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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

OCT 30 1979

Mr. Andrew B. Reid
P.O. Box 2398
Rapid City, SD 57709

IN RESPONSE REFER
TO FOIA-79-420

Dear Mr. Reid:

This is in response to your letter of October 5, 1979, in which you requested, pursuant to the Freedom of Information Act, information pertaining to possible citations or investigations by the Nuclear Regulatory Commission (NRC) or the Atomic Energy Commission, of seven listed companies and organizations.

NRC records are generally arranged by license number, rather than by company name. A preliminary search indicates that in our active files of by-product, source, and special nuclear material licenses, we have at least 22 licenses for the Union Carbide Corporation, 27 for the Tennessee Valley Authority, and 10 for the Kerr-McGee Corporation. There are approximately 6 to 8 shelf-feet of records in these license files. In addition there are probably many additional license files pertaining to inactive licenses. Any of these could contain records subject to your request.

With respect to the Tennessee Valley Authority, which operates or has applied for licenses for several nuclear power plants, it is estimated that a search of the files pertaining to just one plant might require from 40 to 80 professional man-hours to locate records subject to your request. The number of pages involved is difficult to estimate, but I understand that inspection reports for this plant (which may or may not involve violations) amount to approximately 2 1/2 shelf-feet of documents.

The Nuclear Regulatory Commission has no records pertaining to the American Mine Service Decline, American Mines Service, or Canadian Mines Service.

After careful consideration, we have determined that your request does not "reasonably describe" the records sought, but rather is a broad, sweeping, indiscriminate request for production, lacking reasonable specificity. As such, the request fails to meet the threshold requirements of 5 U.S.C. 552(a)(3).

The House Report on the 1974 Amendments to the Freedom of Information Act provides that:

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"A 'description' of a requested document would be sufficient if it enabled a professional employee of the agency who was familiar with the subject area of the request to locate the record with a reasonable amount of effort." (H. Rpt. 93-876 at 5-6.)

As indicated above, much more than a reasonable amount of effort would be required to comply with your request.

Likewise, the Senate Report indicates that the 1974 Amendments to the FOIA were not intended "to authorize broad categorical requests where it is impossible for the agency reasonably to determine what is sought. (See *Irons v. Schuyler*, 465 F.2d 608 (DC Cir. 1972)) . . ." (S. Rpt. 93-834 at 10.)

In view of the scope and nature of your request, the documentary material being sought, and the considerations expressed above, we conclude that your request does not meet the requirements of 5 U.S.C. 552(a)(3). Accordingly, no further action will be taken with respect to your present request.

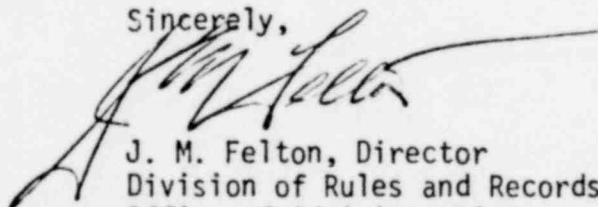
If you wish, we will be pleased to have a member of the staff assist you in redefining your request so that the NRC may, with a reasonable amount of effort, locate the specific type of records you are seeking. You should also note the provisions of 10 CFR 9.14(b) regarding the costs of searching for and reproducing copies of documents.

If you consider this response to be a denial of your request, you may appeal this determination within 30 days to the Executive Director for Operations. As provided in 10 CFR 9.11, any such appeal must be in writing, addressed to the Executive Director for Operations, U. S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

When a Freedom of Information Act request is as broad as yours or would require so much search time, it is the usual practice of this office to telephone the requester and attempt to narrow the scope. Since we are unable to reach you by telephone, I suggest that you call John Carr, Chief of the Freedom of Information/Privacy Act Branch (301) 492-8133.

I am enclosing a copy of 10 CFR Part 9 of the NRC's regulations, which specifies the charges for searching and reproducing records.

Sincerely,



J. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosure: As stated

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