



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

FEB 27 1986

Dr. Zinovy V. Reytlatt
Lewis College of Science and Letters
Illinois Institute of Technology
Chicago, IL 60616

IN RESPONSE REFER
TO FOIA-86-21

Dear Dr. Reytlatt:

This is in response to your letter dated December 23, 1985, in which you requested, pursuant to the Freedom of Information Act (FOIA), records regarding any NRC staff review of unofficial leak rate tests at the Palo Verde nuclear power plant.

The NRC has no documents subject to your FOIA request. The staff has informed us that it does not review "unofficial" integrated leak rate tests (that is, any tests not required by Commission regulations as specified in 10 CFR Part 50, Appendix J). The staff also informed us that Mr. Bernero's letter of November 18, 1985, does not state that a written product was prepared and there is no record regarding the review of the test report.

Sincerely,

A handwritten signature in cursive script, reading "Donnie H. Grimsley".

Donnie H. Grimsley, Director
Division of Rules and Records
Office of Administration

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PDR FOIA
REYTLAT86-21 PDR

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



NOV 18 1985

Docket No. 50-295

Dr. Zinovy V. Reytblatt
Illinois Institute of Technology (Building E1, Room 208)
10 West 32nd Street
Chicago, Illinois 60616

Dear Dr. Reytblatt

Your letter of July 31, 1985 makes a number of comments critical of this Agency's handling of your claims with respect to alleged inadequacies in the containment leak rate tests performed at light water reactor plants in accordance with 10 CFR Part 50, Appendix J. You have pressed your claims and allegations with respect to containment leak rate testing with this Agency over the last several years, and your submittals have received appropriate technical review. This has also been the case with your July 31, 1985 letter. We even held a public meeting with you on October 17, 1985 at the NRC Offices in Glen Ellyn, Illinois, to accommodate your request for a technical discussion of the July 3, 1985 decision (DD-85-10) on your petition, even though this Agency was not obligated to do so under 10 CFR 2.206. Enclosed is a copy of the verbatim transcript from that public meeting.

The NRC staff has reviewed your letter of July 31, 1985, including referenced correspondence, your collateral correspondence with other staff members and industry representatives that was related to the public meeting, and the transcript of the meeting (including a draft resolution which you presented), and determined that no new safety issues of significance have been raised. With respect to the various comments and claims that you raise in your correspondence concerning prior actions by this Agency and decisions which have been made, I view them as opinionated disagreements with the decisions. Consequently, we do not intend to consider this matter further with you.

I would like to briefly respond, however, to your discussion, at the meeting, of the Palo Verde, Unit 1 pre-operational integrated leak rate test conducted in 1982. You have suggested that stabilization is a convenient way to eliminate data that would contribute to predicting a higher leak rate, e.g., in the presence of a diurnal temperature cycle. My staff has reviewed the Palo Verde, Unit 1 test report and finds no evidence of diurnal effects in the pressure and temperature plots. Also, we continue to maintain that the stabilization period prior to conducting the integrated leak rate test is a vital element in the test procedure, and will be retained. We note, too, that your slide purports to be a factual representation of the Palo Verde, Unit 1 test result, and to the uninitiated, the slide would appear to support your point of view. However, the data from the Palo Verde, Unit 1 test do not follow the curve you constructed.

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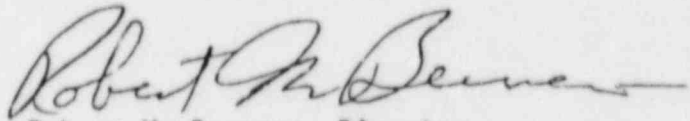
Dr. Reytblatt

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In my review of the transcript of our October 17, 1985, meeting I noted dozens of instances where you accused the NRC staff members present, and others with conduct ranging from ignorant statements, up through sham and deceit to fraudulent behavior. Such accusations have been a characteristic of your many pieces of correspondence and meetings with us on this subject. Because of the gravity of these charges we have referred your claims to our Office of Inspector and Auditor for appropriate action. Nevertheless, I repeat what I said in our meeting (TR. pp. 90-91), "confine your remarks to the technical substance." Your habit of impugning peoples character, motives and actions is not scientific, and I consider it inappropriate and unprofessional.

Sincerely,



Robert M. Bernero, Director
Division of Systems Integration

Enclosure:
As stated

cc (w/enclosure):

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