this issue, that the Nuclear Regulatory Commission invoke its discretionary power in the public interest to permit disclosure; otherwise, please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements will be helpful to my clients in deciding whether to appeal an adverse determination, and in formulating their arguments in case they do appeal. The NRC's written justifications might also help to avoid possibly unnecessary litigation.

Nuclear Regulatory Commission  
Re: FOIA request  
August 23, 1980

We await your prompt reply. If you have any questions about this request, please telephone me at the above number.

SINCERELY,

A handwritten signature in dark ink, appearing to read "Glen H. Spain", written in a cursive style.

GLEN H. SPAIN  
ATTORNEY AT LAW

GHS/sch

Cc. Nada Lewis  
John Conwell