

TMIA: THREE MILE ISLAND ALERT, INC.

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

August 4, 1983

Executive Director for Operations
Attention: Carol Ann Reed
Division of Rules of Records
FOIA Office
U.S. Nuclear Regulatory Commission
Washington, D.C.

Dear Sir:

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

This letter is to follow-up on a telephone conversation concerning records which TMIA has located in the PDR concerning FOIA-83-243 which were not listed in Appendix A submitted in response to this request. TMIA has appealed certain aspects of this response by letter dated July 30, 1983.

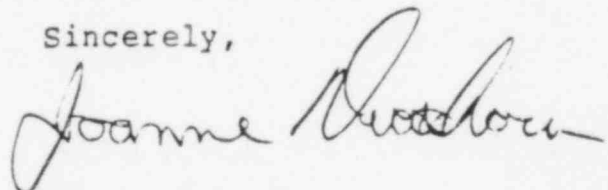
TMIA has included in its appeal a challenge to the denial of production of documents which have been characterized as "proprietary" or "commercial trade secrets" regarding the repairs of the steam generator tubes. References to documents which have been withheld from public disclosure on this basis can be found in the public document room. (See below). None of these documents were listed in Appendix A of the response. We have also come to learn that a number of other documents which were properly the subject of FOIA-83-243 can be located in the PDR, but were not listed on Appendix A. This raises the issue of "inadequacy of search." Thus, TMIA requests to amend its letter of appeal dated July 30, 1983 to include the additional issue of "inadequacy of search."

Those documents which TMIA has so far been able to identify in the PDR which have been withheld from public disclosure on the basis that they contain "proprietary information," are as follows:

- 8304130437, dated March 31, 1983 *8304130437 - 440*
- 8301250622, dated January 20, 1983 *8301250622 - 628*
- 8212150110, dated December 10, 1982 *8212150110 - 170*
- 8210280230, dated December 25, 1983 *8210280230 - 170*

Thank you for your prompt attention to this matter.

Sincerely,



Joanne Doroshov
TMIA

8312280061 830730
PDR FOIA
DOROS83-A-18E PDR



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

JUN 29 1983

Docket No. 50-289

Ms. Joanne Doroshow
Three Mile Island Alert, Inc.
315 Peffer Street
Harrisburg, PA 17102

IN RESPONSE REFER
TO FOIA-83-243

Dear Ms. Doroshow:

This is, in partial response to your letter dated May 7, 1983, in which you requested, pursuant to the Freedom of Information Act, copies of any and all documents which discuss, evaluate, analyze or explain the causes or repair of steam generator problems at TMI-1. You requested only documents not supplied in response to TMIA's FOIA request of November 3, 1982, FOIA-82-552.

In partial response to your request, we are providing you with copies of the documents listed on Appendix A. Please note that in addition to the documents listed on Appendix A, numerous other documents pertinent to the subject of steam generator repairs at TMI-1 have been placed in the NRC's Local Public Document Room (LPDR) for the TMI-1 facility located at the State Library of Pennsylvania, Forum Building, Commonwealth & Walnut, Harrisburg, PA 17109. Mr. John Geschwindt, Head, Government Publications Section, is in charge of the LPDR collection. These documents are available for public inspection and copying.

Documents 1 through 5 listed on Appendix B are preliminary documents containing advice, opinions, and recommendations of the staff which have been provided for preparation of a Safety Evaluation Report (SER) on the Steam Generator Repairs at TMI-1. The SER is currently being prepared. These Appendix B documents are predecisional documents exempt from mandatory disclosure and are being withheld in their entirety pursuant to Exemption 5 of the Freedom of Information Act (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations.

Pursuant to 10 CFR 9.9 of the commission's regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The persons responsible for this denial are the undersigned and Mr. Harold R. Denton, Director, Office of Nuclear Reactor Regulation.

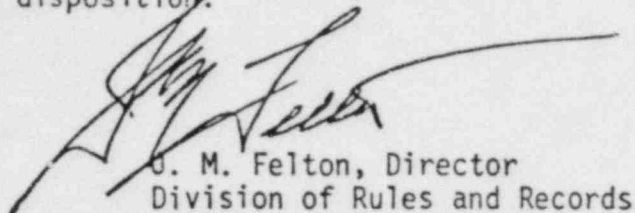
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Ms. Joanne Doroshow

-2-

This denial may be appealed to the Commission's Executive Director for Operations within 30 days from the receipt of this letter. As provided in 10 CFR 9.11, any such appeal must be in writing, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision".

A few additional documents are under review and we will communicate with you again concerning their disposition.



