



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

January 5, 2000

Charles C. Thebaud, Jr., Esq.
Morgan, Lewis & Bockius
1800 M Street, N.W.
Washington, D.C. 20036-5869

Re: Pending Disclosure to the Public Document Room of H.P. Risley's Response to the NRC Letter of Reprimand

Dear Mr. Thebaud:

In a letter dated July 28, 1999, I advised you that the Nuclear Regulatory Commission intended to place in the Public Document Room ("PDR") an unredacted copy of Mr. Risley's response to the NRC Letter of Reprimand that was issued to him on April 6, 1999. On August 11, 1999, you requested that the NRC reconsider its decision and reiterated that you objected to placing an unredacted version of Mr. Risley's response in the PDR because the response, among other things, describes the quality of work performed by an individual who had engaged in protected activity at Millstone. You stated that, if such information is released, it would constitute an unwarranted invasion of personal privacy and would be detrimental to the maintenance of a safety conscious work environment at Millstone.

As you requested, the NRC has again carefully considered the information contained in Mr. Risley's response. The personal performance information contained in the response is relevant to the determination as to whether the person, whose privacy is sought to be protected, was the subject of discrimination. Such discrimination is considered to be a matter of legitimate public interest. Further, release of portions of the information which you seek to have redacted relating to the quality of work performed by the individuals would not constitute a clearly unwarranted invasion of personal privacy provided that the identity of the individual is not divulged. Therefore, we have redacted information, to the extent permitted by law, which could be used to identify the individuals who were subject to discrimination in this case.

I have provided you with a copy of the response submitted by Mr. Risley, which has been redacted consistent with the criteria described above. If you have any questions on this matter, please contact Brad Fewell, Regional Counsel at (610) 337-5301.

Sincerely,

A handwritten signature in cursive script that reads "H. Miller".

Hubert J. Miller
Regional Administrator

cc:

Mr. Jay M. Gutierrez, Esq.
Mr. H.P. Risley

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