

APPEAL OF INITIAL FOIA DECISION

96-A-11 E [70IA-96-240]

adequacy of search

Rec'd 8-29-96

August 23, 1996

The Honorable S. Jackson  
Chairperson  
US NRC  
Washington, DC 20555

APPEAL FROM  
FOIA REQUEST  
96-240

RE: Three Mile Island, Unit II SIT Report

Pursuant to 5 USC 552(a), as amended, I requested on May 24, 1996, that the Structural Integrity Test Report of the Unit 2, TMI, and all related thereto documents in the NRC possession be made public, and copies of these documents be sent to me. Available evidence indicated that the test may have been deficient and raises a considerable doubt in the complete integrity of the containment building during the events of March 28, 1979. The requested documents may clarify the issue, and are important for evaluation of harm done to the public health due to the accident. Therefore, the release of the documents is in the public interest. I requested that the documents be released in ten (10) working days because the Report should have been submitted with the application for Operating Licence and can be retrieved, copied and mailed in ten (10) days (Enclosure 1).

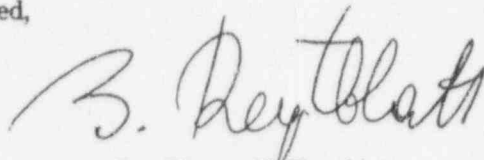
On August 21, 1996, I received the Final Response of the Division of FOIA (Enclosure 2) that denied my FOIA Request. The Response contained the computer file listing that is absent of any information on the SIT on Unit 2, except a discussion on the SIT planned procedure. The Response contained numerous documents relating to the Unit 1. The Response contains neither documents related to the actual SIT nor reasons why these documents have been withheld.

In November of 1995 the Region I confirmed existence of the documents, and refused to release them on orders of Mr. C. MULLINS.

I respectfully petition that you overrule Messrs. Mullins and Kammerer's unlawful orders, and that the SIT Report on TMI 2 be immediately released into the public domain.

As indicated, a copy of the Report is in the Region I possession and in the file containing documents submitted by the would be Licensee to obtain the Operating License (issued on February 8, 1978.).

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Z. Reytblatt".

Dr. Zinovy V. Reytblatt  
61 Myrtle Ave.  
Bridgeport, CT 06604  
Tel.: (203)-366-7490  
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FREEDOM OF INFORMATION  
ACT REQUEST

May 24, 1996

FOIA-96-240  
Rec'd 6-6-96

Mr. Donnie Grimsley  
Division of Freedom of Information  
US NRC  
Washington, DC 20555

FOIA REQUEST

RE: Three Mile Island, Unit II SIT Report

Pursuant to 5 USC 552(a), as amended, I request that the Structural Integrity Test Report of the Unit 2, TMI, and all related thereto documents in the NRC possession be made public, and copies of these documents be sent to me.

Available evidence indicates that the test may have been deficient and raises a considerable doubt in the complete integrity of the containment building during the events of March 28, 1979.

The requested documents may clarify the issue, and are important for evaluation of harm done to the public health due to the accident. Therefore, the release of the documents is in the public interest, and I request that the costs of copying and mailing be waived.

I request that the documents be released in ten (10) working days.

The Report should have been submitted with the application for Operating Licence and can be retrieved, copied and mailed in ten (10) days.

Sincerely,

*B. Reytblatt*

Dr. Zinovy V. Reytblatt  
61 Myrtle Ave.  
Bridgeport, CT 06604  
Tel.: (203)-366-7490  
FAX: (203)-366-7490  
e-mail: zvr@aol.com

*Enclosure 1*

Re: FOIA-96-240

APPENDIX A  
DOCUMENTS ALREADY AVAILABLE IN THE PDR

NUMBER	DATE	DESCRIPTION
1.	Undated	Comparison of Structural Integrity Test with USAEC Regulatory Guide 1.18. PDR Accession No. 7911070712
2.	6/14/78	Letter from E. Volgenau to Metropolitan Edison Co. PDR Acc. No. 7910290615
3.	6/27/77	Letter from J. Herbein to R. Reid. PDR Acc. No. 7910290625
4.	8/10/77	Region I Inspection Report 50-320/77-26.
5.	8/26/77	Letter from J. Herbein to R. Reid. PDR Acc. No. 772410064
6.	10/4/77	Region I Inspection Report 50-320/77-39.



# RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

RESPONSE TYPE	
<input checked="" type="checkbox"/> FINAL	<input type="checkbox"/> PARTIAL 2nd
DATE AUG 15 1996	
DOCKET NUMBER(S) (If applicable)	

REQUESTER

Zinovy V. Reytblatt

**PART I.—AGENCY RECORDS RELEASED OR NOT LOCATED** (See checked boxes)

<input type="checkbox"/>	No agency records subject to the request have been located.
<input type="checkbox"/>	No additional agency records subject to the request have been located.
<input type="checkbox"/>	Requested records are available through another public distribution program. See Comments section.
<input type="checkbox"/>	Agency records subject to the request that are identified in Appendix(es) _____ are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.
<input type="checkbox"/>	Agency records subject to the request that are identified in Appendix(es) _____ are being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.
<input type="checkbox"/>	The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.
<input type="checkbox"/>	Agency records subject to the request that are identified in Appendix(es) _____ may be inspected and copied at the NRC Local Public Document Room identified in the Comments section.
<input checked="" type="checkbox"/>	Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.
<input checked="" type="checkbox"/>	Agency records subject to the request are enclosed. Appendix A documents are enclosed
<input type="checkbox"/>	Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.
<input checked="" type="checkbox"/>	Fees
<input checked="" type="checkbox"/>	You will be billed by the NRC for fees totaling \$ 132.75
<input type="checkbox"/>	You will receive a refund from the NRC in the amount of \$ _____
<input type="checkbox"/>	In view of NRC's response to this request, no further action is being taken on appeal letter dated _____, No. _____

**PART II. A—INFORMATION WITHHELD FROM PUBLIC DISCLOSURE**

Certain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part II, B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC in a folder under this FOIA number.

**COMMENTS**

The enclosed documents are already available in the NRC Public Document Room (PDR), but are being provided since you are entitled to 100 pages free of charge. Also enclosed are computer printouts of other documents subject to your request that are available in the NRC PDR (see the highlighted items on the printouts). We have enclosed a notice which provides procedures for obtaining records from the PDR.

The actual fees for processing your request are as follows:

2 hours professional search:	\$64.94
4 hours, 25 minutes clerical search:	67.81
	132.75

This completes NRC action on your request.

*Enclosure 2*

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES