



WUDOCs

# RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

FOIA — 93-230

RESPONSE TYPE

FINAL  PARTIAL

DATE JUL 22 1993

DOCKET NUMBER(S) (if applicable)

REQUESTER  
Bill Lambrecht

### 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 in Appendix(es) \_\_\_\_\_ are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.
- Agency records subject to the request that are identified in Appendix(es) I 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.
- 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.
- 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.
- 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.
- Agency records subject to the request are enclosed.
- Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.
- Fees**
- You will be billed by the NRC for fees totaling \$ \_\_\_\_\_.
- You will receive a refund from the NRC in the amount of \$ \_\_\_\_\_.
- 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 NRC is continuing to review documents subject to your FOIA request. We will notify you upon completion of the review.

9406170265 930722  
PDR FOIA  
LAMBREC93-230 PDR

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

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

FOIA NUMBER(S)

**FOIA — 93-230**

DATE

**JUL 22 1993**

**PART II B — APPLICABLE EXEMPTIONS**

Records subject to the request that are described in the enclosed Appendix(es) J & K 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).

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.

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
Dr. Thomas E. Murley	Director, Office of Nuclear Reactor Regulation	Appendices J & K	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-93-230

APPENDIX I

DOCUMENTS BEING PLACED IN THE PDR

1. 06/16/92 Letter from Terry to Evans (2 pages)
2. 06/30/92 Letter from McCormack to Madden (1 page)
3. 08/20/92 Letter from Miraglia to Feldman (2 pages)
4. 12/04/92 Letter from Meier to McCracken (1 page)
5. 12/08/92 Letter from Bradley to McCracken (4 pages)

APPENDIX J

DOCUMENTS BEING PARTIALLY WITHHELD

1. 09/20/92 Memorandum from Frank J. Miraglia, Jr., to Edward L. Jordan, Subject: Request for Review of a Proposed Generic Letter Regarding Thermo-Lag Fire Barriers with 8 enclosures (101 pages)

The 09/20/92 memorandum and all enclosures except No. 3, NRC Information Notice 92-46 (4 pages), are being withheld (97 pages) Exemption 5

2. 09/21/92 Memorandum from Conrad McCracken to Dwight Chaimberlain, Subject: Request for Regional Oversight of TU Thermo-Lag Test Configuration Construction and Testing (1 page) with enclosed letter from Ben E. Evans to Richard Casares, Subject: Field Service Surveillance Report - TU-Thermo-Lag Installation - Omega Point Laboratories (76 pages)

The 09/21/92 memorandum (1 page) is being withheld Exemption 5

APPENDIX K

DOCUMENTS BEING WITHHELD IN ENTIRETY

1. 01/09/92 Memorandum from Frank J. Miraglia to John B. Martin, Subject: WASHINGTON NUCLEAR PROJECT, UNIT 2 - FIRE PROTECTION PROGRAM CONCERNS with enclosure (4 pages)  
Exemption 5
2. 02/18/92 Note from Frank J. Miraglia to the file (1 page)  
Exemption 5
3. 04/20/92 Memorandum from Frank J. Miraglia to Thomas E. Murley, Subject: SPECIAL REVIEW ASSIGNMENT REGARDING THERMO-LAG FIRE BARRIER PERFORMANCE - FINAL TECHNICAL REPORT with enclosures (15 pages)  
Exemption 5
4. 07/29/92 Memorandum regarding Allegation No. NRR-91-A-0011 concerning THERMO SCIENCE, INC. (TSI) of ST. LOUIS, MISSOURI (2 pages)  
Exemption 7(A)
5. 07/30/92 Note from Ashok C. Thadani to Conrad E. McCracken, Subject: FIRE BARRIER TESTING with enclosures (6 pages)  
Exemption 5
6. 07/31/92 Memorandum from Conrad E. McCracken to George Mulley, Subject: SMALL SCALE THERMO-LAG FIRE TESTS BEING CONDUCTED AT NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (2 pages)  
Exemption 5
7. 08/06/92 Memorandum from Conrad E. McCracken to Michael Callahan, Subject: OFFICE OF CONGRESSIONAL AFFAIRS REQUEST FOR THERMO-LAG TECHNICAL DOCUMENTS with enclosures (32 pages)  
Exemption 5
8. 09/28/92 Note from Steven West to Conrad McCracken, Subject: STAFF POSITION ON FIRE ENDURANCE TEST ACCEPTANCE CRITERIA FOR NUCLEAR POWER PLANT FIRE BARRIERS (3 pages)  
Exemption 5
9. 09/29/92 Note from Patrick M. Madden to Conrad E. McCracken, Subject: VIEWS ON THE PROPOSED SPLB/DST/NRR FIRE ENDURANCE ACCEPTANCE CRITERIA FOR RACEWAY FIRE BARRIER SYSTEMS (4 pages)  
Exemption 5

