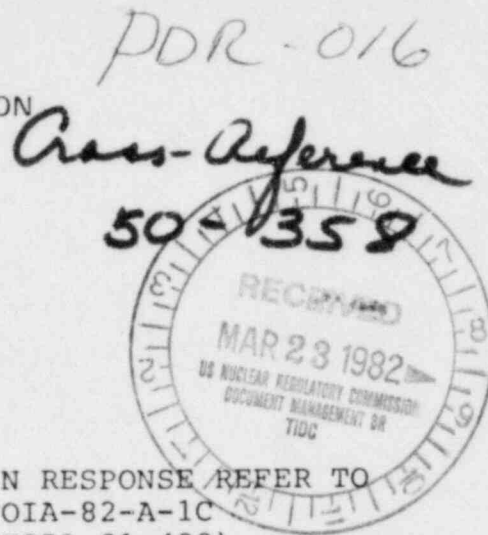




OFFICE OF THE
SECRETARY

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

March 22, 1982



Mr. Thomas Devine
Government Accountability Project
1901 Que Street, N.W.
Washington, D.C. 20009

Dear Mr. Devine:

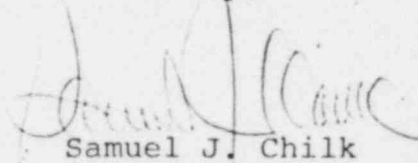
This is in response to your January 29, 1982 Freedom of Information Act (FOIA) appeal of the denial of access to four documents relating to the Commission's deliberations on the Office of Inspector and Auditor (OIA) Zimmer Report. The Commission has reviewed the initial determination to withhold these documents in their entirety and hereby affirms that decision.

The four documents identified in the Appendix to this letter were created as a part of the comprehensive Commission deliberations on the quality assurance/quality control problems at the William H. Zimmer Nuclear Power Station. The OIA Report was not prepared, as you imply, to defend or justify the Office of Inspection and Enforcement (I&E) investigation. Rather, it constitutes a vital element in the Commission deliberations alluded to above. The memoranda and comments described in the Appendix reflect the authors' advice, opinions and recommendations regarding the Commission resolution of the Zimmer matter. Withholding these documents is necessary to protect the uninhibited dialogue essential to the deliberative process. The draft letter (item No. 3) contains no factual information not also present in the letter dispatched to Congressman Udall, a copy of which you have been provided. The remaining documents contain no segregable factual portions. Accordingly, all of these documents are being withheld in their entirety pursuant to Exemption (5) of the FOIA, 5 U.S.C. 552(b)(5), and our regulations, 10 CFR 9.5(a)(5).

You also protest the "effective denial" of the bulk of your request, concerning informal records, drafts, and an explanation of any deletions. Our silence in this regard was intended to convey the message that no documents of this nature were retained in NRC files.

This letter represents the final agency action on your FOIA appeal. Judicial review is available in a federal district 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 'Samuel J. Chilk', is written over the typed name.

Samuel J. Chilk
Secretary of the Commission

Enclosure:

Appendix - List of Documents Withheld

APPENDIX

1. October 29th draft letter to Congressman Udall with handwritten comments from Commissioner Bradford's office at the top. 2 pages.
2. October 30, 1981 memo to Chairman Palladino from Commissioner Bradford re: Proposed Draft Letter to Congressman Udall regarding Zimmer. 1 page.
3. October 21, 1981 memo to Commissioner Bradford from Legal Assistant Thomas R. Gibbon re: Udall letter on Zimmer, with handwritten comments. 1 page.
4. September 29, 1981 memo to Commissioner Bradford from Thomas R. Gibbon re: Public Release of OIA Report on Zimmer. 2 pages.