



Department of Energy
Washington, D.C. 20585

JUL 26 1979

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-79-287
rec'd 7-30-79

Mr. Joseph Felton
Director, Division of Records
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Felton:

Enclosed is a Freedom of Information request from Mr. Matthew B. Bogin on behalf of the Center for Development Policy.

Mr. Bogin would like to receive a copy of an IAEA report concerning the proposed nuclear reactor to be located at Napot Point, Morong, Philippines and any and all reports, memoranda, correspondence, scientific test results, cost-benefit analyses, and other documents pertaining to the proposed reactor, its siting, and the IAEA report. After searching our files, we have found unclassified documents pertaining to his request which originated in your agency. Copies of these documents are enclosed so that you may respond directly to Mr. Bogin regarding them. It would be appreciated if a copy of your response were sent to this office.

Sincerely,

Robert N. Slawson

Robert N. Slawson
Deputy Director for Nuclear Affairs
International Nuclear and
Technical Programs

Enclosures

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699047

memorandum

DATE: July 13, 1979

REPLY TO
ATTN OF: AD-44

SUBJECT: Freedom of Information Request # 07127904T

TO: Harry E. Bergold, Jr.
Assistant Secretary for International Affairs

The attached Freedom of Information (FOI) request is being sent to you for action because the records requested appear to be principally within your organization. If so, you are the appropriate FOI office (see DOE 1700, chapter II l.a.(1)). Should this be incorrect, please let me know immediately to whom you are forwarding the request.

If other divisions or offices or field organizations also have some of the records relevant to the request, you as the appropriate FOI office are responsible for requesting their participation and for coordinating the response. It is important that an appropriate response go out to the requester within 10 working days because failure to act can be deemed a denial.

On the reverse side of this memorandum, a "Reminder of Procedures for Handling FOI Requests" should assist your staff. If you have any questions, I can be reached on FTS 252-6020 or 252-6025.

Milton Jordan
Milton Jordan, Director
Division of Freedom of Information
and Privacy Act Activities

Attachment

Please contact J. Eggart for additional information.

*Received in
ONA/IA on 7/17.*

REMINDER OF PROCEDURES FOR HANDLING FOI REQUESTS

It is essential that principal staff be aware of the possible consequences of failure to comply with the Freedom of Information Act. If the court orders the production of records "improperly withheld from the complainant," it may assess "reasonable attorney fees and other litigation costs." The court may also find that the circumstances surrounding the withholding raises questions whether the Authorizing Official who denied the records did so "arbitrarily or capriciously" (including improperly classifying them).

In the event of such a finding, the Civil Service Commission "shall promptly initiate proceedings to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding." The Department of Energy "shall take the corrective action that the Commission recommends." (See 5 USC (a)(4)(F).)

The following are reminders of some of the procedures for handling requests but are not intended to be a substitute for, or in any way to augment, the regulations detailed in DOE 1700, "Freedom of Information Program":

1. You have the responsibility to acknowledge the request and to begin the 10-working day response period. If the request is unclear or too broad, immediately call the requester clarify or redefine the request.
2. If it appears that you cannot meet the 10-working-day requirement because of some unusual circumstances (see DOE 1700, chapter II 3.c.), consult the Office of General Counsel and, if appropriate, contact the requester to see if he will agree to an extension of time. The agreement must be confirmed in writing with a copy to the FOI Officer. Failing an agreement, the Authorizing Official can take up to 10 additional working days (see DOE 1700, chapter II 3.c.). The extension must be confirmed in writing with a copy to the FOI Officer.
3. If you are denying records, in part or in whole, the Office of General Counsel must be consulted before a response is transmitted to the requester (see DOE 1700, chapter II 4.b.).
4. You must consult the Office of Classification concerning records containing classified information issued by DOE or received from another agency or foreign government (see DOE 1700, chapter II 2.).
5. You must consult with other agencies, foreign governments or private organizations before releasing information given by them as "privileged or confidential" (see DOE 1700, chapter II 3.d.).
6. Unless the requester has agreed to pay searching and duplication charges in his request, the Authorizing Official will obtain estimated charges and notify the requester within the 10-day period (see DOE 1700, chapter II 1.3.). However, no charge will be made if the total cost is \$25.00 or less (see DOE 1700, chapter II 1.3.).
7. The FOI Officer may, if he determines it is in the public interest, waive all or part of the charges (see DOE 1700, chapter II 6.).
8. Unless charges have been waived, records will not be sent to a requester until the full payment has been received (see DOE 1700, chapter II 6.c.).
9. Checks and money orders covering charges shall be sent to the Director, Office of Finance and Accounting, Office of the Controller, mail station C-212, Germantown, MD.
10. All correspondence, except letters providing the material requested, shall be sent certified mail, return receipt requested. A copy of all correspondence, except enclosures, shall be sent to the appropriate FOI Officer.
11. FOI requests received directly by an Office shall immediately be sent to the appropriate FOI Officer (see DOE 1700, chapter II 1.a.(1)).
12. Notice of final closure shall be sent to the Headquarters FOI Office.

POOR ORIGINAL

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July 13, 1979

Mr. Matthew B. Bogin
Law Offices
Thomas R. Asher, P. C.
1232 Seventeenth Street, NW.
Washington, DC 20036

Ref: 07127904T

Dear Mr. Bogin:

The Freedom of Information request that you addressed to the U.S. Department of Energy was received by this office on July 12, 1979. It has been sent to Harry E. Bergold, Jr., Assistant Secretary for International Affairs, who will correspond with you directly with a response to your request. We have assigned the above referenced number to this request. Please refer to this number for any future correspondence.

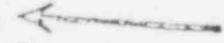
We will make every effort to comply with your request within 10 working days of our receipt of your letter. If you need further assistance, please contact Harold D. Bengelsdorf, Director, Nuclear Affairs, on (202) 252-6175.

Sincerely,

Original Signed by
Milton Jordan

Milton Jordan, Director
Division of FOI and Privacy
Acts Activities

bcc: AD-44

Action Officer 1 
Official File (RF)

AD-44:Eggart:mm:Forr:GB-145:252-6020:7/13/79

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