

PDR-016

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

October 22, 1982

James P. Murray, Esquire
Steel Hector & Davis
Southeast Bank Building
Miami, FL 33131

IN RESPONSE REFER
TO FOIA-82-466

Dear Mr. Murray:

This is in response to your letter dated September 28, 1982, in which you requested, pursuant to the Freedom of Information Act (FOIA), nine categories of records relating to steam generators. This confirms information relayed during subsequent telephone conversations between you and various NRC staff members.

On October 6, 1982, Ching Cheng, Marshall Grotenhuis, Warren Hazelton, Daniel McDonald, Linda Robinson, and Valeria Wilson telephoned you to discuss your request. At that time, the NRC staff informed you, among other things, that licensees rather than firms such as Westinghouse are subject to the various NRC requirements related to construction and operation of nuclear power plants. Any Westinghouse records transmitted by licensees to NRC relative to required documentation on particular plants are routinely placed in the appropriate docket files maintained for public inspection and copying at the NRC Public Document Room (PDR), 1717 H Street, N.W., Washington, D.C. 20555, and may also be maintained in Local Public Document Rooms located near sites of nuclear power plants. In addition to docket-related records, the PDR maintains copies of topical reports on specific safety related issues which various industry organizations, including Westinghouse, have provided to NRC either on a voluntary basis or at the request of NRC staff. Pertinent correspondence between NRC and Westinghouse concerning these topical reports are maintained in the appropriate PDR files. The PDR also maintains NUREG reports which reference pertinent records, including pertinent records generated by Westinghouse, which were considered during the review of specific subjects which the reports pertain.

As a result of that telephone conversation, we are providing to you the following records and additional information for your assistance in this matter.

1. Report No. NUREG-0392 entitled "Topical Report Review Status", which includes a listing as of August 9, 1982, of all Westinghouse topical reports provided to NRC.

2. A PDR computer listing as of October 15, 1982, of 82 records generated by Westinghouse which were located during a computer search under the term "steam generator". The PDR computer lists a total of 2,909 records authored by Westinghouse. As noted on the PDR disclaimer notice attached to the enclosed listing, due to the manner in which records are indexed in the computer system (e.g., there is no index for the term "denting") we cannot state that the 82 records retrieved in the search are the only records among the 2,909 total records that refer or relate to the subjects in which you may be interested.
3. All letters between the requesters and NRC with regard to the following previous FOIA requests which pertain to various pertinent records, such as NUREG reports mentioned above.

FOIA-81-313
FOIA-82-167
FOIA-82-210
FOIA-82-295
FOIA-82-309

As you will note from the enclosed correspondence pertaining to FOIA-82-309, which you used as a guide in writing your request, the scope of that request was substantially narrowed in order that we could process that request. We have determined that your request, like FOIA-82-309, does not meet the FOIA requirement that an FOIA request reasonably describe the records sought (5 U.S.C. 552(a)(3)). It is reasonable to assume that the files located throughout the various Offices and Divisions of the NRC contain documents relating in some way to this subject. We cannot, however, short of examining every file possessed by NRC, state with any degree of confidence that all documents relating to it have been located. The House Report on the 1974 Amendments to the Freedom of Information Act provides that:

"A 'description' of a requested document would be sufficient if it enabled a professional employee of the agency who was familiar with the subject area of the request to locate the record with a reasonable amount of effort." (H. Rpt. 93-876 at 5-6.)

As indicated above, much more than a reasonable amount of effort would be required to comply with your request.

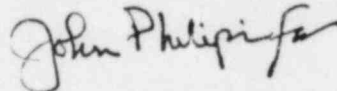
Likewise, the Senate Report indicates that the 1974 Amendments to the FOIA were not intended "to authorize broad categorical requests where it is impossible for the agency reasonably to determine what is sought. (See Irons v. Schuyler, 465 F.2d 608 (D.C. Cir. 1972)). . . ." (S. Rpt. 93-834 at 10.)

In light of the nature of your request and the possibility that the records provided in response to FOIA-82-309, as narrowed, and the other related FOIA requests may satisfy your interests in this matter, we are taking no further action with respect to your present request. We hope that the above information and the enclosed records will be of assistance to you in determining what, if any, records maintained by the NRC may be of interest to you.

If you consider this response to be a denial of your request, you may appeal this determination within 30 days to the Executive Director for Operations. 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".

If you do not wish to appeal and have any questions with regard to this response or wish assistance in framing a new FOIA request, please call Linda Robinson (301-492-8133).

Sincerely,



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

Enclosures: As stated