



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

July 24, 1979

Mr. John E. Bonine
Associate Professor of Law
School of Law
University of Oregon
Eugene, OR 97403

IN RESPONSE REFER
TO FOIA-79-247

Dear Mr. Bonine:

This responds to your letter dated June 26, 1979, in which you requested, pursuant to the Freedom of Information Act, records relating to NRC's administration of the Freedom of Information Act.

Listed in Appendix A and enclosed are copies of the documents subject to your request. The appeal denials listed as documents 6 to 8 were subsequently settled, and no fees were charged. In all other cases where fees were charged for the reproduction of documents, the fee waiver question was not in issue. Similarly, in the 1974 case where a search fee was charged for the compilation of information the requester agreed to bear the cost of compiling the information.

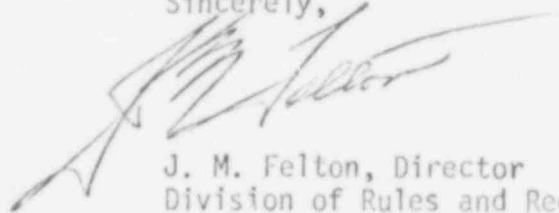
With respect to your question concerning 10 CFR 9.14a(d)(3), the Commission's rationale for this provision is set forth in the last paragraph of item 5 of the fee waiver rule, a copy of which is enclosed. The NRC has over 130 Local Public Document Rooms (LPDRs) located throughout the country where nuclear power plants, and certain fuel cycle facilities, are proposed for construction or operation. Thus, it has not normally been a problem for a public interest group, or any other group or individual, to obtain access to NRC records. In addition, documents disclosed by the NRC frequently relate to highly technical matters which are not of direct interest to requesters. This policy allows a requester to examine all documents, and to copy just those documents in which he is interested. Finally, as you will note in the Annual Reports to Congress, the total fees charged for the reproduction of documents at the NRC Public Document Room in Washington, DC doubled between 1975 and 1978. To routinely make available, without cost, all documents subject to a request, regardless of the requesters direct interest in all of the documents, would commit the NRC to a significant expenditure of public funds. In this regard, there are over 11 million pages of records available at the Washington Public Document Room alone. In each LPDR for an operating plant, there would be in the neighborhood of 60,000 pages of records available.

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if I can be of further assistance, please feel free to call me on 301-492-7211. The fee waiver issue is of significant interest to the NRC, and I would appreciate receiving a copy of your study when it is completed.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. M. Felton", written in a cursive style.

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

Enclosures: As stated

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APPENDIX A

1. Undated - Report by the Nuclear Regulatory Commission on the Administration of the Freedom of Information Act for 1974
2. Undated - Report by the Nuclear Regulatory Commission on the Administration of the Freedom of Information Act for 1975
3. Undated - Report by the Nuclear Regulatory Commission on the Administration of the Freedom of Information Act for 1976
4. Undated - Report by the Nuclear Regulatory Commission on the Administration of the Freedom of Information Act for 1977
5. Undated - Report by the Nuclear Regulatory Commission on the Administration of the Freedom of Information Act for 1978
6. 6/25/76, letter to Deptula from Gossick, re FOIA-76-A-7-8-9
7. 7/7/76, letter to Lynch from Gossick, re FOIA-76-276 and FOIA-76-304
8. 3/1/78, letter to Weiss from Gossick, re FOIA-78-A-4