

RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA — 96-207

RESPONSE TYPE

XX FINAL PARTIAL 3rd

DATE OCT 17 1996

DOCKET NUMBER(S) (If applicable)

REQUESTER
David DeKok

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. |
| XX <input checked="" type="checkbox"/> | Agency records subject to the request that are identified in Appendix(es) <u>H</u> 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 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 type="checkbox"/> | Agency records subject to the request 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 type="checkbox"/> | Fees <u>NONE</u> |
| <input type="checkbox"/> | You will be billed by the NRC for fees totaling \$ _____. |
| <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

| | |
|--|--|
| XX <input checked="" type="checkbox"/> | 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

This completes NRC action on your request.

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

[Signature]

9610220280 961017
PDR FOIA
DEKOK96-207 PDR

NRC FORM 464 (Part I) (1-91)

RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST
(CONTINUATION)

FOIA NUMBER(S)

FOIA — 96-207

DATE

OCT 17 1996

PART II.B — APPLICABLE EXEMPTIONS

Records subject to the request that are described in the enclosed Appendix(es) I are being withheld in their entirety or in part under the Exemption No.(s) and for the reason(s) given below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.17(a) of NRC regulations.

1 The withheld information is properly classified pursuant to Executive Order. (Exemption 1)

2 The withheld information relates solely to the internal personnel rules and procedures of NRC. (Exemption 2)

3 The withheld information is specifically exempted from public disclosure by statute indicated. (Exemption 3)

Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).

Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).

X 4 The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated. (Exemption 4)

The information is considered to be confidential business (proprietary) information.

X The information is considered to be proprietary information pursuant to 10 CFR 2.790(d)(1).

The information was submitted and received in confidence pursuant to 10 CFR 2.790(d)(2).

5 The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. (Exemption 5). Applicable Privilege:

Deliberative Process. Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.

Attorney work product privilege. (Documents prepared by an attorney in contemplation of litigation.)

Attorney-client privilege. (Confidential communications between an attorney and his/her client.)

6 The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy. (Exemption 6)

7 The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated. (Exemption 7)

Disclosure could reasonably be expected to interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators. (Exemption 7 (A))

Disclosure would constitute an unwarranted invasion of personal privacy. (Exemption 7(C))

The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources. (Exemption 7 (D))

OTHER

PART II. C — DENYING OFFICIALS

Pursuant to 10 CFR 9.25(b) and/or 9.25(c) of the U.S. Nuclear Regulatory Commission 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 the denial are those officials identified below as denying officials and the Director, Division of Freedom of Information and Publications Services, Office of Administration, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL

TITLE/OFFICE

RECORDS DENIED

APPELLATE OFFICIAL

EDO

SECRETARY

IG

Frank J. Miraglia

Acting Director, NRR

Appendix I

XX

PART II. D — APPEAL RIGHTS

The denial by each denying official identified in Part II.C may be appealed to the Appellate Official identified there. Any such appeal must be made in writing within 30 days of receipt of this response. Appeals must be addressed, as appropriate, to the Executive Director for Operations, to the Secretary of the Commission, or to the Inspector General, 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."

Re: FOIA-96-207

APPENDIX H
DOCUMENT BEING RELEASED IN ENTIRETY

| NUMBER | DATE | DESCRIPTION |
|--------|---------|--|
| 1. | 4/16/80 | Letter from Robert Samwotth to Calvin Shiu regarding NPDES Permit for the Three Mile Island Nuclear Staion. (1 page) |

Re: FOIA-96-207

APPENDIX I
DOCUMENTS BEING RELEASED IN PART

| NUMBER | DATE | DESCRIPTION |
|--------|---------|---|
| 1. | 1/31/77 | Letter from R. C. Arnold to R. W. Reid regarding information from the TMI-1 cycle 3 Reload Report. (2 pages) Portions withheld, EX. 4 |
| 2. | 2/22/79 | Letter from J. G. Herbein to R. W. Reid regarding Modified Amended Physical Security Plan -Revision 6. (2 pages) Portions withheld, EX. 4 |

David DeKok
113 Conoy St.
Harrisburg, Pa. 17104
May 12, 1996

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-96-207
Rec'd 5-16-96

Division of Freedom of Information
and Publication Services
Office of Administration and Resources Management
Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Freedom of Information request

Dear Sir or Madam:

Pursuant to the Freedom of Information Act, I hereby request copies of the following:

--Reports of inspection conducted by the Atomic Energy Commission at General Public Utilities Corp.'s Three Mile Island Unit 1 for the following dates: April 7, 1972, July 11-14, 1972, and March 26-28, 1973. These are not in the Public Document Room.

--Reports from meetings between AEC and GPU personnel on May 1 and May 8, 1973. These are not in the PDR.

--Any other documents in your national or regional files pertaining to Three Mile Island Unit 1 between 1966 and March 27, 1979, which have not yet been placed in the PDR.

--Any correspondence between the AEC and Gilbert Associates, Inc., of Reading, Pennsylvania, pertaining to TMI Unit 1 from the period 1966-March 27, 1979. Gilbert was the architect/engineer of TMI Unit 1.

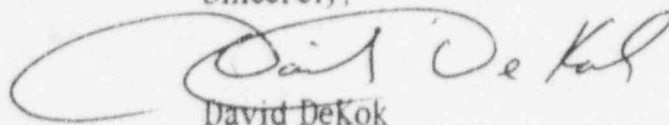
7609030078 2RD

--Any correspondence between the AEC and United Engineers and Contractors pertaining to TMI Unit 1 during the period 1966-March 27, 1979. UAE was the general contractor for TMI Unit 1.

Pursuant to the Freedom of Information Act, I also request "Representative of the News Media" status, which entitles me to a waiver of search fees and 100 pages of free copying. These documents are needed for a book I am writing on the history of General Public Utilities Corp. I am an established freelance writer, the author of one previous book. *Unseen Danger: A Tragedy of People, Government and the Centralia Mine Fire*, was published in 1986 by University of Pennsylvania Press. In addition, I have been a newspaper journalist for 20 years.

Thank you for your attention to this request.

Sincerely,

A handwritten signature in cursive script, appearing to read "David DeKok", written over a horizontal line.

David DeKok

REGULATORY PERMIT COPY

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APR 16 1980

DISTRIBUTION
DOCKETS
ESB Rdg
ET Rdg
R. Samworth

Docket No. 50-320

Mr. Calvin Shiu
Building II A
Argonne National Laboratory
9700 South Cass Avenue
Argonne, Illinois 60439

Dear Mr. Shiu:

As I promised, I am sending you a copy of the NPDES Permit for the Three Mile Island Nuclear Station. Since this permit was written for normal station operation rather than for clean-up of accidents, I recommend that you talk to EPA Region III and to the State to establish which provisions are applicable.

I would expect that if predicted effluent release rate and quality are generally within the bounds of the permit and of 40 CFR 423 that there would be no difficulty in satisfying water quality regulations. I neglected to mention that State Water Quality Standards for the Susquehanna River are also relevant. These criteria are included in Pennsylvania Code, Title 25, Part I, Environmental Resources, Chapter 93, Water Quality Criteria. A copy can probably be found in the Environmental Reporter in your library.

If you need further information, feel free to call.

Sincerely,

Robert B. Samworth, Section Leader
Aquatic Resources Section
Environmental Specialists Branch
Division of Site Safety and
Environmental Analysis

cc: Paul Leech

THIS DOCUMENT CONTAINS
POOR QUALITY PAGES

OFFICE: OSE-ET-ESB
SURNAME: R. Samworth:sj
4/16/80

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