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TELEX
W. U. DOMESTIC: 89 2479
W. U. INTERNATIONAL: 64344

October 17, 1979

80062-003-010
In reply refer to:
Ronald J. Oberle, 5930

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

FREEDOM OF INFORMATION
ACT REQUEST
FOIA-79-442
rec'd 10-19-79

Re: Freedom of Information
Act Request

Gentlemen:

Pursuant to the Freedom of Information Act ("Act"), as amended, 5 U.S.C. § 552 (1975), we request that you produce the following documents for inspection and copying:

1. All solicitations of any type, contracts, orders, or other agreements of any form or type sent, transmitted, issued, entered into, executed or awarded by the U.S. Nuclear Regulatory Commission for the purpose of receiving executive or similar employment placement, counseling, and/or other employee related services for existing or potential U.S. Nuclear Regulatory Commission personnel during the period from January 1, 1978 to the date of final action by U.S. Nuclear Regulatory Commission on this request.

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2. All U.S. Nuclear Regulatory Commission documents of any type or form including, but in no way limited to, lists, letters, notes, memoranda, internal memoranda, trip reports, memoranda of telephone conversations, memoranda to file, minutes of meetings, reports of studies, position papers, cost evaluations, audits, computer-generated documents of any and all types and in any format, directives, and other records of any kind which may in any way relate to, record, comment upon, or evaluate the terms and conditions of any and/or all of the solicitations, contracts, orders, or other agreements described in paragraph 1 above and/or which are produced in accordance with this request.

3. All U.S. Nuclear Regulatory Commission documents, as described in paragraph 2 above, which may in any way relate to, record, comment upon, or evaluate any and/or all price, cost, or other funding limitations placed upon any and/or all of the contracts, orders, or other agreements described in paragraph 1 above or which are produced in accordance with this request.

4. All U.S. Nuclear Regulatory Commission documents described in paragraph 2 above which in any way may relate to, record, comment upon, or evaluate the U.S. Nuclear Regulatory Commission procurement plans, policies, regulations, procedures, guidance of any type and in any form issued to regulate the solicitation and/or award of any contracts, orders or other agreements described in paragraph 1 above or which are produced in accordance with this request.

5. All U.S. Nuclear Regulatory Commission documents as described in paragraph 2 above which may relate to, record, comment upon, or evaluate any specific cost or pricing plans, policies, regulations, procedures, guidance of any type and in any form issued relating to solicitation and/or award of any contracts, orders or other agreements described in paragraph 1 above or which are produced in accordance with this request.

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As you know, Section 552(b) of the Act provides that, if some parts of a file are exempt from release, "reasonably segregable" portions of the nonexempt material shall be provided. We, therefore, request that, if you determine that any portion of the requested information is exempt, you provide us immediately with a copy of the nonexempt portion of the documents. We, of course, reserve our right to appeal any and all such decisions.

If you determine that some or all of any document requested herein is exempt from release, I would appreciate your advising me as to which exemption(s) you believe cover(s) the material which you are not releasing, and include an index of all material withheld in whole or in part. Additionally, recent court decisions have held that to satisfy the requirements of the Act the index (a) should be contained in one document and be complete in itself, (b) must adequately describe each withheld document or deletion from a released document, (c) must state the exemption claimed for each deletion or withheld document and explain in detail why the exemption is relevant and (d) be sufficiently specific to permit a reasoned judgment as to whether the material is actually exempt under the Act.

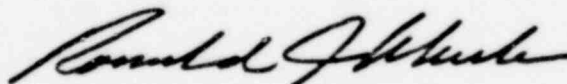
Please separately state your reasons for not invoking your discretionary powers under the Act to release in the public interest any material you deem to be exempt. Such statements will be helpful to my client in deciding whether to appeal an adverse determination, and in formulating their arguments in the event they do appeal. The written justifications might also help to avoid possibly unnecessary litigation.

We agree to pay all reasonable costs incurred in connection with the processing of this request. Please refer any questions regarding this request to me by name at this address or by telephone at (202) 452-5930.

As provided for in the amended Act, I expect to be notified of the availability for inspection of these documents within ten working days.

Very truly yours,

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Ronald J. Oberle