



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

JUN 26 1985

OCA

Admire

The Honorable Michael D. Barnes
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Barnes:

I am pleased to respond to your May 24, 1985 letter which transmitted concerns raised by your constituent, Ms. Vicki Satern of Employment Perspectives, regarding the U.S. Nuclear Regulatory Commission's (NRC) contracting process.

Employment Perspectives competed under NRC's solicitation for "Career Counseling and Related Support." The solicitation was issued on November 5, 1984 as a total small business set-aside. Proposals were received on December 5, 1984 from Employment Perspectives and two other small business concerns. The Source Evaluation Panel evaluated each proposal using the criteria set forth in the solicitation. While another small business firm was selected for award based on technical merit, the Panel found Employment Perspective's proposal to be a competitive one. At Employment Perspectives' request, the Source Evaluation Panel conducted a formal debriefing on March 22, 1985 with Ms. Satern to discuss proposal weaknesses, the basis for Employment Perspectives' nonselection, and means by which they might successfully compete for NRC's future requirements.

The Freedom of Information Act (FOIA) request filed by Ms. Satern was received on March 19, 1985. The request, which covered all contract documents and records associated with NRC's career counseling requirements dating back to 1976, represented a substantial effort in terms of search time, copying, and review of documents for deletion of information that should be withheld from public disclosure such as proprietary information. We contacted Ms. Satern by telephone on April 1, 1985, regarding the scope of her request. During this conversation, we apprised Ms. Satern of the extent of documentation already available in NRC's Public Document Room and suggested that she might wish to narrow the scope of her request to reduce the search time and resultant costs. This conversation was confirmed in our April 8, 1985 letter to Ms. Satern, the first partial response to the FOIA request. We also advised Ms. Satern of the estimated cost for professional search time to locate the requested records. On April 15, 1985, Ms. Satern declined to reduce the scope of her request and agreed to pay the search charges.

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Our second partial response to Ms. Satern of May 3, 1985, advised that 231 documents were available for her review in our Public Document Room. Our letter also advised that we were continuing to process additional documents subject to her request and requested payment for incurred search charges prior to completion of the request.

We maintained frequent telephone contact with representatives of Employment Perspectives during the period April 1 through May 10, 1985 to advise of our progress in releasing the requested documents. We were continuing our review of the remaining documents for deletion of information exempt from public disclosure when Ms. Satern advised us by letter dated June 4, 1985 that the requested information was of "no further use" to Employment Perspectives. Based on this notice, we advised Ms. Satern by letter dated June 18, 1985 that we were closing the FOIA request and that payment was not required.

We have provided the General Accounting Office (GAO) all information relative to the protest filed by Employment Perspectives. As always, any additional information required by GAO or Ms. Satern will be provided upon request subject to any limitations on its releasability as may be prescribed by law.

We recognize the considerable time and effort expended by Employment Perspectives in responding to our solicitation and hope that information provided at the debriefing will be helpful in their future competitive endeavors. Employment Perspectives is being added to our Bidders Mailing List as a source for performance of future NRC requirements and we encourage Ms. Satern to continue reviewing the Commerce Business Daily for contracting opportunities.

I hope this information is of use to you. If we can be of further help, please let me know.

Sincerely,

(Signed) T. A. Rehm

William J. Dircks
Executive Director for Operations

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