

TMIA: THREE MILE ISLAND ALERT, INC.

315 Peffer St., Harrisburg, Penna. 17102 (717) 233-7897

July 30, 1983

Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C.

Dear Sir:

Re: Appeal from an Initial FOIA Decision
FOIA-83-243
Docket No. 50-289

APPEAL OF INITIAL FOIA DECISION

83-A-18E(83-243)

Rec'd 8-2-83

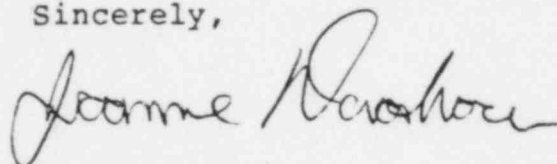
This letter is to appeal the withholding of certain documents requested in TMIA's May 7, 1983 request for documents under the Freedom of Information Act, which were denied by letter dated June 29, 1983 by J.M. Felton and Harold R. Denton. TMIA received this letter on July 2, 1983.

TMIA first appeals the denial of documents 1 through 5 listed on Appendix B of said letter, under FOIA exemption 5. The issue of steam generator tube repairs at TMI-1 is clearly a matter of immediate public concern, and in light of decisions now being made internally by the staff and Commission concerning whether significant safety hazard considerations are involved which would impact upon whether the public is granted a prior hearing in this case, it can not be legitimately asserted that production of these documents would be contrary to the public interest. Futher, there is no legal basis to withhold these documents in their entirety. Any factual or other information which can be segregated must be disclosed, and we request that it be done immediately.

Second, TMIA appeals withholding of information which has been characterized as "proprietary" or "commercial trade secrets" regarding the repairs of the steam generator tubes. Again, the issue of steam generator tube repairs at TMI-1 is a matter of tremendous and immediate public concern, and in light of decisions now being made internally by the staff an' Commission concerning whether significant safety hazard considerations are involved which would impact upon whether the public is granted a prior hearing in this case, it can not be legitimately asserted that production of these documents would be contrary to the public interest. Also, any factual or other information which can be segregated must be disclosed, and we request that it be done immediately.

Thank you for your prompt attention to this matter.

Sincerely,



Joanne Doroshow
TMIA

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PDR FOIA
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