



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

*Duplicate copy for
microfiche*

April 25, 1980

Mr. Paul E. Bryson
623 Woodland Avenue
Cherry Hill, NJ 08002

IN RESPONSE REFER
TO FOIA-80-183

Dear Mr. Bryson:

This is in reply to your letter dated March 31, 1980, in which you requested, pursuant to the Freedom of Information Act, access to records concerning: handling, storage, transportation, disposal and safeguards concerning nuclear waste for past, present, and contemplated installations. You further requested that the records encompass both domestic and foreign sites, and should contain dates, places, methods, authorization and reasons.

Mr. Frank W. Karas of this office telephoned you for a clarification of the scope of your request but was unable to make contact with you. In the absence of a clarification of your request, we have determined that the documents listed in Appendix A should provide you with general information pertinent to the subjects of your inquiry.

As you must realize, your request is of such a broad based nature as to make it impossible for us to respond to your request with specific documents which have not previously been made publicly available. Therefore, in the absence of being able to establish contact with you, we believe the documents identified in Appendix A may be of assistance to you in preparing the research term paper for your course requirement at Drexel University which you described in your letter.

Finally, after careful consideration, we have determined that your request does not "reasonably describe" the records sought, but rather is a broad, sweeping, indiscriminate request for production lacking any reasonable specificity. As such, the request fails to meet the threshold requirements of 5 U.S.C. 552(a)(3).

It is reasonable to assume that the files located throughout the various offices and divisions of the NRC contain documents relating in some way to the subjects of your inquiry. We cannot, short of examining every file possessed by the NRC, state, with any degree of confidence, that all documents relating to these subjects have been located.

The House Report on 1974 Amendments to the Freedom of Information Act provides that:

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"A 'description' of a requested document would be sufficient if it enabled a professional employee of the agency who was familiar with the subject area of the request to locate the record with a reasonable amount of effort." H. Rpt. 93-876 at 5-6.

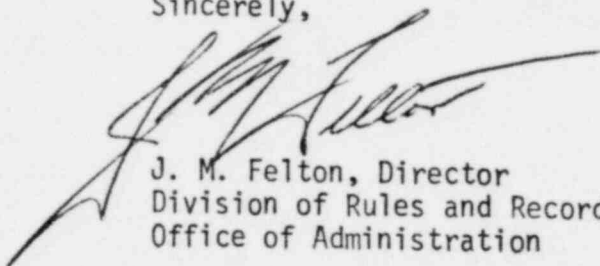
As indicated above, much more than a reasonable amount of effort would be required to comply with your request.

Likewise, the Senate Report indicates that the 1974 Amendments to the FOIA were not intended "to authorize broad categorical requests where it is impossible for the agency reasonably to determine what is sought. (See Irons v. Schulyer, 465 F.2d 608 (DC Cir. 1972)) . . ." S. Rpt. 93-834 at 10.

In view of the scope and nature of your request, the documentary material being sought, and the consideration expressed above, we conclude that your request does not meet the requirements of 5 U.S.C. 552(a)(3).

If you wish, we will be pleased to communicate by telephone with you and have a member of the staff assist you in redefining your request in order that the NRC may locate the specific records you are seeking with a reasonable amount of effort. Your attention is also called to the provisions of 10 CFR 9.14(b) (copy enclosed) regarding the costs of searching for and reproducing copies of documents.

Sincerely,



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

Enclosures: As stated

APPENDIX A

1. 10 CFR Part 2
2. 45 F.R. 3250-1
3. 45 F.R. 14199 and 45 F.R. 14475-14493
4. 10 CFR Part 20
5. 45 F.R. 18905-6
6. 45 F.R. 13434-5
7. 10 CFR Part 30
8. 10 CFR Part 40
9. 45 F.R. 12377
10. 10 CFR Part 51
11. 10 CFR Part 60
12. 44 F.R. 68183-68199
13. 10 CFR Part 70
14. 10 CFR Part 71
15. 45 F.R. 20462-3
16. 45 F.R. 13104-6