



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

PDR(A-37)

SEP 10 1990

Debra S. Katz, Esquire  
Bernabei & Katz  
1773 T Street, NW  
Washington, DC 20009

IN RESPONSE REFER  
TO FOIA-90-A-20  
(FOIA-90-91)

Dear Ms. Katz:

This is in response to your letter dated April 12, 1990, in which you appealed Mr. Donnie H. Grimsley's response dated April 5, 1990. Mr. Grimsley's response denied the Office of Investigations' (OI) Report of Investigation No. 2-85-031 and its exhibits which were subject to your Freedom of Information Act (FOIA) request for these records.

Acting on your appeal, I have carefully reviewed the record in this case and have determined that since an enforcement action, including a proposed civil penalty, was issued on April 12, 1990, most of the OI report and its exhibits can now be made publicly available. Your appeal is, therefore, partially granted and partially denied.

Exhibits 7, 8, 9, 10, 11, 12, 14, 18, 19, 20, 21, 22, 23, 26, 28, 31, 36, 41, 44, 45, 48, and 57 can now be made publicly available and are enclosed. The disclosable portions of the report and exhibits 2, 6, 17, 25, 29, 30, 38, 39, 40, 42, 43, and 55 are also enclosed.

The remaining portions of the report and exhibits 2, 6, 17, 25, 29, 30, 38, 39, 40, 42, 43 and 55 will continue to be withheld from public disclosure pursuant to Exemptions (6), (7)(C), and (7)(D) of the FOIA (5 U.S.C. 552(b)(6), (7)(C), & (7)(D)) and 10 CFR 9.17(a)(6), (7)(iii), and (7)(iv) of the Commission's regulations.

The information withheld pursuant to Exemptions (6) and (7)(C) consists of the names of individuals whose employment was terminated by the utility, and other personal information the disclosure of which would cause a clearly unwarranted invasion of personal privacy. I find that there are overriding privacy and public interests in protecting this information. The interest in disclosing the information does not outweigh the significant privacy interests of the individuals who, if their identities were disclosed, could reasonably be expected to be subjected to harassment or other harm.

Information withheld pursuant to Exemption (7)(D) consists of the name of a person granted confidentiality by the staff. I am unable to identify any legitimate public interest in disclosing this information.

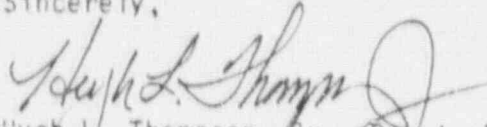
Exhibits 1, 13, 15, 16, 24, 27, 32, 33, 34, 35, 37, 46, 54, and 56 were originated by the Tennessee Valley Authority and have been referred to TVA for review and direct response to you. Exhibits 3, 4, 5, 47, 49, 50, 51, 52, and 53 were originated by the Department of Labor and have been forwarded to that agency for review and direct response to you.

Debra S. Katz, Esquire

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This is a final agency action except on the exhibits referred to TVA. As set forth in the FOIA (5 U.S.C. 552(a)(4)(B)), judicial review of this decision is available in a district court of the United States in the district in which you reside or have your principal place of business or in the District of Columbia.

Sincerely,



Hugh L. Thompson, Jr., Deputy Executive  
Director for Nuclear Materials Safety,  
Safeguards and Operations Support

Enclosures:

- 1) Appendix
- 2) Records disclosable in whole and in part

APPENDIX

DATE	DESCRIPTION & EXEMPTION
8/29/88	Report of Investigation, "Tennessee Valley Authority: Alleged Suppression of Nuclear Safety Review Staff (NSRS) reports, and Harassment/Intimidation of NSRS Employees" Portions EX. 6 & 7D
<p>Exhibit 1 - Referred to TVA            Exhibit 2 - Portions EX. 6 &amp; 7C            Exhibit 3 - Referred to DOL            Exhibit 4 - Referred to DOL            Exhibit 5 - Referred to DOL            Exhibit 6 - Portions EX. 6 &amp; 7C            Exhibit 7 - Released            Exhibit 8 - Released            Exhibit 9 - Released            Exhibit 10 - Released            Exhibit 11 - Released            Exhibit 12 - Released            Exhibit 13 - Referred to TVA            Exhibit 14 - Released            Exhibit 15 - Referred to TVA            Exhibit 16 - Referred to TVA            Exhibit 17 - Portions EX. 6 &amp; 7C            Exhibit 18 - Released            Exhibit 19 - Released            Exhibit 20 - Released            Exhibit 21 - Released            Exhibit 22 - Released            Exhibit 23 - Released            Exhibit 24 - Referred to TVA            Exhibit 25 - Portions EX. 6 &amp; 7C            Exhibit 26 - Released            Exhibit 27 - Referred to TVA            Exhibit 28 - Released            Exhibit 29 - Released</p>	<p>Exhibit 29 - Portions EX. 6 &amp; 7C            Exhibit 30 - Portions EX. 6 &amp; 7C            Exhibit 31 - Released            Exhibit 32 - Referred to TVA            Exhibit 33 - Referred to TVA            Exhibit 34 - Referred to TVA            Exhibit 35 - Referred to TVA            Exhibit 36 - Released            Exhibit 37 - Referred to TVA            Exhibit 38 - Portions EX. 6 &amp; 7C            Exhibit 39 - Portions EX. 6 &amp; 7C            Exhibit 40 - Portions EX. 6 &amp; 7C            Exhibit 41 - Released            Exhibit 42 - Portions EX. 6 &amp; 7C            Exhibit 43 - Portions EX. 6 &amp; 7C            Exhibit 44 - Released            Exhibit 45 - Released            Exhibit 46 - Referred to TVA            Exhibit 47 - Referred to DOL            Exhibit 48 - Released            Exhibit 49 - Referred to DOL            Exhibit 50 - Referred to DOL            Exhibit 51 - Referred to DOL            Exhibit 52 - Referred to DOL            Exhibit 53 - Referred to DOL            Exhibit 54 - Referred to TVA            Exhibit 55 - Portions EX. 6 &amp; 7C            Exhibit 56 - Referred to TVA</p>