



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

PDR(AI-37)

AUG 29 1990

Ms. Linda L. Bauman  
FOIA Coordinator  
Robinson, Robinson, Peterson, Berk  
Rudolph, Cross and Garde  
103 East College Avenue  
Appleton, WI 54911

IN RESPONSE REFER  
TO FOIA-90-A-18  
(FOIA-90-54)

Dear Ms. Bauman:

This is in response to your letter dated March 28, 1990, in which you appealed Mr. Donnie H. Grimsley's response dated March 21, 1990. Mr. Grimsley's response denied records subject to Ms. Garde's Freedom of Information Act (FOIA) request for copies of all records related to Inspection Report numbers 50-445/90-05 and 50-446/90-05 and NRC's inspection into the Therm-A-Lag issues that were subject to this inspection report regarding the Comanche Peak plant. You specifically appealed the denial of the records identified on Appendix C of Mr. Grimsley's response dated March 28, 1990.

Acting on your appeal, I have carefully reviewed the record in this case and have determined that since a proposed civil penalty was issued on May 17, 1990, certain records can now be made publicly available. Your appeal is, therefore, partially granted and partially denied.

The records identified on the enclosed Appendix A can now be made publicly available and are enclosed. The disclosable portions of the records identified on the enclosed Appendix B are also enclosed. The records identified on the enclosed Appendix C are already available for public inspection and copying in the NRC Public Document Room, 2120 L Street, N. W., Washington, D. C.

The remaining portions of the records identified on the enclosed Appendix B will continue to be withheld from public disclosure pursuant to Exemptions (5), (6), and (7)(C) of the FOIA (5 U.S.C. 552(b)(5), (6), and (7)(C)) and 10 CFR 9.17(a)(5), (6), and (7)(iii) of the Commission's regulations.

The predecisional handwritten notes that continue to be withheld pursuant to Exemption (5) consist of candid opinions of the staff. Release of this information would tend to inhibit the open and frank expression of ideas essential to the internal deliberative process. The information withheld pursuant to Exemptions (6) and (7)(C) consists of the names of individuals whose employment was terminated and other names and 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.

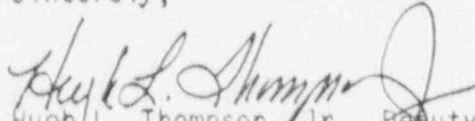
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Ms. Linda Bauman

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This is a final agency decision. 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) Appendices A through C
- 2) Records disclosable in whole and in part

APPENDIX A  
RELEASED RECORDS

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1.	4/22/88	Memorandum to All Quality Assurance Department Personnel, (TU Electric & TU Electric QA Contractors) from J. F. Streeter, TU Electric, Subject: QA Department Policy Regarding Reduction of Quality Assurance Contractor Workforce (2 pages)
2.	6/26/89	Portion of NQA 3.05, Rev. 2, DCN #1 (2 pages)
3.	8/25/89	Department Change Notice, DCN 1 Procedure NBO. NQA 3.09-11.03 Rev. 1 with attachments (50 pages)
4.	11/3/89	Non Conformance Report NRC 89 11452 Rev. 0 (53 pages)
5.	1/29/90	Fax from Billie Pirner Garde, Robinson, Peterson, Berk, Ruldolph, Cross & Garde, to Christopher Grimes, Subject: Response to TU Electric Letter Concerning Harassment and Intimidation of Comanche Peak QC Inspectors (7 pages)
6.	2/5/90	PNO-ADSP-90-2, Subject: Potential Intimidation of Former QC Inspector (3 pages)

APPENDIX B

RECORDS PARTIALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION &amp; EXEMPTION</u>
1.	1/03/89	Evaluation Form (1 page) - Exemptions 6 & 7C
2.	11/02/89	Letter - Subject: Notification of release (1 page) - Exemptions 6 & 7C
3.	11/02/89	Quality Control ROF (1 page) - Exemptions 6 & 7C
4.	11/02/89	Operations QC (2 pages) - Exemptions 6 & 7C
5.	11/03/89	Letter from TU Electric, Subject: Personnel returned to firm (1 page) - Exemptions 6 & 7C
6.	11/03/89	Quality Control ROF (1 page) - Exemptions 6 & 7C
7.	11/14/89	Memorandum Subject: Case Dispute - Phone Call November 13, 1989 (5 pages) - Exemptions 6 & 7C
8.	11/20/89	Response Re: SAFETEAM 12696-A: Concernee feels his ROF is part of a "vindictive lay-off" (2 pages) Exemptions 6 & 7C
9.	11/22/89	Office Memorandum Subject: Response to SAFETEAM Concerns (3 pages) - Exemptions 6 & 7C
10.	12/11/89	Office Memorandum Subject: SAFETEAM Concern 12694 (2 pages) - Exemptions 6 & 7C
11.	01/31/90	Notice of Significant Meeting (2 pages) - Exemptions 6 & 7C

## APPENDIX B

RECORDS PARTIALLY WITHHELD

<u>NUMBER</u>	<u>DATE</u>	<u>DESCRIPTION &amp; EXEMPTION</u>
12.	Undated	Response Re: SAFETEAM Concern 12694-A; (4 pages) - Exemptions 6 & 7C
13.	Undated	Opening Statement (18 pages) - Hand- written portions deleted - Exemption 5 <u>Note</u> : Remaining portions of this record are already in the PDR attached to EA-90-020.

APPENDIX C

RECORDS MAINTAINED AMONG PDR FILES

<u>NUMBER</u>	<u>DATE</u>	<u>ACCESSION #NO.</u>	<u>DESCRIPTION</u>
1.	8/25/87	8708280262	Letter from J. Keppler, RIII, NRC, to William G. Council, TU, Re: Civil Penalties (8 pages)
2.	11/29/89	9001190311	Letter from Billie Pinner Garde to William G. Council, TU, Re: Documented Request for Action (re: Therm-A-Lag/50/57 dispute between CASE and TU Electric (13 pages)
3.	12/21/89	9001040196	Letter from W. G. Council, TU Electric, to C. Grimes, NRC, Re: Response to CASE Documented Request for Action - Therm-A-Lag (17 pages)
4.	1/31/90	9002120321	Letter from C. Grimes, NRC, to W. J. Cahill, Jr., TU Electric, Re: Inspection 1/3-30/90 enclosing Inspection Report 50-445 & 446/90-5 (Acc. # 9002120324) (16 pages)
5.	2/7/90	9002130067	Letter from John W. Beck, TU Electric, to NRC Re: Additional Information in Response to Enforcement Conference on February 7, 1990 (1 page)