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June 8, 1993

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Freedom of Information Act Officer
Nuclear Regulatory Commission
378 Phillips Building
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-93-347
Rec'd 6-17-93

Re: Expedited FOIA Request for List of Present and Past Contracts with Planning
Research Corporation

Dear Sir/Madam:

Pursuant to the Freedom of Information Act, ("FOIA"), Title 5 U.S.C. §552, et seq., as amended, the undersigned respectfully requests the disclosure of all current and past prime contracts between this agency and Planning Research Corporation ("PRC") and its predecessors, and all current and past prime contracts where PRC, or its predecessors, have provided goods or rendered services as a subcontractor. Please be advised that, with respect to past prime contracts and subcontracts, disclosure is only requested for the period of the last six years.

Specifically, the undersigned requests: disclosure of the above-referenced contract numbers; administering contracting officers for the agency; the specified contract administrators for PRC; the respective contract values per year; Section C detailing the Scope of Work for each contract; the specific type of solicitation, i.e., RFQ, IFB, two-step sealed bid, RFP, or sole source; and the type of contract, i.e., firm-fixed-price-contract, firm-fixed-price-with-economic-adjustment-contract, fixed-price-redeterminable, cost-plus-fixed-fee-contract, cost-sharing-contract, cost-plus-incentive-fee-contract, fixed-price-incentive-contract, cost-plus-award-fee-contract, or cost-plus-variable-fee-contract.

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PDR FOIA
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The undersigned respectfully notes that the requested information does not fall within one of the nine specifically-enumerated exemptions to agency disclosure under 5 U.S.C. §552(b). It is of particular importance to note that such disclosure would not conflict with §552(b)(4), exempting disclosure of trade secrets and commercial or financial information secured from a third party under confidential or privileged circumstances. Moreover, disclosure would neither impair nor hinder the agency's ability to obtain such information in the future nor result in substantive competitive harm to PRC. See, International Brotherhood of Elec. Workers v. Department of HUD, 852 F.2d 87 (3rd Cir. 1988); Navy v. FLRA, 840 F.2d 1131 (3rd Cir. 1988); Hercules, Inc. v. Marsh, 839 F.2d 1027 (4th Cir. 1988).

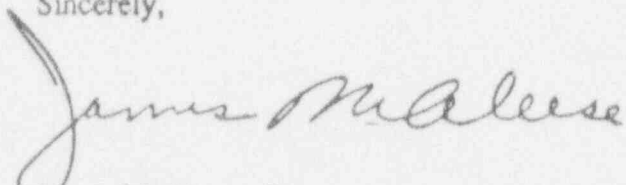
Additionally, the undersigned respectfully notes that none of the requested information falls within the purview of the Classified National Defense and Foreign Policy information exemption set forth in 5 U.S.C. §552(b)(1)(A) and (B). Pursuant to Executive Order on National Security Information, No. 12356, effective August 1, 1982, 3 C.F.R. 166, none of the requested information can be classified as: military plans, weapons, or operations; vulnerabilities or capabilities of systems, installations, projects, or plans relating to national security; foreign government information; intelligence activities, sources, or methods; scientific, technological, or economic matters relating to national security; United States programs for safeguarding nuclear materials or facilities; cryptology; or other categories of information determined to require protection against disclosure by the President or agency heads. Further, there is no indication that the requested information -- even if it were within one of the above-referenced categories -- would, by its unauthorized disclosure, or in the context of other information, reasonably be expected to cause actual damage to national security. Id. 6.1(e)(1).

Should there be any exempted information within the requested information under 5 U.S.C. §552(b), the undersigned requests that the agency provide such reasonably segregable portions of the records after the exempt information has been redacted or deleted. See, S. Rep. 93-854, at 32 (1974); Yeager v. Drug Enforcement Admin., 678 F.2d 315 (D.C. Cir. 1982). Alternatively, should any of such information qualify for exemption under 5 U.S.C. §552(b)(4), the undersigned requests that the agency exercise its per se discretionary authority to disclose such information over protest of PRC. See, Chrysler Corporation v. Brown, 441 U.S. 281 (1979).

Because neither the exemption established under §552(b)(4), i.e., trade secrets and commercial or financial information furnished by PRC under confidential or privileged circumstances, nor the National Security exemption under 552(b)(1)(A), (B) apply, the undersigned expressly requests that the FOIA Officer shall render an affirmative determination of disclosure, and actually disclose, the requested information within the ten working day period specified under 5 U.S.C. §552(a)(6)(A).

Pursuant to 5 U.S.C. §552(a)(4)(A), the undersigned shall remit allowable costs for search and disclosure. Please contact the undersigned in the event that such amount is likely to exceed \$50.00.

Sincerely,



James McAleese, Jr.