

# Y. T. HUNG

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## FOIA/PA REQUEST

Case No: 96-459  
Date Rec'd: 11-4-96  
Action Off: 2001  
Related Case: \_\_\_\_\_

October 31, 1996

Mr. Russell Powell  
Chief of Freedom of Information Act,  
Nuclear Regulatory Commission  
Two White Flint North Building  
T-6D4  
Washington, DC 20555

Dear Mr. Powell/Leary

This is a request pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Section 552, as amended.


I hereby request on behalf of [REDACTED] et al, American citizens, the following:

- (1) Any and all documents, agreements, notes, electronic records, reports, communications and memorandum pertaining in whole or in part to the Lungmen Nuclear Power Project located in Taiwan, including, but not limited to:
  - i. all documents relating to the entire Lungmen project, not just the components and work provided by the General Electric Company (GE); or GE's contractors, affiliates in the U.S.A. and in Japan.
  - ii. all documents between or among the NSC and other agencies of the United States Government, including, but not limited to the Export-Import Bank, NRC, DOE, and the State Department.
- (2) Any and all documents, notes, electronic records, reports, communications and memorandum pertaining in whole or in part to efforts by the Taiwan government and/or Taiwan business concerns, such as the Taiwan Power Company, to obtain nuclear related information or technology from U.S. companies.

Due to the substantial public and Congressional interest in ensuring that the health, safety and environmental impact currently surrounding the proposed sale of nuclear equipment, materials, and related services to Taiwan, request that the NSC expedite the process of making available the documents requested, and to not treat this request in a "first-in, first-out" manner.

We are prepared to pay normal search fees and copying fees. However, the FOIA provides that you may waive fees if it "is in the public interest because furnishing the information can be considered as primarily benefiting the public," 5 U.S.C. Section 552 (a) (4) (A). Therefore, we request that you waive all fees in connection with this request. We further ask, in the event that fees are not waived, that you inform us of the specific basis for such a decision. We further request that you notify us if you expect fees to exceed \$50.

Very truly yours,

  
P. T. Hung

cc:

Dr. Specker responded that the issue had been addressed primarily through the separation of logic.

- Chairman Jackson questioned whether there was a move for more of the construction and manufacturing work to be performed by Japanese companies. Dr. Specker noted that Japan will play a larger role in the construction of additional facilities and that this issue was the subject of ongoing negotiations. Chairman Jackson inquired whether the NRC approval of the ABWR design had an impact on GE's international business. Dr. Specker asserted that the approval did have a positive effect on negotiations with Taiwan but that the agreement with Japan had occurred prior to the design approval. Dr. Specker pointed out that GE was in the process of conducting seminars and ABWR design feasibility studies with the Chinese.
- Chairman Jackson inquired about the changes that had been made following the potential inadvertent criticality at the GE Wilmington fuel facility in 1991. Dr. Specker stated that there had been involvement at the highest level of GE following the incident. As a result there had been a total change in facility management and that the facility performance, as recognized in recent inspections performed by the NRC, had improved. Dr. Specker also stated that currently there were major facility improvements underway including changes in the  $UF_6$  to  $UO_2$  power conversion process. The process is being converted from a wet to a dry process which results in significant reductions in the waste stream.
- Dr. Specker commented that the proposed design certification rule, as written, does not give the consumer the necessary confidence in the review and approval of the design since there are too many opportunities for changes. Chairman Jackson noted that there was a workshop scheduled on the rule on December 4, 1995. Dr. Specker asserted that if the rule isn't changed to reduce the uncertainty then the process has failed.
- Dr. Specker asserted that the revision of 10 CFR Part 70 had the potential to have a huge financial impact on the GE fuel facilities and that these facilities operate in a very competitive environment. Dr. Specker explained that the prescriptive aspects of the changes, particularly in the areas of quality and training, would result in increased costs. Chairman Jackson asked Dr. Specker if he could argue that these aspects of the revision did not have an effect on Public Health and Safety. Dr. Specker indicated that he could but did not elaborate. Dr. Specker continued the discussion of the revision of Part 70 by noting that the NRC initiated a dialogue with the industry when first considering the revision. Following the initial discussions there was a two year period where the NRC did not have any dialogue with industry after which the NRC proposed the complete rewrite of Part 70. Dr. Specker asserted that it was important for the NRC to communicate the objective of the revision and determine whether the problems could be resolved without rewriting Part 70. Dr. Specker asserted that there was cynicism in the industry about the workshop and that the industry thought that the workshop would be used as a showcase for the NRC to justify why Part 70 needs to be rewritten.

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