



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

February 3, 1983

*ELG 118*  
Joseph Gallo, Esquire  
Isham, Lincoln & Beale  
1120 Connecticut Avenue, N.W.  
Suite 840  
Washington, DC 20036

IN RESPONSE REFER  
TO FOIA-82-531

Dear Mr. Gallo:

This is in further response to your letter dated November 2, 1982, in which you requested, pursuant to the Freedom of Information Act, all records relating to any extension issued in November or December 1981, during 1982, and proposed for the future, for the contract awarded to Alderson Reporting Co., Inc., for stenographic reporting services.

By letter dated November 19, 1982, we informed you that we were placing 27 records in the NRC Public Document Room (PDR) and that we would notify you upon completion of review of additional records subject to your request. That letter covered records relating to modifications eight through eleven. At the time we received your request, the NRC Division of Contracts was involved in extending the contract under modification twelve. This response covers records created during the period of time that modifications eight through twelve were developed. For whatever assistance it may be to you, this is to inform you that since that period of time additional modifications to contract NRC-17-80-448-02 have been made and are available at the PDR for public inspection and copying.

We are placing the 13 records identified on enclosed Appendix B in the PDR. These records will be filed in folder FOIA-82-531 under your name.

The records identified at numbers two and three on Appendix B contain information that could place a bidder in the current competitive bidding process under Request for Proposal No. RS-SECY-82-473 at an unfair advantage. This information is being withheld from public disclosure pursuant to exemption (5) of the FOIA (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) in order to protect NRC's interests in awarding a contract for stenographic services.

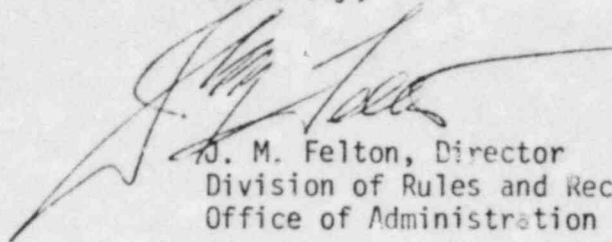
Pursuant to 10 CFR 9.9 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for this denial are the undersigned and Mr. Edward L. Halman, Director, Division of Contracts.

Joseph Gallo, Esquire

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This denial may be appealed to the Commission's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 10 CFR 9.11, any such appeal must be in writing, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision".

Sincerely,

A handwritten signature in dark ink, appearing to read "J. M. Felton", is written over the typed name and title.

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

Enclosure: As stated

Appendix B

1. 3/2/82 Note of conversation between NRC staff members regarding funding for Modification nine.
2. 7/20/82 Conversation Record, discussion between Alderson and M. Page, NRC, re extension.
3. 7/23/82 Conversation Record, discussions between Alderson and M. Page, NRC, re extension.
4. 10/29/82 Memo to McNamara from Fitti, "Reporter Requirements Beyond the Alderson Contract Termination Date".
5. 11/2/82 Conversation Record, discussion among staff members regarding extension.
6. 11/3/82 Conversation Record, discussion between staff members regarding extension.
7. 11/4/82 NRC Form 400, Request for Procurement Action (RFPA), requesting extension of contract NRC-17-80-448-02.
8. 11/11/82 Conversation Record, discussion between staff members regarding funding of extension.
9. 11/11/82 Conversation Record, discussion between Alderson and M. Page, NRC, re proposed Modification twelve.
10. 11/26/82 Findings and Determination.
11. 11/30/82 Letter to Alderson from Smith transmitting modification twelve for review and execution.
12. 12/3/82 Modification twelve.
13. 12/9/82 Letter to Alderson from Smith transmitting executed Modification twelve.