10. 10/05/92 Memorandum from Conrad E. McCracken to Ashok C. Thadani, Subject: PLANT SYSTEMS BRANCH (SPLB) POSITION ON FIRE ENDURANCE TESTING FOR FIRE BARRIER SYSTEMS USED TO SEPARATE SAFE SHUTDOWN FUNCTIONS WITHIN THE SAME FIRE AREA with enclosures (18 pages)  
Exemption 5
11. 10/06/92 Note from Steven West to Conrad McCracken, Subject: PLANT SYSTEMS BRANCH POSITION ON FIRE ENDURANCE TEST ACCEPTANCE CRITERIA FOR FIRE BARRIERS (1 page)  
Exemption 5
12. 10/19/92 Memorandum from Conrad McCracken to Dwight Chaimberlain, Subject: REQUEST FOR REGIONAL OVERSIGHT OF TEXAS UTILITIES THERMO-LAG FIRE ENDURANCE TESTS with enclosure (2 pages)  
Exemption 5
13. 10/28/92 Memorandum from Frank J. Miraglia, Jr., to Edward L. Jordan, Subject: REVISED GENERIC LETTER REGARDING THERMO-LAG FIRE BARRIERS with enclosures (33 pages)  
Exemption 5
14. 01/06/92 Memorandum from Conrad E. McCracken to Ashok Thadani, Subject: REQUESTS FROM THE FIRE PROTECTION INDUSTRY FOR PLANT SYSTEMS BRANCH FIRE PROTECTION ENGINEERING PARTICIPATION AT ANNUAL TECHNICAL CONFERENCES (4 pages)  
Exemption 5
15. 01/22/93 Memorandum from Conrad E. McCracken to Suzanne Black, Subject: SUPPLEMENTAL SAFETY EVALUATION REPORT FOR COMANCHE PEAK STEAM ELECTRIC STATION UNITS 1 AND 2 FIRE PROTECTION SRP, SECTION 9.5-1 (TAC NO. M83330) with enclosures (10 pages)  
Exemption 5
16. 01/29/93 Memorandum for Conrad E. McCracken to Suzanne Black, Subject: SUPPLEMENTAL SAFETY EVALUATION REPORT FOR COMANCHE PEAK STEAM ELECTRIC STATION UNITS 1 AND 2 FIRE PROTECTION SRP, SECTION 9.5-1 (TAC NO. M83330) with enclosure (27 pages)  
Exemption 5
17. 04/15/93 Memorandum from Patrick M. Madden for Conrad E. McCracken, Subject: TRIP TO OMEGA POINT LABORATORIES REGARDING TENNESSEE VALLEY AUTHORITY'S THERMO-LAG FIRE BARRIER TEST PROGRAM with enclosure (115 pages)  
Exemption 5
18. Undated Note from Ralph to Conrad (1 page)  
Exemption 5

ST. LOUIS POST-DISPATCH

295-6890

1701 PENNSYLVANIA AVENUE, N.W. SUITE 530

4/16

WASHINGTON, D.C. 20006 202-298-6800

Bill Lambrecht  
Washington Correspondent

Donnie H. Grimsley  
Freedom of Information Office  
Nuclear Regulatory Commission

FREEDOM OF INFORMATION  
ACT REQUEST  
FOIA-93-230  
Rec'd 4-21-93

Dear Mr. Grimsley;

I write to make a Freedom of Information request on behalf of the *St. Louis Post-Dispatch*. We have done articles about Thermal Science Inc., a local company, and its product Therma-Lag, and we are requesting these documents as part of our research. We also have an ongoing interest in two nuclear plants in our circulation area: Callaway and Clinton.

- 1 - We would like to receive copies of findings of violations from inspection reports at Callaway and Clinton in 1993;
- 2 - We would like copies of correspondence, memoranda, reports or any information related to Thermal Science's foreign clients, i.e. nuclear plants outside the U.S. to whom the company has sold Therma-Lag;
- 3 - We would like to obtain copies of correspondence to or from F.J. Miraglia since Jan. 1990 about Thermal Science or Therma-Lag;
- 4 - We would like to get copies of correspondence or memoranda to or from David P. Notley since Jan. 1990 about Thermal Science or Therma-Lag;
- 5 - We would like to receive a copy of a report done by David Taylor Research in the early 1980s related to the use of Therma-Lag by the U.S. Navy;
- 6 - We are interested in receiving copies of correspondence or memoranda to or from Conrad E. McCracken of the Plant Systems Branch since July 1992 related to test and acceptance criteria for fire endurance testing;
- 7 - PDK - We would like to receive a letter dated February 10, 1993, with enclosures from Chairman Ivan Selin to Rep. John Dingell related to changes in existing fire barrier testing;

If there is anything we can do as far as streamlining our requests or making it easier to obtain documents, please telephone me at our Washington office.

We would ask for immediate attention to our request and we thank you for your consideration.

Sincerely,  
*Bill Lambrecht*

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