



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

July 14, 1982

Mr. Bill Lodge
c/o The Dallas Morning News
Communications Center
Dallas, TX 75265

IN RESPONSE REFER
TO FOIA-82-A-7
(FOIA-82-193)

Dear Mr. Lodge:

This is in response to your letter dated May 31, 1982, in which you appealed Mr. Felton's letters of May 6 and 14, 1982, which denied-in-part your Freedom of Information Act (FOIA) request for copies of documents concerning the Hayward Tyler Pump Company. I will respond to that portion of your May 31, 1982 letter which appeals Mr. Felton's May 6, 1982 letter. That portion of your May 31, 1982 letter which appeals Mr. Felton's May 14, 1982 letter will be responded to separately by Mr. Samuel J. Chilk.

With respect to this portion of your appeal, you specifically appealed the denial of a home telephone number in document 35, the denial of document 37 (written statements and reports of interview, and a key identifying individuals not mentioned by name in the report), and the determination that the portion of your request for documents referring to Mr. Marcus Rowden was too broad in scope.

In a telephone conversation between yourself and Ms. Carol Ann Reed, of the Division of Rules and Records, on June 9, 1982, you agreed to withdraw that portion of your appeal concerning the denial of a home telephone number in document 35.

Acting on the remaining two items, I have carefully reviewed the record in this case and have concluded that your appeal should be denied.

Document 37 falls under exemptions (7)(A) and (D) of the FOIA (5 U.S.C. 552(b)(7)(A) and (D)) and 10 CFR 9.5(a)(7)(i) and (iv) of the Commission's regulations because disclosure of the information would interfere with an ongoing enforcement proceeding and disclose confidential information furnished by a confidential source. Therefore, I have determined that the release of this document would adversely affect the agency's ability to conduct its investigation.

Further, I agree with the determination in Mr. Felton's May 6, 1982 letter that the portion of your request seeking documents referring to Mr. Rowden since June 1977 fails to meet the threshold requirements of 5 U.S.C. 552(a)(3) because it does not "reasonably describe" the records sought. A test of "reasonable description" is whether it enables a

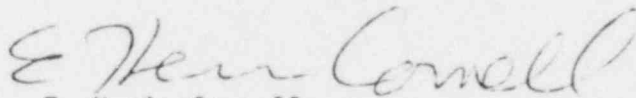
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professional employee of the agency who is familiar with the subject area of the request to locate the record with a reasonable amount of effort. (See H. Rept. No. 93-876, 93d Cong., 2nd Sess.). As indicated in Mr. Felton's letter, much more than a reasonable amount of effort would be required to assure that the documents were located.

This is a final agency action. As set forth in the Freedom of Information Act (5 U.S.C. 552(a)(4)(B)), judicial review of this decision is available in a district court of the United States in either the district in which you reside, have your principal place of business, or in the District of Columbia.

Sincerely,

A handwritten signature in cursive script that reads "E. Kevin Cornell".

E. Kevin Cornell
Deputy Executive Director for Operations