



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

PDR-016

DEC 07 1984

Mr. James E. Foster  
504 Eagleview Drive  
Carol Stream, IL 60188

IN RESPONSE REFER  
TO FOIA-84-802

Dear Mr. Foster:

This is in response to your letter dated October 11, 1984, in which you requested, pursuant to the Freedom of Information Act (FOIA), copies of any interim or final reports generated by NRC's Office of Investigations regarding the Zimmer Nuclear Power Plant.

The documents listed below pertain to allegations of intimidation of inspectors and false statements at the William H. Zimmer Power Station:

1. Report H-82-001
2. Report H-83-003
3. Report 3-83-039 - 1/25/84
4. Report 3-83-039 - 7/31/84
5. Report 3-83-039 - Undated
6. Letter from C. Barnes to B. Hayes - 9/16/83

Documents 1 through 5 are investigatory records compiled for law enforcement purposes and are being withheld from public disclosure pursuant to Exemption (7)(A) of the FOIA (5 U.S.C. 552(b)(7)(A)) and 10 CFR 9.5(a)(7)(i) of the Commission's regulations. Disclosure of the information contained within these documents would interfere with an ongoing enforcement proceeding. In addition, document 5 is a draft report and is being withheld from public disclosure pursuant to Exemption (5) of the FOIA (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations.

The draft report contains the predecisional findings of the Zimmer investigation by investigators in the Office of Investigations (OI) for the Director of OI. Because the document reflects the predecisional process in the Office of Investigations, the document is being withheld in its entirety. Release of the document would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. There are no reasonably segregable factual portions in this document because release of the factual portions would reveal a predecisional evaluation of which facts are important. See Russell v. Department of the Air Force, 2 GDS §81.123 (D.D.C. 1981), aff'd 682 F. 2d 1045 (D.C. Cir. 1982).

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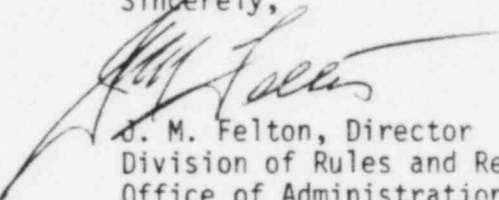
Documents 1 through 4 have been made available to the Department of Justice (DOJ). When finalized, document 5 will also be sent to the DOJ, which has convened a Grand Jury with regard to this matter.

Document 6 was originated by the office of the United States Attorney, and is being referred to that office for a disclosure determination and direct response to you.

Pursuant to 10 CFR 9.15 of the Commission's 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 person responsible for this denial is Mr. Ben B. Hayes, Director, Office of Investigations.

This denial may be appealed to the NRC within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed to the Secretary of the Commission, 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."

Sincerely,



J. M. Felton, Director  
Division of Rules and Records  
Office of Administration