



OFFICE OF THE
SECRETARY

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

PDR-016

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April 11, 1985

Ms. Ann Riley, President
Tayloe Associates
1625 I Street, N.W., Suite 1004
Washington, D.C. 20006

IN RESPONSE REFER TO
85-A-9(84-734)

Dear Ms. Riley:

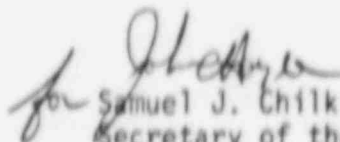
This letter responds to your March 7, 1985, Freedom of Information Act appeal of "an initial FOIA decision rendered by Judge B. Paul Cotter ... which ... withheld the document described in Appendix D" of the NRC's February 6, 1985 partial response letter to FOIA-84-734. The Commission denies your appeal, as explained below.

The "Appendix D" document entitled "Replies to Tayloe Questions Re IFB No. SECY-84-327" is a predecisional document which reflects the opinions, advice and recommendations of one member of the contracts selection panel. The opinions expressed in this document are preliminary in nature and have not been expressly adopted nor incorporated by reference in any final agency action.

Release of this predecisional document would inhibit the open and frank exchange of ideas between NRC staff members who are responsible for reviewing contract bids. This candid exchange of opinions and ideas between staff members charged with these responsibilities is essential to sound agency decisionmaking. For these reasons, the Commission has decided that release of this document is not in the public interest. The document contains no reasonably segregable factual portions. Accordingly, the Commission determined that the document should continue to be withheld in its entirety pursuant to the "deliberative process" privilege incorporated in Exemption 5 of the Freedom of Information Act, 5 U.S.C. 552(b)(5), and the Commission's regulations, 10 CFR 9.5(a)(5).

This letter represents final agency action on your March 7, 1985 FOIA appeal. Judicial review of this decision is available in federal district court in the district in which you reside or have your principal place of business, or in the District of Columbia.

Sincerely,


Samuel J. Chilk

Secretary of the Commission

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

FEB 6 1985

Ms. Ann Riley
Tayloe Associates
1625 I Street, NW, Suite 1004
Washington, DC 20006

IN RESPONSE REFER
TO FOIA-84-734

Dear Ms. Riley:

This is in further response to your letter of September 12, 1984, in which you requested, pursuant to the Freedom of Information Act (FOIA), documents related to selected NRC contracts for court reporter services.

We previously made available documents identified in a letter to you dated November 15, 1984, and December 14, 1984.

The records identified on the enclosed Appendix C are now available for public inspection and copying at the NRC Public Document Room.

Note that portions of item 7 on Appendix C have been withheld from public disclosure, pursuant to Exemptions 4 and 5 of the FOIA (5 U.S.C. 552(b)(4) and (5)) and 10 CFR 9.5(a)(4) and (5) of the Commission's regulations, as noted on the document. This document contains (1) financial cost and pricing information related to performance of stenographic reporting services, the disclosure of which could cause competitive harm to the companies which provided the information; and (2) predecisional information containing advice, opinions, and recommendations, the disclosure of which would inhibit the candid and frank communication within the NRC staff and thus would not be in the public interest.

The one document identified on Appendix D is being withheld in its entirety pursuant to Exemption 5 of the FOIA (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations. The document contains advice and recommendations of the Atomic Safety and Licensing Board Panel with regard to the review of anticipated submissions by bidders under Invitation for Bids (IFB) No. SECY-84-327. The disclosure of this document would inhibit candid and frank communication within the NRC staff and thus would not be in the public interest.

Pursuant to 10 CFR 9.9 and 9.15 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 the denial of portions of item 7 on Appendix C are the undersigned and Mr. Edward L. Halman, Director, Division of Contracts, Office of Administration. The person responsible for the denial of the document on Appendix D is Mr. B. Paul Cotter, Jr., Chief Administrative Judge, Atomic Safety Licensing Board Panel.

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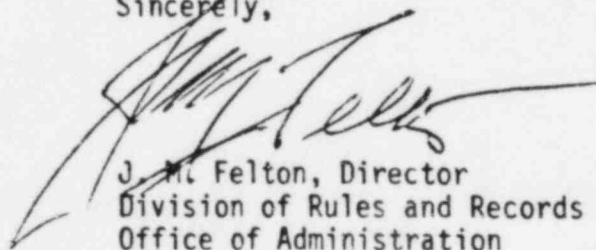
The denial by Mr. Halman and myself may be appealed to the Executive Director for Operations within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision." The denial by Mr. B. Paul Cotter, Jr., may be appealed within 30 days to the Commission and should be addressed to the Secretary of the Commission.

The staff has also identified a bid and associated documents relating to a submission under IFR SECY-84-327 from a firm which subsequently withdrew its bid. Please let us know by February 15, 1985, if you wish to have these documents considered for release under your request. Otherwise, we will consider these documents to be outside the scope of FOIA-84-734.

We referred to the Small Business Administration (SBA) one document, which was originated by that agency, for a disclosure determination and direct response to you by the SBA.

The staff is reviewing additional records subject to your request. We will notify you upon completion of this review.

