



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
STATE CONSUMER PROTECTION BOARD
99 WASHINGTON AVENUE, ALBANY, NEW YORK 12210

KAREN S. BURSTEIN
CHAIR AND EXECUTIVE DIRECTOR

November 1, 1982

UTILITY INTERVENOR UNIT
(518) 474-5015

Mr. Joseph Felton
Director, Division of Rules
and Records
Freedom of Information Act Office
U.S. Nuclear Regulatory Commission
1717 H. Street, N.W.
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-82-534
Rec'd 11-4-82

Re: FREEDOM OF INFORMATION ACT REQUEST

Mr. Felton:

Pursuant to 5 U.S.C.A. §552, the New York State Consumer Protection Board, Ms. Karen S. Burstein, and David A. Schlissel hereby request that the records listed below be made available for immediate public inspection and copying.

As the documents will be used by the Consumer Protection Board in Public Service Commission Case 28166 on behalf of the interests of the ratepayers of the Rochester Gas & Electric Corporation, we request that all fees be waived pursuant to 5 U.S.C.A. §552(4) (A) and 10 C.F.R. §9.14(a). Public Service Commission Case 28166 concerns the accident at the R.E. Ginna Nuclear Facility last January and will decide who should pay for excess fuel and purchased power costs, ratepayers or stockholders of RG&E. The documents sought in this request will be used as part of cross-examination and direct testimony filed by the staff of the Consumer Protection Board on behalf of RG&E ratepayers.

We request a substantive reply to this Freedom of Information Act Request within 10 working days. 5 U.S.C.A. §552(6) (A) and 10 C.F.R. 9.8(c).

This Freedom of Information Act Request seeks access to the following documents for inspection and copying:



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1. Copies of all reports, memoranda, correspondence, or other documents, records, or work products, identifying, listing, discussing, analyzing, suggesting, recommending, or reporting the procedures used for the downcomer flow resistance plate removal modifications at the following facilities:

Turkey Point Unit 4 in May, 1975;

Robinson Unit 2 in November, 1975;

Turkey Point Unit 3 in November-December, 1975;

Indian Point 3 and Point Beach Units 1 and 2 in 1976.

This request includes, but is not limited to all reports, memoranda, correspondence, or other documents, records or work products, identifying, listing, discussing, recommending or reporting the quality assurance procedures and/or the procedures for material accountability used during those removal modifications.

2. A copy of the Gray Book (WASH 1283) and the Orange Book (WASH 1284) in effect in April, 1975.
3. Copies of any technical information letters, advisories, alerts, reports, studies, analyses, or other correspondence, documents, records, or work products, distributed to the Rochester Gas & Electric Corporation and/or any other owner or operator of a pressurized water reactor facility, by the NRC or NRC personnel (as that term is defined in 10 C.F.R. §9.3a) concerning any of the following events:
 - * The October, 1979 steam generator tube rupture at the Prairie Island 1 facility;
 - * The September, 1976 tube rupture at the Surry 2 facility;
 - * The 1979 discovery of loose parts in a steam generator at the North Anna 1 facility;
 - * The February, 1980 discovery of loose parts in a steam generator at the North Anna 1 facility;
 - * The March, 1978 discovery of loose parts at the Crystal River 3 facility;
 - * The July, 1977 discovery of loose parts at the Davis-Besse 1 facility.

4. Provide copies of any technical information letters, advisories, alerts, reports, studies, analyses, or other correspondence, documents, records, or other work products distributed to the Rochester Gas & Electric Corporation since January 1, 1975 from the NRC or NRC personnel advising, recommending, suggesting, or discussing the need for inspection for the presence of foreign objects or loose parts inside steam generators.
5. With regard to page 5-47 of the Ginna Restart Safety Evaluation Report (NUREG 0916), provide copies of any reports, studies, analyses, or other correspondence, documents, records, or work products, prepared by the NRC, NRC personnel, the Rochester Gas & Electric Corporation, or the Westinghouse Corporation, their agents or employees, which were developed or used in arriving at, and/or are in support of, the conclusion that "Material accountability controls in use during the 1975 downcomer resistance plate removal modification were ineffective in detecting the presence of foreign material located in the secondary side of the steam generators." Provide copies of any such correspondence, documents, records, or work products for each of the four specific deficiencies identified on page 5-47 immediately following the statement quoted above.
6. With regard to the statement of page 5-22 of NUREG 0916 that "Many of these features are suggestive of a mechanical or peening-like action on the surface of the tube such as might be caused by a foreign object", provide copies of any correspondence, documents, records, or other work products which were developed or used in arriving at, and/or are in support of, this statement. Please also provide copies of any studies, reports, analyses, correspondence, documents, records, or other work products prepared by the NRC consultant identified in that same paragraph on page 5-22 of NUREG 0916.
7. With regard to the statement on page 5-12 of NUREG 0916 that "This peripheral pattern of tube degradation is not typical of the corrosion problems which have been experienced by the industry" and the statement on page 5-9 of NUREG 0916 that "With the exception of tube degradation at the periphery of the hot-leg in B-steam generator..." provide copies of any studies, reports, analyses, correspondence, documents, records or other work products prepared since April 1, 1975 by the NRC, NRC personnel, RG&E, or Westinghouse Corporation, their agents or employees, which identify, indicate or discuss in what manner the tube degradation was not typical of that experienced by the industry and/or which identify, indicate, analyze, study or discuss possible causes for this atypical degradation.

On behalf of the State Consumer Protection Board, Ms. Burstein and myself, I would like to thank you in advance for your prompt attention to this request.

Sincerely,

David A. Schlissel

David A. Schlissel,
Of Counsel