



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

JUL 7 1992

Mr. Kenneth S. Resnick
Dinsmore and Shuhl
1900 Chemed Center
255 East Fifth Street
Cincinnati, OH 45202-3172

IN RESPONSE REFER
TO FOIA-92-A-1
(FOIA-91-533)

Dear Mr. Resnick:

I am writing in further response to your letter dated January 8, 1992, in which you appealed Mr. Donnie H. Grimsley's response to your Freedom of Information Act request. Mr. Grimsley's response denied all records subject to your request for copies of records supporting a synopsis of alleged violations relating to your client, the University of Cincinnati, and any referral of the matter by the U.S. Nuclear Regulatory Commission (NRC) to the Department of Justice.

The review of the disclosable portions of Appendix B records, as indicated to you in my letter dated June 24, 1992, has now been completed. Therefore, acting on your appeal, and after careful review of these records, I have determined that certain information can now be made publicly available. Your appeal is, therefore, partially granted and partially denied.

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

This is a final agency action. As set forth in 5 U.S.C. 552(a)(4)(B), judicial review of this decision is available in a United States District

Mr. Kenneth S. Resnick

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Court in the district in which you reside or have your principal place of business or in the District of Columbia.

Sincerely,

A handwritten signature in dark ink, appearing to read "Hugh L. Thompson, Jr.", is written over the typed name and title.

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

Enclosures:

1. Appendix B
2. Records disclosable in part

Re: FOIA-92A1E
(FOIA-91-533)

APPENDIX B

DOCUMENTS BEING RELEASED IN PART

| NUMBER | DATE | DESCRIPTION |
|--------|---------|----------------------------------------------------------------------------------------------------------------------------|
| 1. | 4/29/91 | Report of Investigation (ROI) 3-89-011, (23 pgs.) - EXEMPTIONS 6, and 7C. |
| 2. | 1/25/90 | Exhibit 2 to ROI 3-89-011, Report of Interview with Individual, (3 pgs.) - EXEMPTIONS 6, and 7C. |
| 3. | 6/20/90 | Exhibit 6 to ROI 3-89-011, Investigative Interview of Individual, (22 pgs.) - EXEMPTIONS 6, and 7C. |
| 4. | 7/16/90 | Exhibit 9 to ROI 3-89-011, Investigative Interview of Individual, (38 pgs.) - EXEMPTIONS 6, and 7C. |
| 5. | 1/25/90 | Exhibit 10 to ROI 3-89-011, Report of Interview with Individual, (3 pgs.) - EXEMPTIONS 6, and 7C. |
| 6. | 2/21/90 | Exhibit 11 to ROI 3-89-011, Investigative Interview of Individual, (50 pgs.) - EXEMPTIONS 6, and 7C. |
| 7. | 2/20/90 | Exhibit 12 to ROI 3-89-011, Investigative Interview of Individual, (74 pgs.) - EXEMPTIONS 6, and 7C. |
| 8. | 2/6/90 | Exhibit 13 to ROI 3-89-011, Investigative Interview of Individual, (57 pgs.) - EXEMPTIONS 57 pgs.) - EXEMPTIONS 6, and 7C. |
| 9. | 2/21/90 | Exhibit 14 to ROI 3-89-011, Investigative Interview of Individual, (35 pgs.) - EXEMPTIONS 6, and 7C. |
| 10. | 5/17/90 | Exhibit 16 to ROI 3-89-011, Investigative Interview of Individual, (58 pgs.) - EXEMPTIONS 6, and 7C. |

11. 7/16/90

Exhibit 17 to ROI 3-89-011, Investigative
Interview of Individual, (47 pgs.) -
EXEMPTIONS 6, and 7C.