

RESPONSE TO FREEDOM OF

OIA -	89-404
	RESPONSE TYPE
FINAL	PARTIAL
ATE	

REQU	Mr. Donald R. Pypperson PART !- AGENCY RECORDS BELEASED OR NOT LOCATED (See checked boxes)					
	PART I - AGENCY RECORDS BELEASED OR NOT LOCATED (See checked boxes)					
	No agency records subject to the request have been located.					
	No additional agency records subject to the request have been located.					
	Requested records are available through another public distribution program. See Comments Section.					
X	Agency records subject to the request that are identified on Appendixles) G are already available for public inspection and copying in the NRC Public Document Room 2120 L Street, N.W., Washington, DC 20555.					
X	Agency records subject to the request that are identified on Appendix(es) are being made available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.					
	The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.					
	Agency records subject to the request that are identified on Appendix(es)may be inspected and copied at the NRC Local Public Document Room identified in the Comments Section.					
X	Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room. 2120 L Street. N Washington, DC					
X	Aponcy records subject to the request are enclosed. Appardix H					
	Records subject to the request have been referred to another Feders, agencylies) for review and direct response to you.					
	You will be billed by the NRC for fees totaling \$					
	In view of NRC's response to this request, no further action is being taken on appeal letter datedNo					
*******	PART II. A -INFORMATION WITHHELD FROM PUBLIC DISCLOSURE					
X	Cenain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part II. sections B. C. and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room. 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.					
COL	MENTS					

U.S. NUCLEAR REGULATORY COMMISSION

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

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REDOM OF INFORMATION	ON ACT RESPONSE FOIA NUM PART II.B - APPLICAL		9 DATE JA	NII				
		7	-					
Exemptions and for the reason	t that are described on the enclosed Appendix as set forth below pursuant to 5 U.S.C. 552(t	are being withheld in and 10 CFR 9.17(a) of NRC Regulat	ions.	part under ti				
1. The withheld information is	properly classified pursuent to Executive Order (EXE	MPTION 1)						
2. The withheld information rel	ates solely to the internal personnel rules and proced	dures of NRC. (EXEMPTION 2)						
3. The withheld information is	specifically exempled from public disclosure by statu	ute indicated: (EXEMPTION 3)						
Sections 141-145 of the	Atomic Energy Act which prohibits the disclosure of	Restricted Data or Formerly Restricted Data	a (42 U S C 2161 21)	65).				
Section 147 of the Atom	ic Energy Act which prohibits the disclosure of Uncli	essified Sateguards Information (42 U.S.C.	2167).					
4. The withheld information is	4. The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated: (EXEMPTION 4)							
The information is consider	The information is considered to be confidential business (proprietary) information.							
The information is consider	ered to be proprietary information pursuant to 10 CF	R 2.790(d)(1).						
The information was sub-	nitted and received in confidence pursuant to 10 CF	R 2 790(d)(2).						
	The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. (EXEMPTION 5). Applicable Privilege:							
Where records are withheld	Deliberative Process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable fact portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.							
MATERIAL PROPERTY AND ADDRESS OF THE PROPERTY OF THE PARTY OF THE PART	Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation)							
Attorney client privilege	Attorney - client privilege (Confidential communications between an attorney and his her client I							
6. The withheld information is exi	e withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy. (EXEMPTION 6)							
7. The withheld information cor	The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated. (EXEMPTION 7)							
Disclosure could reasonable forcement efforts, and thus EXEMPTION 7 (Al)	Disclosure could reasonably be expected to interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow them to take action to shield potential wrongdoing or a violation of NRC requirements from investigators.							
	te an unwarranted invasion of personal privacy (EXE	MPTION 7(C))						
The information consists of	The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of							
OTHER	MPTION 7 (D))	-						
OTHER								
	PART II. C - DENYIN	NG OFFICIALS						
from production or disclosure, and the Disclosure and the Disclosure as denying officials and the Disclosure.	9.25 (c) of the U.S. Nuclear Regulatory Commission hat its production or disclosure is contrary to the public rector. Division of Freedom of Information and Public Executive Director for Operations (EDC).	lic interest. The persons responsible for the d	enial are those officials	s identified				
DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE	OFFICIAL				
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NRC FORM 464 (Part 2) (11-88)

