



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
PUBLIC HEALTH SERVICE
FOOD AND DRUG ADMINISTRATION

541-4516
PHONE: (501) ~~XXXX-XXXX~~
(FTS) 740-4611

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NATIONAL CENTER
FOR TOXICOLOGICAL RESEARCH
JEFFERSON, ARKANSAS 72079

June 18, 1979

DOCKET NUMBER PR-9 (23)
PROPOSED RULE
44 FR 22746

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Attn: Docketing and Service Branch

Dear Sirs:

Comments in this letter relate to Revision of FOI Act Rule, Part 9, as published in the Federal Register, Tuesday, April 17, 1979, Vol. 44, No. 75, pages 22746-22751.

Subpart A:

Section 9. --- Comment: Subparagraph this section to read: "The regulations in this part are divided into four subparts: A. Sets forth definitions ..., B. Sets forth ..., C. --- etc.," -- with spacing between A., B., C. and D.

Section 9.2 --- Comment: Include brief definitions of: FOI Act, Privacy Act of 1974, Sunshine Act. Why assume the public knows what these are about --? The public can guess at FOI and Privacy, but "Sunshine"?

Section 9.3(a) --- Comment: Eliminate the third and fourth sentences beginning: "The NRC has a contract --". Serves no purpose. Start paragraph (b) with the next sentence: "The records available at the PDR include ---". Change existing paragraph (b) to: (c).

Subpart B:

Section 9.8(b) --- Comment: Some reiteration of 9.6(b) may be required here since 9.6 was to have dealt with "How can NRC records be requested under FOIA?" -- but 9.8(b) could also address what happens if a request is not clear -- and its effect on the 10-day period.

Section 9.10(b) --- Comment: Too much red tape here; why not just have one appeals center in NRC instead of the two cited? "Plain English" approaches ought to include "easy action" options, as: -- you may appeal to "X" at address.

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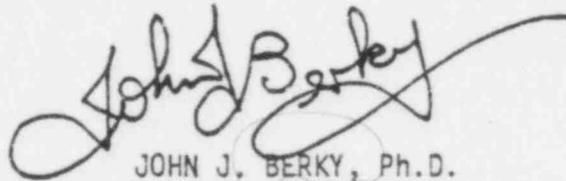
Section 9.11 --- Comment: The last sentence of 9.11 is just exactly what you are trying to avoid -- it has little value in terms of "plain English", and sets the reader wandering around looking for 9.8(d). Say what you mean!

Section 9.13(a) --- Comment: While this paragraph does not affect the general public, it is pure bureaucratese. At this stage of the proposal revision, the simpler style introduced in early sections is fast disappearing. At least reduce sentence size, e.g.: -- end first sentence (line 8) at "office", and begin one at "An appeal of an ...".

Section 9.14(a) --- Comment: Since this is the very type of report that the "public" may have a keen interest in, would not some additional descriptor at this point be helpful? How about the title?

General Comment: Most of the revision reads rather well with the exception of the overlong sentence structure practiced by the Federal Register writers (50+ words).

For the Director, NCTR:



JOHN J. BERKY, Ph.D.
Director, Quality Assurance, NCTR

JJB:ld

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