G. M. Felton, Director
Division of Rules and Records
Office of Administration

Enclosures: As stated

APPENDIX A

1. 6/18/82 Memo to D. G. Eisenhut (NRC) from J. F. Stolz (NRC) Subject: TMI-1 Steam Generator Repair Independent Third Party Review. (1 page)
- * 2. 6/18/82 Memo to V. Benaroya (NRC) from C. McCrackin (NRC) Subject: Status Update for TMI No. 1 S. G. Corrosion/Repair. (3 pages) Accession No. 8206290475
3. 7/23/82 Memo to various NRC addressees from R. Jacobs (NRC) Subject: Daily Highlight re: TMI-1 Steam Generator Repair Technique. (1 page)
4. 9/15/82 Memo for NRC Commissioners from J. E. Zerbe, Subject: Follow-up to September 10, 1982 Commission Meeting on TMI-1 Restart. (1 page)
5. 10/28/82 Trip Report to TMI-1 by FRC Personnel: L. Leonard and C. Davey. (2 pages)
6. 10/29/82 Memo to various NRC addressees from R. Jacobs (NRC) Subject: Daily Highlight re: TMI-1 OTSG Repair Status. (1 page)
7. 11/18/82 Informal Technical Communications to J. Rajan/R. Jacobs (NRC) from F. Shook (Franklin Research Center), re: Trip Report/Meeting at NRC concerning presentation of TMI-1 OTSG repair process update and return to service overview. (3 pages)
- * 8. 11/18/82 Memo to V. Benarova (NRC) from C. McCrackin (NRC) Subject: TMI-1 OTSG Status Update with copies of consultants; C. Dodd and D. MacDonald, trip reports from 10/18-19/82 meeting in Bethesda. (62 pages) Accession No. 8211300009 (only 3 pages)
9. 1/14/83 Memo to P. Shewmon & D. Moeller from R. Major, Subject: Tentative Schedule for the January 28, 1983 Combined Meeting of ACRS Subcommittees On Metal Components/Three Mile Island Nuclear Station, Unit 1. (4 pages)
10. 1/14/83 Memo to P. Shewmon & D. Moeller from R. Major Subject: Status Report for the January 28, 1983 Combined Meeting of ACRS Subcommittees On Metal Components/Three Mile Island, Unit 1, Washington, D.C. (7 pages)
- * 11. 1/28/83 Memo to J. Stolz (NRC) from V. Benaroya (NRC) Subject: Evaluation of TMI-1 Plant Safety Subsequent to Recovery from OTSG Corrosion Problems. (12 pages) Accession No. 8302090037 (only 5 pages)
12. 2/18/83 Memo to D. G. Eisenhut (NRC) from J. A. VanVliet (NRC) Subject: TMI-1 Steam Generator Repair License Amendment Request. (5 pages)

*This document can be located in the NRC Public Document Room by the identified Accession number.

APPENDIX A

13. 4/5/83 NRC Presentation by GPU Nuclear, "TMI-1 OTSG Repair and Return to Service" with list of attendees. (51 pages)
14. 4/21/83 Memo to various NRC addressees from J. Stolz (NRC) Subject: Daily Highlight re: License amendment on the TMI-1 Steam Generators. (1 page)

APPENDIX B

(WITHHELD DOCUMENTS PURSUANT TO FOIA EXEMPTION 5)

1. 9/2/82 Memo to G. C. Lainas (NRC) from R. W. Houston (NRC) Subject: Safety Evaluation Report Input for the Proposed Steam Generator Repair Work at TMI-1. (4 pages) Accession No. 8210050458
2. 9/29/82 Memo to G. C. Lainas (NRC) from W. V. Johnston (NRC) Subject: Safety Evaluation for Repair of TMI-1 Steam Generators. (12 pages) Accession No. 8210150661
3. 10/7/82 Memo to G. C. Lainas (NRC) from R. W. Houston (NRC) Subject: Environmental Impact Appraisal Input for Three Mile Island Unit 1 Once-Through Steam Generator Tube Repair Project. (17 pages) Accession No. 8211010514
4. 4/25/83 Memo to G. C. Lainas (NRC) from R. W. Houston (NRC) Subject: Three Mile Island Unit 1 Steam Generator Repair SER. (7 pages) Accession No. 8305050291
5. 5/10/83 Memo to G. C. Lainas (NRC) from D. R. Muller (NRC) Subject: Safety Evaluation Report Input for Return to Service of TMI-1 Steam Generators. (5 pages) Accession No. 8305200689

TMIA: THREE MILE ISLAND ALERT, INC.

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

May 7, 1983

Mr. Joseph Felton
Division of Rules and Records
FOIA Office
U.S. Nuclear Regulatory Commission
1717 H St. N.W.
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-83-243
Rec'd 5-16-83

Dear Mr. Felton:

Pursuant to the Freedom of Information Act, 5 USC §9 (subpart A), Three Mile Island Alert, Inc. hereby requests copies of the following:

Any and all studies, memoranda, reports, letters or other documents, including but not limited to:

- internal memoranda between NRC staff
- SECY papers
- memoranda or briefing papers for the NRC Commissioners
- draft Congressional testimony
- minutes from meetings

which discuss, evaluate, analyze or explain the causes or repair of steam generator problems at TMI 1. Additionally, this request is intended to cover the aforementioned documents written by, sent to, or routed through any of the following offices and divisions:

- NRC Commissioners and Commissioners' staffs
- ACRS members, staff, and fellows
- NRR
- OR branch
- AEOD
- EDO
- OPE
- OGC
- Nuclear Regulatory Research
- OIE
- OIA
- OI

Only documents not supplied in response to TMIA's FOIA request of November 3, 1982, FOIA-82-552, are being requested.

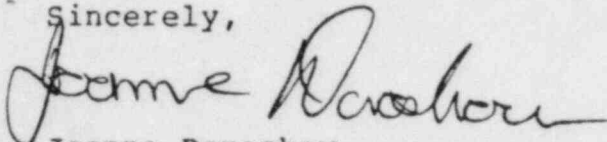
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The requested documents will be used for public education purposes, and will therefore be used in the general public interest. Therefore, we request a complete waiver of all costs you might incur in processing this information or in providing us access to it under provisions at 10 CFR \$9, 14a and the Freedom of Information Act. Nothing in this request should be interpreted as a request for the private records of a specific individual. Hence no provisions of the Privacy Act should be deemed applicable. If all or any part of this request is denied, please cite the specific exemption(s) which you think justifies your refusal to release the information and inform us of the appeal procedures available to us under law.

We will expect to hear from you within ten days.

Thank you for your attention to this matter.

Sincerely,



Joanne Doroshow