Sincerely,



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

Enclosures: As stated

APPENDIX C

RECORDS IN PDR FOLDER FOIA-84-734

Contract No. 17-83-399

1. 03/18/83 Memorandum for Edward L. Halman, ADM:DC, from Patricia G. Norry, ADM, entitled "Stenographic Reporting Services" (1 page) with attached memorandum for William J. Dircks, EDO, from Samuel J. Chilk, Secretary, dated 03/15/83, entitled "Stenographic Reporting Services" (2 pages). Note that this attachment was already made publicly available in FOIA-84-734, Appendix B, item 4.
2. 09/20/83 Memorandum for file from Ann Tipton, SECY, entitled "Reporting Contract" with attached list of Commission Meetings (3 pages).
3. 01/04/84 Memorandum for the record from Walter Magee, SECY, entitled "Phone Call to Duane Kidd (ADM/DOS) on December 30, 1983" (1 page).
4. 02/17/84 Letter to Ann Riley, Tayloe Associates, from Patricia A. Sullivan, SECY, regarding quality of bond paper for Commission transcripts (3 pages).

IFB No. ASB-84-352 - Prior to Receipt of Bids

5. 02/13/84 Letter to Kathryn A. Davis, ADM:DC, from Rose Ann Sharp, Alderson Reporting, requesting clarification of solicitation (3 pages).
6. 02/15/84 List of questions regarding IFB No. ASB-84-352 (3 pages).

IFB No. ASB-84-352 - Evaluation of Bid and Contract Award

7. 08/06/84 Summary of Procurement for NRC-21-84-352, signed by Kathryn A. Davis and Mary Jo Mattia, ADM:DC, (10 pages) with four attachments: Attachment 1, entitled "Report of the Source Evaluation Panel - ASB-84-352, dated 07/20/84 (10 pages); Attachment 2, Cost Comparison Chart (1 page); Attachment 3, Cost Comparison Chart (1 page); and Attachment 4, entitled "Report of the Chairman Source Evaluation Panel - ASB-84-352" (2 pages).

IFB No. SECY-84-327

8. 12/21/83 Memorandum for Mary Jo Mattia, ADM:DC, from John C. Hoyle, SECY, entitled "Statement of Work - Stenographic Reporting

- Services Contract (Washington Area)" (2 pages) with attached NRC Form 187, "Security/Classification Requirements" signed by John C. Hoyle dated 12/20/83, attached NRC Form 400, "Request for Procurement Action (RFPA)" signed by John C. Hoyle dated 12/20/83, and draft Statement of Work for SECY-84-327 (31 pages).
9. 01/13/84 Memorandum for John C. Hoyle, SECY, John Cho, ASLAP, Charles Fitti, ASLBP, William M. Dorie, ADM, and Austin L. Newsom, ACRS, from Samuel J. Chilk, Secretary, entitled "Source Evaluation Panel (SEP) for Reporting Services Contract (Washington Area)" (2 pages).
 10. 01/20/84 Routing and Transmittal Slip to John C. Hoyle, SECY, from Kathryn A. Davis, ADM:DC, with attached milestone schedule (6 pages).
 11. 01/25/84 Memorandum for Edward L. Halman, ADM:DC, from Raymond J. Brady, ADM:SEC, entitled "Approval of NRC 187 for Stenographic Reporting Services" (2 pages).
 12. 01/26/84 Memorandum for John C. Hoyle, SECY, from Mary Jo Mattia, ADM:DC, entitled "Milestone Schedule - SECY-84-327, Entitled 'Stenographic Reporting Services, Washington, D.C. Metropolitan Area'" (5 pages).
 13. 02/22/84 Letter to Verl Zanders, SBA, from Mary Jo Mattia, ADM:DC, in response to SBA letter of 02/08/84 regarding SBA concerns regarding terms of IFB No. SECY-84-327 (3 pages).
 14. 03/09/84 Memorandum for Samuel J. Chilk, Secretary, from Edward L. Halman, ADM:DC, entitled "Requirement for Copies of Transcripts on Floppy Disk Media, IFB No. SECY-84-327" (1 page).
 15. 03/13/84 Memorandum for Edward L. Halman, ADM:DC, from John C. Hoyle, SECY, entitled "Requirement for Copies of Transcripts on Floppy Disk Media, IFB No. SECY-84-327" (1 page).
 16. 03/13/84 Schedule A - Competitive Procurement Milestone Schedule for RFPA No. SECY-84-327 (2 pages).
 17. undated Questions Concerning IFB No. SECY-84-327 (7 pages).

APPENDIX D

RECORD WITHHELD UNDER FOIA-84-734

Exemption 5

1. 02/09/84 "Replies to Tayloe Questions regarding IFB No. SECY-84-327"
by Charles J. Fitti, ASLBP (3 pages).

TAYLOR ASSOCIATES
Court Reporters
1625 I Street, N.W. Suite 1004
Washington, D.C. 20006
(202) 293-3950

September 12, 1984

Mr. J. M. Felton, Director
Division of Rules & Records
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

**FREEDOM OF INFORMATION
ACT REQUEST**

FOIA-84-734
Rec'd 9-13-84

Dear Mr. Felton:

Pursuant to the Freedom of Information Act,
we request the following documents:

1. All documents, including drafts thereof and notes of meetings, concerning the evaluation and the negotiation of proposals submitted pursuant to Request for Proposal No. RS-SECY-82-473 (this request includes all proposals, including pricing information);
2. All documents, including drafts thereof and notes of meetings, concerning (i) the administration of Contract No. 17-83-399, and (ii) NRC's decisionmaking process not to exercise the option under NRC Contract No. 17-83-399;
3. All documents including drafts thereof and notes of meetings, concerning matters related to IFB No. ASB-84-352 prior to the receipt of bids;
4. All documents, including drafts thereof and notes of meetings, concerning the evaluation of bids and contract award under IFB No. ASB-84-352; and

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