



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

May 1, 1984

ASA-84-852

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MEMORANDUM FOR: Mary Jo Mattia
CONTR

Margo Bridgers
EDO

Ed Shomaker
ELD

Pat Rowe (to coordinate with Ms. Norry)
ADM

Natalie Brown
SECY

Charles Fitti
ASLBP

FROM: Donnie H. Grimsley, Acting Chief
Freedom of Information and Privacy Acts Branch

SUBJECT: FOIA REQUEST FROM JOSEPH GALLO FOR STANDARD FORM 98,
NOTICE OF INTENTION TO MAKE A SERVICE CONTRACT; RESPONSE
TO NOTICE; AND ANY RELATED DOCUMENTS IN THE AGENCY'S
POSSESSION RELATING TO NRC IFB NO. SECY-84-327 AND/OR
IFB NO. ASB-84-352 (FOIA-84-334)

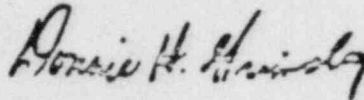
Please find enclosed a copy of the subject FOIA request. Please advise Linda Robinson of my staff by May 8, 1984, of your response to the following:

- (1) Does your office have agency records subject to this request? If yes, will significant search time be required? NOTE: If expected search time exceeds two hours, do not begin search until first talking to FOIA Branch staff contact.
- (2) Approximately how many records are subject to the request, and do you anticipate any records will be withheld from public disclosure? What is their nature?
- (3) When submitting documents responsive to the request, a careful review should be undertaken to identify to DRR (1) any material which should be withheld specifically as classified, safeguards, or proprietary information, and (2) all records received from, or transmitted to, one or more Commissioners, or which contain substantive excerpts from records received from, or transmitted to, the Commissioners.
- (4) Do you anticipate any significant problems in processing this request and responding in the allotted time? If so, inform FOIA Branch contact immediately.
- (5) Is there any other office ^{for} not located above, which might have documents subject to this request? If so, inform the FOIA Branch contact immediately.

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PDR FOIA
RILEY84-734 PDR

Please provide DRR with all agency records subject to this request no later than NOON, May 11, 1984.

Special Instructions regarding FOIA search requirements are attached. If you have any questions, please telephone immediately the FOIA Branch contact listed below.



Donnie H. Grimsley

Enclosures: As stated

CONTACT: Linda Robinson
49-28978

SPECIAL INSTRUCTIONS: Mr. Holye and Mr. Fitti, Panel Chairmen for these two RFP's should assure all documents of the Panel members are collected. Dave Clark, ELD, should be contacted because these RFP's have involved SBA appeals and bid protests by requesters. EDO and Director of ADM have been involved.

FOIA SEARCH REQUIREMENTS

The following instructions are to be used in searching for records and processing FOIA requests:

Scope of Search

1. As a general rule, a search is adequate when all records are located which individuals familiar with the subject matter of the request can reasonably be expected to find in a reasonable amount of time.
2. The staff does not have to look into every conceivable file for records subject to a request, but the staff likely to be familiar with the subject matter must be consulted, and those files likely to contain records must be reviewed.

Agency Records

3. An FOIA request applies only to records in existence on the date the request is received by NRC. "In existence" includes records in a computer data file if the information is retrievable by use of an existing print program. No new programming is required. (Records created after a request is received by NRC may be made available as a matter of discretion with the staff, i.e., if the additional records are necessary to provide a complete picture of a situation or to avoid possible ambiguity).
4. If the requested information does not exist in record or computer format at the time a request is received, there is no obligation under the FOIA to create a record in order to be responsive to the request.
5. If records have been destroyed prior to the receipt of the request, there is no obligation under the FOIA to tell the requester what was destroyed, when it was destroyed, or why it was destroyed. Note, however, that no records may be destroyed after a request is received.
6. If a FOIA request also asks for all records created in connection with the processing of the request, it is not necessary to make these records available since the records were not in existence at the time the request was received. (There may be a separate, later request, however, for these records).
7. If a FOIA request asks for records maintained at a person's residence, and a staff member has any question as to whether the records are personal records or agency records, the staff member should contact the FOIA Branch. (Normally records maintained at a person's residence are not "agency records").
8. IF THE STAFF HAS ANY QUESTIONS ABOUT THE SCOPE OF A REQUEST, WHETHER PARTICULAR RECORDS SHOULD BE INCLUDED WITHIN THE SCOPE, WHETHER THE SCOPE OF THE REQUEST APPEARS TO BE UNREASONABLY BURDENSOME, OR SUGGESTIONS OF HOW THE SCOPE COULD BE LIMITED BY PROVIDING OTHER, MORE READILY AVAILABLE RECORDS, THEY SHOULD IMMEDIATELY CONTACT THEIR MANAGEMENT AND THE FOIA BRANCH IN DRR.