



727DOCS

### RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

REQUESTER *Mr. Paul Ginter*

#### PART I. - AGENCY RECORDS RELEASED OR NOT LOCATED (See checked boxes)

- No agency records subject to this 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 in Appendix(es) \_\_\_\_\_ are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.
- Agency records subject to the request that are identified in Appendix(es) C are 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.
- 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.
- Agency records subject to the request that are identified in 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 located at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.
- Agency records subject to the request are enclosed.
- Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.
- Fees *Waived*
- You will be billed by the NRC for fees totaling \$ \_\_\_\_\_.
- You will receive a refund from the NRC in the amount of \$ \_\_\_\_\_.
- In view of NRC's response to this request, no further action is being taken on appeal letter dated \_\_\_\_\_, No. \_\_\_\_\_.

#### PART II. A - 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, 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.

COMMENTS

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

*[Signature]*

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PDR FOIA  
GINTER95-145 PDR

APPENDIX C

RECORDS BEING PLACED INTO THE PDR UNDER THE ABOVE REQUEST NUMBER

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1.	6/4/92	Note to K. E. Walker from R. Architzel re Receipt of Technical Information and Transcripts without enclosure (1 page)
2.	6/26/92	E-mail to C. McCracken from R. E. Architzel re Conversation w Ruben Feldman (1 page)
3.	4/5/95	Note to J. Ulie & R. Paul from R. Architzel re Material Received from Comanche Peak by Region IV (1 page)



# Nuclear Information and Resource Service

1424 16th Street NW, Suite 601, Washington, DC 20036 202-328-0002; fax: 202-462-2183; e-mail: nirsnet@aol.com

March 21, 1995

Mr. Donnie H. Grimsley  
Division of Rules and Records  
Office of Administration and Resources Management  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-95-145  
Rec'd 3-27-95

## FREEDOM OF INFORMATION ACT REQUEST

Mr. Grimsley:

Pursuant to the Freedom of Information Act, 5 U.S.C. 522, as amended, and 10 CFR 9.8 of the Commission's regulations, Nuclear Information and Resource Service, herein after referred to as NIRS, request documents pertaining to communications between Mr. Conrad McCracken, NRR/SPLB, and Mr. Ralph Architzel, Section Chief, NRR, and NRC Fire Protection Engineers David P. Notley, Dennis Kubicki, and Charles "Chuck" Ramsey, referencing Mr. Rubin Feldman, President, Thermal Science, Incorporated and/ or Thermo-Lag 330-1.

Specifically, NIRS requests the following documents;

- 1.) All documents and communications to and from Mr. Conrad McCracken and Mr. Ralph E. Architzel referencing Mr. Rubin Feldman and/or Thermal Sciences Incorporated and/or Thermo-Lag 330-1 for the years 1981 through 1992.
- 2.) All documents and communications to and from Mr. Conrad McCracken and Mr. David P. Notley for the time period of 1981 to 1991 referencing Mr. Rubin Feldman, Thermal Sciences, Incorporated and/or Thermo-Lag 330-1.
- 3.) All documents and communications to and from Mr. Conrad McCracken and Mr. Dennis Kubicki referencing Thermal Sciences Incorporated, Rubin Feldman and/ or Thermo-Lag 330-1 for the years 1981 through 1991.
- 4.) All documents and communications to and from Mr. Conrad McCracken and Mr. Charles "Chuck" Ramsey referencing Thermal Sciences Incorporated, Rubin Feldman, and/ or Thermo-Lag 330-1 for the years 1981 through 1991.

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Please consider documents and communications to include reports, studies, test results, correspondence, memoranda, meeting notes, meeting minutes, working papers, graphs, charts, diagrams, notes and summaries of conversations and interviews, computer records and any other form of written communications including NRC internal documents.

Pursuant to this request, please provide all documents and communications prepared or utilized by, in the possession of, or routed through the NRC related to items 1-4.

Pursuant to and in compliance with 10 C.F.R. 9.41 of the Commission's regulation governing request for waiver of fees, NIRS put forth the following information.

NIRS seeks the requested information solely to contribute to and help shape the public debate on fire safety in nuclear power plants and public health and safety.

NIRS intends to use the information in order to advance the concerns for public understanding and safety.

NIRS is qualified to make use of the requested information. The staff has demonstrated the ability to interpret information and communicate that information in a form comprehensible to the general public. Members of the NIRS staff have published articles in such national journals as The Progressive, Nuclear Times, Newsday and Bulletin of Atomic Scientists. NIRS is quoted as a reliable source of information on nuclear issues in newspapers across the country, including the New York Times, The Washington Post, and The San Francisco Chronicle.

NIRS has a working relationship with fire protection consultants, physicists, engineers, medical doctors, and other respected professionals who contribute to the full understanding of technical records.

The information sought by NIRS is not, to the best of our knowledge, in the public domain.

The general public has displayed a great interest in nuclear issues and fire safety at nuclear power plants and the requested information will certainly increase the public's understanding of this matter and the role of government in regulating nuclear power and public health.

NIRS has demonstrated its ability and commitment to inform the public on all important nuclear issues. NIRS regularly publishes a trade journal, The Nuclear Monitor, for which this information will be of use. Since 1978, NIRS has provided information on nuclear issues to the public, the press, members of Congress, state and local government officials as well as hundreds of citizen groups across the country. NIRS provides this information free of charge and has neither a commercial nor a private interest in the agency records sought.

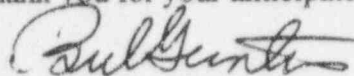
Under the amended fee waiver standard, NIRS is clearly entitled to a full waiver of all search, review and duplication fees. This standard calls for such a waiver, "if disclosure of the

information is in the public interest because it is likely to contribute significantly to the public understanding of the operation or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. 552 (a) (4) (A) (iii)

In light of the foregoing, the NIRS request meets this standard on its face. NIRS has no commercial interest in this matter, but rather seeks this information to help the general public better understand the role of government in regulating the nuclear industry.

For all the reasons stated above, the NIRS request falls squarely within the Congressional intent in enacting the Freedom of Information Act and the fee waiver provision. We, therefore, ask that the Agency grant a full waiver for this FOIA request.

Thank you for your anticipated cooperation,



Paul Gunter, Director  
Reactor Watchdog Project