



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

PDR-016
LPDR

Docket No. 50-528/529/530

MAY 14 1984

Ms. Lynn Bernabei
Government Accountability Project
Institute for Policy Studies
1901 Que Street, NW
Washington, DC 20555

IN RESPONSE REFER
TO FOIA-83-609

Dear Ms. Bernabei:

This is in further response to your October 17, 1983, letter requesting records relating to problems encountered by the Arizona Public Service Company during hot functional testing of the Palo Verde, Unit 1, including but not limited to the following failures: broken thermowells, loose and broken parts to the reactor coolant pumps, loose thermal sleeves, and cracked shrouds on the CEA upper support structure.

A document, 50 - Hour Performance Test Procedure for Type R01 Reactor Coolant Pumps, dated September 27, 1978 (18 pages), is subject to your request and is being withheld in its entirety. Release of this information could cause substantial harm to the competitive position of Combustion Engineering's KSB Pump Company in that the pump test loop and its instrumentation are unique. Also, the specific test criteria stated in this document have been developed after numerous hours of detailed testing performed in the described facility. The NRC has reviewed Combustion Engineering's proprietary claim and agrees that the information involved is proprietary.

This document is being withheld from public disclosure pursuant to Exemption (4) of the Freedom of Information Act (5 U.S.C. 552(b)(4)) and 10 CFR 9.5(a)(4) of the Commission's regulations. The document does not contain any reasonably segregable factual portions.

8411290163 840514
PDR FOIA
BERNABB4-609 PDR

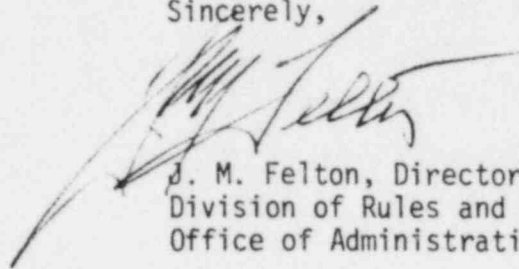
MAY 14 1984

Pursuant to 10 CFR 9.9 of the Commission's regulations, it has been determined that the information is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for this denial are the undersigned and Mr. Harold R. Denton, Director, Office of Nuclear Reactor Regulation.

This denial may be appealed to the Commission's Executive Director for Operations within 30 days from the receipt of this letter. 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."

One remaining document subject to your request is being reviewed for proprietary information. You will be notified upon the completion of our review.

Sincerely,



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

GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies

1901 Que Street, N.W. Washington, D.C. 20009

(202) 234 9382

October 17, 1983

Director
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-83-609

Rec'd 10-20-83

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, the Government Accountability Project (GAP) of the Institute for Policy Studies requests copies of any and all agency records and information, including but not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, diaries, interview reports, procedures, instructions, engineering analyses, drawings, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, and other data compilations, interim and/or final reports, status reports, and any and all documents related to problems encountered by the Arizona Public Service Company during hot functional testing of Palo Verde, Unit 1, including but not limited to the following failures: broken thermowells, loose and broken parts to the reactor coolant pumps, loose thermal sleeves and cracked shrouds on the CEA upper support structure.

If any records have been destroyed and/or removed, please provide all surrounding records, including but not limited to a list of all records which have been or are destroyed and/or removed, a description of the action(s) taken, relevant date(s), individual, office and/or agency-wide policies and/or justification(s) for the action(s), identification of all personnel involved with the action(s), and any and all records relevant to, generated in connection with, and/or issued in order to implement the action(s).

GAP requests that fees be waived, because "finding the information can be considered as primarily benefitting the general public." U.S.C. § 552(a)(4)(A). The Government Accountability Project is a non-profit, non-partisan public interest organization concerned with honest and open government. Through legal representation, advice, national conferences, films, publications and public outreach, the Project promotes whistleblowers as agents of government accountability.

Dupe PDR
8442080026

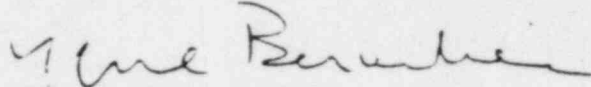
Director
Office of Administration
Page Two
October 17, 1983

GAP requests the above information as part of an ongoing monitoring project on the adequacy of the NRC's efforts to protect public safety and health at nuclear power plants.

For any documents or portions that you deny due to a specific FOIA exemption, please provide an index itemizing and describing the documents or portions of documents withheld. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is relevant to the document or portion of the document withheld. This index is required under Vaughn v. Rosen (I) 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

We look forward to your response to this request within ten working days.

Sincerely yours,


Lynne Bernabei
Staff Counsel

pdc

L