

**THE PORT AUTHORITY OF NY & NJ**

September 23, 2015

*FOI Administrator*

Ms. Stephanie L. Jonaitis  
Pepper Hamilton LLP  
301 Carnegie Center, Suite 400  
Princeton, NJ 08543-5276

Re: Appeal of Freedom of Information No. 14831

Dear Ms. Jonaitis:

This is in furtherance of our July 31, 2015 letter transmitting the decision of the Port Authority Freedom of Information Review Board (the "FIRB") in connection with the May 29, 2015 appeal of your April 8, 2015 Freedom of Information request.

The FIRB was unable to determine if the withheld documents specifically challenged in this appeal, as highlighted by the requester in the Exemption Log, fall within the relevant, corresponding New York and New Jersey State "competitive advantage" and "deliberative process" exemptions, as OSEC has failed to set forth any particularized basis for claiming those privileges. Therefore, it was the decision of the FIRB that OSEC set forth, specifically and factually, the basis of the withholding each and all of the challenged documents within 45 days.

Material responsive to your request and available under the Code is attached. Certain portions of the material are exempt from disclosure as, among other classifications, intra-agency deliberative process.

Please refer to the above FOI reference number in any future correspondence relating to your request.

Very truly yours,



Danny Ng  
FOI Administrator

Enclosure

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**THE PORT AUTHORITY OF NY & NJ**

August 9, 2010

VRH Construction Corp.  
320 Grand Avenue  
Englewood, NJ 07631

Attention: Mr. Jeffrey Konen

**SUBJECT: NEWARK LIBERTY INTERNATIONAL AIRPORT  
EWR-264.003 – TERMINAL B MODERNIZATION PROGRAM  
LOWER LEVEL EXPANSION & B1 VERTICAL CIRCULATION**

**Reference: VRH letter to PANYNJ, dated 7/29/10**

Dear Mr. Konen:

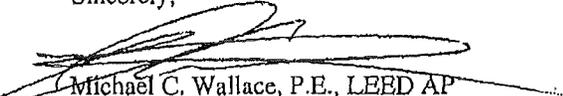
We are in receipt of your letter regarding the clarifications to the recertification of the Low Voltage Switchgears SA, SB, NB and EMDS-1 (North Generator).

Many of the Port Authority's concerns have been addressed in your response, but the following items listed below must be agreed to in order for the PA to fully accept and allow the recertification to commence:

1. Submit a fully inclusive certification process, which incorporates all correspondences to date to the Resident Engineer for final review. The certification process is defined as all inspections and test procedures proposed by Siemens, SM Electric, VRH and the Port Authority. The reference correspondences are as follows:
  - a. Siemens' Letter dated June 30, 2010
  - b. VRH Letter, J. Konen to M. Wallace, dated July 29, 2010
  - c. This correspondence
2. In the absence of a definitive conclusion to the busbar discoloration/corrosion and an explanation to what environmental factors the equipment may have been exposed to, the PA is requiring a five (5) year warranty from the in-service date with thermographic testing performed in accordance with NETA standards at the following intervals: 6 mo., 1, 2, 3, 4 and 5<sup>th</sup> year. The thermographic testing must be performed by a certified, independent, third party testing agency.
3. All devices designated for destructive testing and/or shipment back to the factory will be chosen in the field by PA Resident Engineer.
4. All destructive testing will be performed at Newark Airport in the witness of a PA representative.
5. The galvanized connections to the uncoated busbar sections have yet to be addressed. A corrective action to this issue must be received or all galvanized connections removed and replaced.
6. Any sections of busbar that were burnished or sanded in an attempt to remove the discoloration must be replaced.

Please forward your concurrence and all pertaining documentation so that work can commence.

Sincerely,

  
Michael C. Wallace, P.E., LEED AP  
Senior Resident Engineer  
Central Terminal Area, EWR

Building #125, Central Terminal Area  
Newark, NJ 07114  
T: 973 622 0800



**THE PORT AUTHORITY OF NY & NJ**

July 23, 2010

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VRH Construction Corp.  
320 Grand Avenue  
Englewood, NJ 07631

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Attention: Mr. Jeffrey Konen

**SUBJECT: NEWARK LIBERTY INTERNATIONAL AIRPORT  
EWR-264.003 - TERMINAL B MODERNIZATION PROGRAM  
LOWER LEVEL EXPANSION & B1 VERTICAL CIRCULATION**

**Reference:** Siemens letter to PANYNJ, dated 6/30/10

Dear Mr. Konen:

We are in receipt of the Siemens's letter forwarded by VRH that reviews and provides recommendations for recertification of the Low Voltage Switchgears SA, SB and NB.