U.S. NUCLEAR REGULATORY COMMISSION

RECORDS ALREADY IN THE PDR

- 4/1983 Report entitled, "Failures of Class IE Safety-Related Switchgear Circuit Breakers to Close on Demand." (31 pages) Accession No. 830523053
- 6/1/84 Memorandum for D.G. Eisenhut from R.L. Spessard, re: Unmonitored Failures of Class IE Safety-Related Switchgear Circuit Breakers and Power Supplies (AITS-F03052383). (10 pages) Accession No. 8408230490
- 10/25/83 Memorandum for Darrell G. Eisenhut from Harold R. Denton, re: Schedule for Resolving and Completing Generic Issue No. 48 - LCO for Class IE Vital Instrument Buses in Operating Reactors, with enclosures. (4 pages) Accession No. 8311140087
- 4. 4/29/83 Letter to Dr. David Rosin from C.J. Heltemes, re: Failures of Class 1E Safety-Related Switchgear Circut Breakers to Close on Demand. (1 page) Accession No. 8305230524
- 4/29/83 Letter to Eugene P. Wilkinson from C.J. Heltemes, re: Failures of Class 1E Safety-Related Switchgear Circuit Breakers to Close on Demand. (2 pages) Accession No. 8305230519
- 6. 4/29/83 Memorandum for Harold R. Denton from C.J. Heltemes, Jr., re: Failures of Class 1E Safety-Related Switchgear Circuit Breakers to Close on Demand. (2 pages) Accession No. 8305230511
- 7. 9/7/88 Memorandum for Victor Stello, Jr. from Edward L. Jordan, re: Minutes of CRGR Meeting Number 145, with enclosures. (39 pages) Accession No. 8810030278
- 8. 8/23/88 Memorandum for Bernero, Goldberg, Papereillo, Ross and Sniezek from Edward L. Jordan, re: CRGR Meeting No. 145 Revised Agenda. (2 pages) Accession No. 8901270074
- 9. 1/5/89 Memorandum for Victor Stello, Jr. from Edward L. Jordan, re: Minutes of CRGR Meeting Number 152, with enclosures. (56 pages) Accession No. 8907130206
- 10. 11/15/88 Memorandum for Bernero, Goldberg, Paperiello, Ross and Sniezek from Edward L. Jordan, re: CRGR Meeting No. 151 Revised Agenda, with enclosures. (13 pages) Accession No. 88111280190
- 11. 10/13/88 Distribution list and attached Memorandum for Gus C. Lainas through David B. Matthews from James C. Stone, with enclosures. (19 pages) Accession No. 8810280216

RECORDS ALREADY IN THE PDR (Continued)

- 12. 12/30/88 NRC Information Notice No. 88-46, Supplement 2, re: Licensee Report of Defective Refurbished Circuit Breakers. (13 pages) Accession No. 8812280051
- 13. 7/20/89 Memorandum for Arlotto, Goldberg, Reyes, Ross and Sniezek from Edward L. Jordan, re: CRGR Meeting No. 166. (2 pages)
 Accession No. 8907280242

RECORDS BEING PLACED IN THE PDR

- 1. 5/26/83 Memorandum for Edward L. Jordan from C.J. Heltemes, Jr., re:
 Proposed IE Information Notice or Bulletin Regarding Failures
 of Class 1E Safety-Related Switchgear Circuit Breakers to Close
 on Demand, with enclosure. (4 pages)
- 2. Undated Computer Printout of Event Notification Reports. (1,124 pages)
- 3. Undated Weekly Report CRGR Items (Week Ending 8/26/88) (1 page)
- Undated Vugraphs, Bulletin on Non-Conforming Electrical Equipment, Components and Devices. (5 pages)
- 5. Undated Handwritten notes, re: CRGR Meeting No. 145. (5 pages)
- 6. Undated Handwritten notes. (1 page)
- 7. Undated Vugraph, ANPR Outline. (1 page)
- 8. 12/14/88 Handwritten notes from CRGR Meeting No. 152. (6 pages)
- 9. 11/28/88 Memorandum for Victor Stello, Jr. from Edward L. Jordan, re: Minutes of CRGR Meeting Number 151, with enclosures. (NOTE: Attachment 2 to Enclosure 3 is the same as document C/1.) (27 pages)
- 10. Undated Annotated Bulletin-Molded Case Circuit Breakers (CBs). (3 pages)
- 11. Undated Draft Bullitin, re: Nonconforming Molded-Case Circuit Breakers. (8 pages)
- 12. Undated Annotated Bulletin-Molded Case Circuit Breakars. (3 pages)
- 13. Undated Facsimile Transmittal Cover Sheet to Jim Conran from Jaime Guillen. (1 page)
- 14. Undated Handwritten Attendance List, re: CRGR Meeting No. 151.
 (1 page)
- 15. 11/17/88 Handwritten notes, re: CRGR Meeting No. 151. (3 pages)
- 16. 11/17/89 Handwritten notes, re: CRGR Meeting No. 151. (2 pages)
- 17. Undated Weekly Report, re: CRGR Items for Week ending 11/18/88. (1 page)

(Continued)

