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September 14, 1989

Freedom of Information Officer
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: FOIA Request

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-89-404
Rec'd 9-20-89

Re: Freedom of Information Act Request

Dear Sir or Madam:

Under the provisions of the Freedom of Information Act, 5 U.S.C. § 552, I am hereby requesting access to the documents and materials identified in Exhibit "A" attached hereto.

If fees, if any, for searching for or copying the records I have requested will exceed \$1,000.00, please inform me before you fill the request.

If all or any part of this request is denied, please cite the specific exemption(s) or reason(s) that you contend justifies your refusal to release the information or materials and inform me of the appeal procedures available to me under the law.

I would appreciate your handling this request as quickly as possible and look forward to hearing from you within the 10-day period which the Act requires.

If you have any questions, please contact me at the address or telephone number listed above.

Very truly yours,

Donald R. Pepperman

DONALD R. PEPPERMAN

DRP/dc
Enc.

8912140030 890914
PDR FOIA
PEPPERMAN-404 PDR

EXHIBIT "A"

DEFINITIONS AND INSTRUCTIONS

1. The term "document" shall mean all written, printed, typed, recorded or graphic matter, however produced or reproduced, of every kind and description, in whatever form (e.g., final and draft versions) in your actual or constructive possession, custody, care or control, including without limitation, all writings, correspondence, letters, telegrams, notes, mailgrams, agenda, memoranda, inter-office communications, reports, forecasts, projects, analyses, working papers, charts, requests for authorization, expense account reports, charge or credit account vouchers, calendars, appointment books, diaries, drawings, graphs, photographs, sound reproduction tapes, data compilations from which information can be obtained or can be translated through detection devices into reasonably usable form, computer inputs or outputs. The term "documents" shall include not only originals but also any copies or reproductions of all such written, printed, typed, recorded or graphic matter upon which notations in writing, print or otherwise have been made which do not appear in the originals.

2. The term "NEMA" shall mean and refer to the National Electrical Manufacturers Association, its merged or acquired predecessors, its entities, its subsidiaries, its affiliates, its divisions, its members, and all of its present or former officers, directors, employees, lawyers, agents,

investigators, representatives or other persons acting or purporting to act on its behalf.

3. The term "GE" shall mean and refer to General Electric Company, its merged or acquired predecessors, its entities, its subsidiaries, its affiliates, its divisions, including but not limited to its GESCO Division, and all of its present and former officers, directors, employees, lawyers, agents, investigators, representatives or other persons acting or purporting to act on its behalf.

4. The term "Westinghouse" shall mean and refer to Westinghouse Electric Corporation, its merged or acquired predecessors, entities, its subsidiaries, its affiliates, its divisions, including, but not limited to its WESCO Division, and all of its present and former officers, directors, employees, lawyers, agents, investigators, representatives or other persons acting or purporting to act on its behalf.

5. The term "Square D" shall mean and refer to Square D Company, its merged or acquired predecessors, entities, its subsidiaries, its affiliates, its divisions, and all of its present and former officers, directors, employees, lawyers, agents, investigators, representatives or other persons acting or purporting to act on its behalf.

6. The term "UL" shall mean and refer to Underwriters Laboratories, Inc., its merged or acquired predecessors, entities, its subsidiaries, its affiliates, its divisions, and all of its

present and former officers, directors, employees, lawyers, agents, investigators, representatives or other persons acting or purporting to act on its behalf.

7. The term "Romac" shall mean and refer to Romac Supply Company located in Commerce, California, its merged or acquired predecessors, entities, its subsidiaries, its affiliates, its divisions, and all of its present and former officers, directors, employees, lawyers, agents, investigators, representatives or other persons acting or purporting to act on its behalf.

8. The term "General Circuit Breaker" shall mean and refer to General Circuit Breaker and Electric Supply, Inc. located in Arcadia, California, its merged or acquired predecessors, entities, its subsidiaries, its affiliates, its divisions, and all of its present and former officers, directors, employees, lawyers, agents, investigators, representatives or other persons acting or purporting to act on its behalf.

9. The term "U. S. Navy" shall mean and refer to the United States Department of Navy.

10. The term "NAED" shall mean and refer to the National Association of Electrical Distributors.

11. The term "NRC" shall mean and refer to the United States Nuclear Regulatory Commission.

12. The term "DOE" shall mean and refer to the United States Department of Energy.

13. The term "NASA" shall mean and refer to the National Aeronautics and Space Administration.

14. The term "NUMARC" shall mean and refer to the Nuclear Management and Resources Council.

15. The term "circuit breaker" shall be construed to mean any molded case circuit breaker designed for residential, commercial or governmental use, and shall include any circuit breaker components or circuit breaker parts separately offered for sale or sold by a manufacturer.

16. As used herein the term "obsolete circuit breaker" is a circuit breaker that the manufacturer is no longer producing as new.

17. As used herein the term "recondition" shall mean opening the case of a circuit breaker, removing the backshield of a circuit breaker, modifying the external configuration of a circuit breaker, making internal modifications to the circuit breaker, repairing or replacing component parts of a circuit breaker, or adjusting the calibration of a circuit breaker.

18. The term "person" means any natural person, corporation, partnership, association, business trust or other form of legal entity.

19. The term "communication" shall include but is not limited to oral communications, correspondence, memoranda, reports and records of telephone calls and reports of meetings.

20. Each of the definitions above and each of the instructions below is hereby incorporated into each of the requests to which it may pertain.