The Port Authority acknowledges that this issue is finally being given the proper priority and attention; however, several questions have arisen that need to be reviewed in order for a final determination to be provided. They are as follows:

**Repair to Discolored Busbar**

1. Pg 2 - How will the bus be cleaned between the stacked bus bars? How will it be verified?
2. Pg 2 - Under Recommended Steps, the installation of brushed on electroplate on the exposed electrical connection points does not fully address the remaining bus that was to be plated in accordance with PA Specifications.
3. Pg 2 - what is the procedure if evidence of corrosion is found on any of the equipment identified in (1) through (6)?
4. The installation of this brush-on plating must be done by a certified entity, approved by the manufacturer, Siemens. Written confirmation of this approval would be required.

**Electrical Components**

1. There is no mention of inspection for the electronic trip units and/or replacement if corrosion or damage is found.
2. Item #5 on page 3 states "Return one circuit breaker from each lineup." It needs to be changed to "Return one WL circuit breaker and one molded case circuit breaker from each switchgear and switchboard."

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Cont'd  
Mr. Jeffrey Konen

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~~In addition to the above, this latest letter does not fully address or determine what was the root cause of the initial busbar discoloration. Without a definitive response, statements regarding the service life of the equipment are questionable and would have to be backed by a warranty of better than the suggested one year for the Port Authority's consideration.~~

Furthermore, any future response regarding this issue needs to come from VRH, with supporting documentation from SM Electric and Siemens. The PA has a Contract with VRH and we expect our general contractor to outline and captain all efforts necessary to put this issue to rest. The Resident Engineer's Office and Facility staffs are available to meet with you at the earliest convenience if necessary to discuss the aforementioned concerns and reach a viable resolution.

Sincerely,

Michael C. Wallace, P.E., LEED AP  
Senior Resident Engineer  
Central Terminal Area, EWR



July 29, 2010

Mr. Michael C. Wallace, P.E.  
The Port Authority of NY & NJ  
Newark Liberty International Airport  
Building 74, CTA  
Newark, NJ 07114

*Building trust*

*for 50 years.*

Re: EWR264.003  
Terminal B Modernization Program  
Lower Level Expansion & B1 Vertical Circulation  
VRH 2034

*1958-2008*

Dear Mr. Wallace,

The following response is provided to the questions raised in your 7/23/10 correspondence regarding the proposed recertification to the Siemens switchgear.

Repair to Discolored Busbar

1. As part of the recertification process in each vertical section Siemens will visually inspect at least four bolted joint contact surfaces by disassembling the Joint to ensure that the silver plating is still intact. The inspection will include both the cable and bus compartments.

Preliminary inspections performed to date have confirmed that the silver plating remains intact. In the event that the plating is not fully intact at any bolted connection, remedial repair to restore the silver plating will be performed.

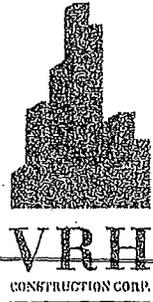
2. As confirmed by Barry Powell of Siemens in our 7/28/10 conference call; "The loss of silver outside the electrical joints will not reduce the current carrying capacity or negatively impact the temperature rise of the bus bars in service and will not reduce the effective service life of the equipment.

3. During the recertification process, any components or equipment found to be compromised by corrosion or other means will be refurbished or replaced.

4. A representative from the silver plating manufacturer will train and certify S. M. Electric personnel for the installation of the field applied silver plating. Siemens will inspect the application as part of the recertification process. Written confirmation of training will be provided.

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July 29, 2010

Mr. Michael C. Wallace, P.E.  
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Electrical Components

1. All electronic trip units will be visually inspected as part of the recertification process.

In addition, one unit from each line up (total of four units) will be disassembled for complete internal analysis.

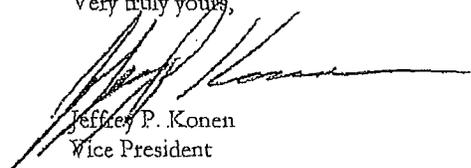
2. One WL circuit breaker from each line up (total of 4 breakers) will be shipped offsite for bench testing above and beyond field inspection. One molded case breaker from switchboards B1 and B2 will be shipped offsite for bench testing above and beyond field inspection.

Prior to commencement of the recertification process, Siemens will prepare a report to outline the inspection and testing procedures to be performed as part of the recertification. This report will be transmitted via separate cover.

Siemens will furnish a final recertification report and documentation stating that the equipment is certified as new consistent with new switchgear being shipped from the factory.

Siemens will provide a warranty for the equipment for a period of two (2) years from the in service date.

Very truly yours,



Jeffrey P. Konen  
Vice President

JPK:vmd