



U.S. NUCLEAR REGULATORY COMMISSION

NUDIXS
RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NRC FOIA REQUEST NUMBER(S)

FOIA - 89-404

RESPONSE TYPE

FINAL

PARTIAL

DATE

FEB 12 1990

DOCKET NUMBER(S) (if applicable)

REQUESTER

Mr. Donald Peppersman

PART I - AGENCY RECORDS RELEASED 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.

Agency records subject to the request that are identified on Appendix(es) *T* are already available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC 20555.

Agency records subject to the request that are identified on Appendix(es) *U* 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.

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.W., Washington, DC.

Agency records subject to the request are enclosed. *Appendix U*

Records subject to the request have been referred to another Federal agency(ies) 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 dated _____ No _____.

PART II - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

Certain 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.

COMMENTS

9002130268 900212
PDR FOIA
PCO PERMB9-404 PDR

John Phillips for

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

APPENDIX T

RECORDS MAINTAINED AMONG PDR FILES

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1.	11/22/88	Enclosure 1 to Document U/1 -- NRC Bulletin No. 88-10: Nonconforming Molded-Case Circuit Breakers (13 pages) ANO 8811180315
2.	12/30/88	Enclosure 2 to Document U/1 -- NRC Information Notice No. 88-46, Supplement 2: Licensee Report of Defective Refurbished Circuit Breakers (13 pages) ANO 8812280051
3.	12/16/88	Enclosure 3 to Document U/1 -- NRC Information Notice No. 88-97: Potentially Substandard Valve Replacement Parts (4 pages) ANO 8812120047

APPENDIX U

RECORDS BEING PLACED INTO THE PDR UNDER THE ABOVE REQUEST NUMBER

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1.	2/7/89	Letter to R. K. Dawson from V. Stello, Jr., re: Forwarding Information Notices and Bulletin (2 pages) [See Appendix T for enclosures.]
2.	9/13/88	Memo to File from V. Stello, Jr., re: Summary of meeting with NUMARC on 8/29/88 with enclosures (12 pages)
3.	8/3/88	Meeting presentation by V. Stello, Jr. entitled "NRC Technical Review and Actions Regarding the Possible Use of Counterfeit and Substandard Materials in Nuclear Power Plants" (3 pages)

LAW OFFICES
BLECHER & COLLINS
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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.

89-12146030 (11 pp)

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.