21. In producing these documents, you are requested to furnish all documents known or available to you regardless of whether these documents are possessed directly by you or your agents, employees, partners, representatives, investigators, or by your attorneys or their agents, employees, representatives or investigators.

22. If any of these documents cannot be produced in full, produce them to the fullest extent possible, specifying clearly the reasons for your inability to produce the remainder and stating whatever information, knowledge or belief you do have concerning the unproduced portion.

23. If any documents or things required were at one time in existence, but are no longer in existence, please so state specifying for each document or thing, (a) the type of document or thing, (b) the types of information contained thereon, (c) the date upon which it ceased to exist, (e) the identity of all persons having knowledge of the circumstances under which it ceased to exist, and (f) the identity of all persons having knowledge of who had knowledge of the contents thereof.

24. With respect to any documents called for by this Request but withheld due to any claim of privilege, list for each such document:

- a. The document request to which the document is otherwise responsive;
- b. Its title and general subject matter;
- c. Its date;
- d. The name(s) and title(s) of its authors or preparer;
- e. The name(s) and title(s) of the person(s) for whom it was prepared and all persons to whom it was sent or shown; and
- f. The nature of the privilege claimed.

25. If you assert a privilege as to a portion of any category of the materials described, please produce the remainder of that category as to which you do not assert a privilege.

26. The terms "and" and "or" shall be construed either disjunctively or conjunctively so as to bring within the scope of this Request all documents which might otherwise be construed to be outside its scope.

27. The specificity of any request herein should not be construed to limit the generality or reach of any other request herein.

28. Unless otherwise specified, the relevant time period for purposes of this document request shall be from January 1, 1983 to the present.

DOCUMENTS REQUESTED

DOCUMENT REQUEST NO. 1:

All documents which discuss, refer or relate to the purchase, sale, distribution, labeling, testing or manufacture of reconditioned, surplus, obsolete, used, refurbished, counterfeit, defective, rebuilt, substandard or misrepresented circuit breakers.

DOCUMENT REQUEST NO. 2:

All documents which constitute, refer or relate to correspondence or communications between the NRC and any representative of the following entities concerning reconditioned, surplus, obsolete, used, refurbished, counterfeit, defective, rebuilt, substandard or misrepresented circuit breakers:

- a) Any nuclear power plant or utility;
- b) NUMARC;
- c) NAED;
- d) DOE;
- e) NASA;
- f) Westinghouse;
- g) GE;
- h) Square D;
- i) UL;
- j) Romac;
- k) U. S. Navy; and

1) NEMA.

DOCUMENT REQUEST NO. 3:

All documents which discuss, refer or relate to any investigation, probe, inquiry or vendor inspection concerning circuit breakers purchased for nuclear power plant structures, systems and components.

DOCUMENT REQUEST NO. 4:

All documents, including but not limited to articles, videotapes, photographs, test results and circuit breakers reviewed, analyzed or seized by the NRC as part of any investigation, probe, inquiry or vendor inspection concerning circuit breakers.

DOCUMENT REQUEST NO. 5:

All documents which constitute, refer or relate to correspondence or communications between the NRC and any governmental department or agency, federal, state or otherwise, concerning reconditioned, surplus, obsolete, used, refurbished, counterfeit, defective, rebuilt, substandard or misrepresented circuit breakers.

DOCUMENT REQUEST NO. 6:

All documents which constitute, refer or relate to any complaints or petitions submitted to the NRC concerning circuit breakers manufactured by Westinghouse, GE or Square D.

DOCUMENT REQUEST NO. 7:

All documents which discuss, refer, relate or relate to

General Circuit Breaker, its officers, including Xavier Contreras, its employees, its products or its facilities.

DOCUMENT REQUEST NO. 8:

All documents which reflect, constitute, refer or relate to any communication or correspondence between any representative of the NRC and any representative of the law firm of Munger, Tolles & Olson, Los Angeles, California, concerning circuit breakers or any actual or proposed investigation or litigation concerning circuit breakers.

DOCUMENT REQUEST NO. 9:

All documents which identify or list persons or entities believed to be engaged in the practice of purchasing, manufacturing, distributing or selling suspect, counterfeit, misrepresented, reconditioned or rebuilt circuit breakers.

DOCUMENT REQUEST NO. 10:

All NRC Advance Notices of Proposed Rulemaking ("ANPR's") which discuss, refer or relate to circuit breakers.

DOCUMENT REQUEST NO. 11:

All NRC Information Notices which discuss, refer or relate to circuit breakers, including, but not limited to Notice Nos. 88-19 and 88-36 through 88-46.

DOCUMENT REQUEST NO. 12:

All NRC Bulletins which discuss, refer or relate to circuit breakers, including, but not limited to Bulletin Nos. 88-05 and 88-10.

DOCUMENT REQUEST NO. 13:

All documents which constitute, refer or relate to construction, performance or test standards or specifications for circuit breakers.

DOCUMENT REQUEST NO. 14:

All documents in the files of the following NRC representatives which discuss, refer or relate to circuit breakers:

- a) Victor Stello, Jr.;
- b) Max J. Clausen, NRR;
- c) Donald S. Brinkman, NRR;
- d) Charles E. Rossi, NRR;
- e) J. T. Conway, NRR;
- f) Edward T. Baker, NRR;
- g) Ray Cilimberg, NRR;
- h) Thomas T. Martin, NRR;
- i) Paul Gill, NRR;
- j) Jaime Guillen, NRR;
- k) Joseph J. Petrosino, NRR; and
- l) K. R. Naidu, NRR.