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September 25, 1990

Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

APPEAL OF INITIAL FOIA DECISION
90A39E (90-356)
Rec'd 10-2-90

RE: Appeal of FOIA 90-356

TO Executive Director for Operations:

This is an appeal pursuant to subsection a(6) of the Freedom of Information Act as amended (5 U.S.C. 552), of the effective denial of the Commission to release documents requested on August 1, 1990.

By letter dated September 7, 1990, Donnie H. Grimsley, Director, Division of Freedom on Information and Publications Services, informed us that Appendix A was being made available and were enclosed. A bill would be forthcoming for \$74.64.

We believe that there are additional documents responsive to the initial request and were not provided, and/or identified. We are entitled to the release of the documents being withheld.

We expect your response to this appeal within 20 working days of your receipt so that we can determine whether to pursue this matter further in the courts.

Thank you for your consideration of this appeal.

Sincerely,

Linda L. Bauman
Linda L. Bauman
FOIA Coordinator

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August 1, 1990

FREEDOM OF INFORMATION ACT REQUEST

Director, Division of Rules and Records
Office of Administration
and Resources Management
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-90-356
Rec'd 8-6-90

TO WHOM IT MAY CONCERN:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended, I am requesting, in my capacity as an interested citizen, copies of any and all agency records and information, including but not limited to notes, letters memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, allegation summary sheets, interim and/or final reports, status reports, computer disks, and any and all other records relevant to and/or generated in connection with:

The radioactive leak at the Two Rivers nuclear-fuel power plant.

This requests also includes any and all correspondence regarding the leak; the discovery of the leak; the repair of the equipment that caused the leak; and any and all information surrounding Loretta Krchma-Olson's statement that "no radioactivity has been released outside the plant".

This requests also seeks information on the reason the plant was shutdown in order to repair the piece of equipment that allowed a leak of "less than a gallon a minute", when the NRC allows a plant to operate until a leak reaches 25 gallons a minute.

(See attached article)

I am generally interested in the development of this issue, and have a strong personal and professional interest in this particular matter. I have been, and continue to monitor the events of Nuclear Power plant(s) in Wisconsin and throughout the United States. The information received will be reviewed in an attempt to determine whether the NRC, as well as the Two Rivers

~~9/10/70/11~~

Nuclear Power plant is properly adhering to the best interests of the public.

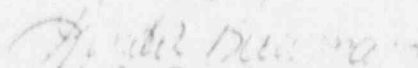
This request includes all agency records as defined in 10 C.F.R. 9.3a (b) and the NRC Manual, Appendix 0211, Parts 1.A.2 and A.3 (approved October 8, 1980) whether they currently exist in the NRC official "working" investigative or other files, or at any other location, including private residences.

If any records, as defined in 10 C.F.R. 9.3a (b), and the NRC Manual, *supra.*, and covered by this request have been destroyed, and/or removed, after this request, please provide all surrounding records, including but not limited to a list of all records which have been or are destroyed and/or removed, a description of the actions(s) taken relevant to, generated in connection implementing the action(s).

For any documents or portions that you deny due to a specific FOIA exemption, please provide . . . index itemizing and describing the documents or portions of documents withheld. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is relevant to the document or portion of the document withheld. This index is required under Vaughn v Rosen (I), 484 F2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974).

We anticipate a complete or partial response to this request within ten working days, as required by the FOIA.

Sincerely,


Linda Bauman

cc: Nuclear Regulatory Commission
Region III
799 Roosevelt Road
Glen Ellyn, IL 60137

BPG/11b

Generator idled at Two Rivers

TWO RIVERS (AP) — Wisconsin Electric Power Co. said Thursday one of the two generators at its Two Rivers nuclear-fuel power plant will be idle for several days because of a radioactive leak.

The company said the No. 2 reactor at the plant beside Lake Michigan would be out of service Friday through Wednesday for repair of a leak that allowed a small amount of contaminated water to escape.

Lauretta Krehma-Olson, plant coordinator, said radioactive water was escaping at a rate of less than a gallon a minute.

"It's not an emergency. It's a shutdown to repair a piece of equipment," she said.

It was discovered two weeks ago, she said. The radioactive water is being captured in a containment building and "no radioactivity has been released outside the plant," she said.

"It's a minor leak," said Russ Marabito, a spokesman for the U.S. Nuclear Regulatory Commission's office in Glen Ellyn, Ill.

The NRC allows a plant to operate until a leak reaches 25 gallons a minute, Marabito said.



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FC 90356
 RESPONSE TYPE
 FINAL PARTIAL
 DATE SEP 7 1990
 DOCKET NUMBER(S) IF APPLICABLE

REQUESTER
 Linda Bauman

PART I - AGENCY RECORDS RELEASED OR NOT LOCATED (See checked boxes)

- No agency records subject to the request have been located.
- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments Section.
- Agency records subject to the request that are identified on Appendix(es) _____ are already available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, 20555.
- Agency records subject to the request that are identified on Appendix(es) A 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 and requester name.
- The nonproprietary version of the proposal 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 and requester name.
- Agency records subject to the request that are identified on Appendix(es) _____ may be inspected and copied at the NRC Local Public Document Room identified in the Comments Section.
- Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.
- Agency records subject to the request are enclosed. [Appendix A documents are enclosed.]
- Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.
- You will be billed by the NRC for fees totaling \$ 74.64.
- In view of NRC's response to this request, no further action is being taken on appeal letter dated _____ No _____

PART II - 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 sections 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 and requester name.

COMMENTS

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

Harold H. Hendricks

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APPENDIX A
DOCUMENTS BEING PLACED IN THE PDR

NUMBER	DATE	DESCRIPTION
1.	1987	Equipment drawings. (4 pages)
2.	7/20/90	Preliminary Notification of Event or Unusual Occurrence (PNO)--PNO III 90-52. (1 page)
3.	7/30/90	Region III Morning Report, subject: Plant Startup Following Leak Repairs. (1 page)
4.	8/10/90	Letter from Richard Knop to C. W. Fay, enclosing Inspection Report No. 50-266/90014(DRP); 50-301/90 14(DRP). (6 pages) (Only the portion related to the Unit 1 Reactor Coolant System Leak is attached-- other portions of Inspection Report are outside scope of the request.)