



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

PDR-016

Docket Nos. 50-528/529/530

AUG 24 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 one-page document, entitled, "Recommended Radial Gap Standards," is subject to your request and is being withheld. Release of this information could cause substantial harm to the competitive position of Energy Research and Consultants Corp., (ERACC), a consulting firm engaged in professional services in a very specialized field. Disclosure of this type of information could result in the uncompensated sharing of many years of work and experience of the firm and impair ERACC's ability to compete with others in providing the same services. The NRC has reviewed ERACC's proprietary claim and agreed 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.

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.

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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."

This completes NRC's action on your request.

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Felton", with a long horizontal flourish extending to the right.

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.

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Director
Office of Administration
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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

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