

NAVAL AIR REWORK FACILITY

NAVAL AIR STATION
JACKSONVILLE, FLORIDA 32212

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18 JUN 1979

From: Commanding Officer, Naval Air Rework Facility, NAS, Jacksonville
FL 32212

DOCKET NUMBER
PROPOSED RULE PR-9 (26)
44 FR 22746

To: Secretary
Nuclear Regulatory Commission
ATTN: Docketing and Service Branch
Washington, D. C. 20555

Subj: Proposed "Plain English" revision of Freedom of Information Act
Rule

Encl: (1) Recommendations

1. As requested by Nuclear Regulatory Commission letter of April 23, 1979
the subject revision to Part 9 of the commission's regulations have been
reviewed and comments are as follows:

a. With minor changes the proposed revision should be readily
understandable by the general public.

b. The general public should be able to determine how to make a
Freedom of Information Act request and understand what the procedure
of a NRC will be for response based on the proposed organization and
format.

c. Recommendations which we feel would simplify the text of your
revision and enhance public understanding are attached as enclosure (1).

d. Lack of familiarity with NRC's present rule (Part 9) or other
NRC regulations precludes any recommendations for revision of other
regulations.

e. No comment. Paragraph (d) above applies.

H. W. McMILLIN

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By direction



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RECOMMENDATIONS

PART 9 - Nothing appears to be gained by stating the overview of Subparts A and B as questions. Instead of the wording "What does Part 9 cover?", why not the single word "Coverage." Patronizing would-be readers by setting up a textbook "rhetorical question" introduction doesn't equate to Plain English.

9.2(b) Simplify the word "adjudicatory" or clarify it with a parenthetical (formal), (official), or (judicial) term.

9.2(c) Replace the word "collegial" with "designated" or "authorized." "Quorum" is not a precise or exoteric term. Why not the word "majority"?

9.3(a) "reproduce" is misspelled.

9.3(a)(1) Replace the word "adjudication" here and elsewhere with "settlement" or "resolution."

9.5(a) Replace the word "demonstrably" with "clearly" or "can be shown to be".

9.5(a)(2)(i) Replace the word "circumvention" with "by-passing" or "avoidance."

9.5(a)(5) Replace the word "litigation" here and elsewhere with "court hearing" or "legal proceedings."

9.5(a)(5)(ii) Replace "work product" with a specific term to clarify meaning. Does this mean documents generated, briefs filed, legal opinions written, or case data?

9.5(a)(5)(iii) The word "deliberative" is unnecessary. Deliberation is part of decision making (two words).

9.5(a)(6) Suggest that this paragraph follow (2) inasmuch as both relate to personnel and it would seem advisable to centralize the subject matter.

9.5(a)(7)(i) Correct spelling of "Interfere."

9.5(a)(9) A parenthetical explanation for "geological and geophysical" might be appropriate. "History and physics of the earth" is a suggestion. Expand upon kinds of "wells." Are these exemptions for government-owned wells only or for privately owned wells registered with the government.

9.5(b) The word "segregable" almost defies pronunciation and is not a common adjective. Replace end of sentence with ... "provide the requester with any nonexempt portions of the record which can be reasonably separated from the exempt material."

Enclosure (1)

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9.8(b) On second line add: request is actually received and date-stamped by the Division of Rules and Records.

9.8(c)(2) The word "voluminous" is unnecessarily cumbersome. Why not "large" or "unreasonable" or "considerable"?

9.9 Capitalize the word "Freedom."

9.9(b)(3) Explain what happens to the request if the requester fails to respond to NRC within the 10 working days allowed following notification of fee.

9.9(b)(5)(iii) What purpose is served to name the individuals responsible for making decisions concerning withholding of information? This could infer a value judgment has been made rather than uniform adherence by all NRC officials to existing regulation.

Appendix A

(a)(1) Under what conditions are requesters required to pay in full before receiving the information? Is the amount of the fee a factor?

(a)(2)(i) Place this information at the beginning of the paragraph for clarity: The first four hours of search time involving a request or series of related request are not chargeable. Thereafter, search charges are \$5.00 per hour for searches made by clerical or administrative employees, and \$12.00 per hour for searches made by professional or supervisory employees.

(a)(3)(ii) "Microfiche" is really a type of "microfilm"; the latter term being more common. "Microfiche blowback" doesn't lend itself to understanding, except by the imaginative or the programmer. Someone needs to clarify the phrase.

(a)(3)(iv) Does the requester submit his letter in the prescribed manner and obtain permission from NRC to purchase from the reporting firm? What controls does NRC have over direct purchases.