



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

June 11, 1979

Mr. Neil Robinson
Deseret News
P.O. Box 1257
Salt Lake City, UT 84110

IN RESPONSE REFER
TO FOIA-79-114

Dear Mr. Robinson:

This is in regard to your recent letter in which you requested, pursuant to the Freedom of Information Act (FOIA), records regarding nuclear reactors at the University of Utah. For reference, your request has been assigned the FOIA number shown above.

As a result of the recent accident at Three Mile Island, a significant number of the agency's staff are involved in activities concerning the possible effects of the accident on public health and safety, investigation and analysis of its causes, and implications for other nuclear facilities. These efforts, which are now receiving the primary attention of the NRC, particularly involve staff in the Offices of Nuclear Reactor Regulation and Inspection and Enforcement.

The employees who would have to collect the records subject to your request and review them for releasability under the FOIA are among the staff engaged in these activities. Because of the overriding public interest in the investigation and analysis of the accident at the Three Mile Island facility and in assuring the public's health and safety, the NRC will, therefore, be unable to complete its response to your request within the statutory time limits.

We will continue to make every effort to expedite the processing of your request, and will provide partial responses to the extent we are able to do so. However, since NRC has not been able to respond within the statutory response time, you may legally consider this a denial of your request.

If you consider this a denial of your request, you may, as provided in 10 CFR 9.11, file a written appeal to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Your appeal should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision." Alternatively, pursuant to 5 U.S.C. 552(a)(6)(C), you could deem the agency's failure to comply as constituting an exhaustion of your administrative remedies, and you may seek judicial review in a district court of the United States in either the district in which you reside or have your principal place of business, or in the District of Columbia.

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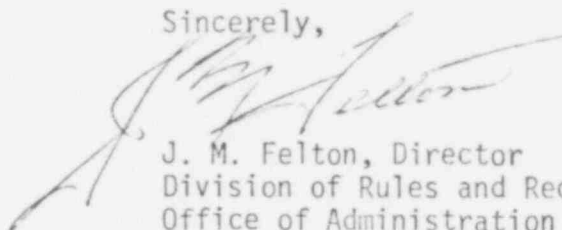
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Please be aware that you may exercise your rights to appeal or seek judicial review at any time prior to your receipt of NRC's response to your request. When NRC does respond to the request, you will then have the right, pursuant to the Freedom of Information Act, to appeal the denial of any documents that are actually withheld from disclosure.

Ms. Betty Wagman in the Freedom of Information and Privacy Branch has been assigned responsibility for your request. If you have any questions regarding the status of the processing of your request, you may call (301) 492-8133.

We regret any inconvenience this delay may cause you.

Sincerely,



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

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