Draft Bulletin No. 88-xx, re: Nonconforming Molded-Case 18. 11/1988 Circuit Breakers. (10 pages) Handwritten notes, re: CRGR Meeting No. 166. (2 pages) 19. 7/26/89 20. 7/1989 Draft NRCB 88-10, Supplement 1. (1 page) 21. 2/10/89 Memo for V. Stello from S. J. Chilk re: SECY-89-010 - Advance Notice of Proposed Rulemaking, : Acceptance of Products Purchased for Use in Nuclear Power Plant Structures, Systems and Components" with enclosure. (5 pages) 22. 4/27 Routing & Transmittal Slip to C. White from R. Blough re: Telemecanique with enclousure. (3 pages) Annotated Note to W. Lyon from S. Lewis re: Proposed Generic 23. 8/23/88 Letter on Loss of Decay Heat Removal. (4 pages) 24. Excerpts from Deposition Transcript: Charley Contreras. (3 6/8/88 pages) 25. Court Order: Square D. Company v. General Circuit Breaker, et al. 5/31/88 (12 pages) 26. 5/16/83 Memo to Chairman Palladino, et al., from W. J. Dircks re: AEOD Report on Failure of Class 1E Safety-Related Switchgear Circuit Breakers to Close on Demand. (1 page) 27. 3/10/86 Memo to Chairman Pallad no from B. B. Hayes re: Notificiation of Opening of OI Investigations. (1 page) 28. 9/15/88-Inspection Report 99900786/88-01. (11 pages) 9/16/88 29. 9/29/88-Inspection Report 99900829/88-01. (7 pages) 9/30/88 30. 9/14/88 Inspection Report 99901113/88-02. (4 pages) 7/20/88-Inspection Report 99901113/88-01. (3 pages) 31. 7/21/88 32. 8/10/89 Letter to A. E. Reisman from E. W. Brach re: Forwards Inspection Reports. (1 page) 33. 10/23/88 Letter to NRC from P. W. Marriott re: Comments on Draft

Bulletin with enclosure. (5 pages)

Re: FOIA-89-404

(Continued)

- 34. 11/22/88 Memo for E. L. Jordan from J. H. Sniezek re: Issuance of NRC Bulletin No. 88-10: Nonconforming Molded-Case Circuit Breakers (I page)
- 35. 11/30/88 Memo for All Project Managers from J. C. Stone re: NRC Bulletin 88-10: Nonconforming Molded-Case Circuit Breakers with enclosure. (5 pages)
- 36. 2/2/89 Memo for J. B. Hopkins from F. Rose re: Vogtle Electric Generating Plant, Unit 2 IE Bulletin 88-10, Nonconforming Molded Case Circuit Breakers. (3 pages)
- 37. 8/1/89 Memo to E. L. Jordan from J. H. Sniezek re: Issuance of NRC Bulletin No. 88-10: Nonconforming Molded-Case Circuit Breakers. (1 page)
- 38. 7/21/89 Memo for E. L. Jordan from J. H. Sniezek re: Draft Bulletin 88-10, Supplement 1: Nonconforming Molded-Case Circuit Breakers with enclosure (5 pages)
- 39. 8/9/89 Memo for F. J. Hebdon from D. L. Wigginton re: Louisiana Power and Light Compnay (LP&L) Confirmation of its Response to NRC Bulletin 88-10 and Supplement 1 to Bulletin 88-10 (TAC NO. 71372) (1 page)
- 40. Undated Memo for R. H. Wessman from M. B. Fairtile, re: Vermont Yankee Nuclear Power Corporation Confirmation of Its Response to NRC Bulletin 88-10 and Supplement 1 to Bulletin 88-10 (TAC No. 71369) (1 page)
- 41. 12/13/88 Memo for E. L. Jordan from J. H. Sniezek, re: Advanced Notice of Proposed Rulemaking "Acceptance of Products Purchased for Use in Nuclear Power Plan Structures, Systems and Components" (24 pages)
- 42. 5/10/89 Memo for T. Murley, et al., from J. C. Stone, re: Forthcoming Meeting with NUMARC on Molded Case Circuit Breakers (3 pages)

RECORDS BEING TOTALLY WITHHELD

1. 6/30/88 Letter to J. R. Balton from W. H. Briggs (3 pages) Ex. 5

LAW OFFICES BLECHER & COLLINS TWENTY-EIGHTH FLOOR BII WEST SIXTH STREET LOS ANGELES, CALIFORNIA 90017 (213) 622-4222 *ELECOPIER 12:31 622-1666 Saptember 14, 1989 FREEDOM OF INFORMATION Freedom of Information Officer ACT REQUEST United States Nuclear Regulatory Commission FOIA-89-404 Washington, D.C. 20555 ack 9-20-89 Attention: FOIA Request Re: Freedom of Information Act Request Dear Sir or Madam: Under the provisions of the Freedom of Information Ac+ 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

EXHIBIT "A"

DEFINITIONS AND INSTRUCTIONS

- 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.
- 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 1sgal 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

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

. 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
- 1) K. R. Naidu, NRR.