



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

JUL 31 1985

Peter J. Thumser, Esquire
D'Amato & Lynch
70 Pine Street
New York, NY 10270

IN RESPONSE REFER
TO FOIA-83-787

Dear Mr. Thumser:

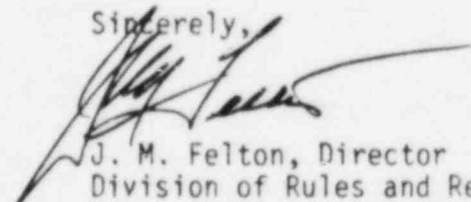
This is the final response to your letter dated December 23, 1983, in which you requested, pursuant to the Freedom of Information Act (FOIA), documents which resulted in the issuance of a Notice of Violation to Cincinnati Gas & Electric Corporation's Zimmer Nuclear Power Station in November 1981.

The documents listed on the enclosed computer printout were located in the Office of Investigations (OI) as of February 27, 1984. Since that time approximately 15 inches of documents have been added to the files. As you may know, certain matters concerning Zimmer have been provided to the Department of Justice. All of the documents contained in the OI files concerning the William H. Zimmer Nuclear Power Station are being withheld from public disclosure pursuant to Exemptions (5), (7)(A), (7)(C), and (7)(D) of the FOIA (5 U.S.C. 552(b)(5), (7)(A), (7)(C), and (7)(D)) and 10 CFR 9.5 (a)(5), (7)(i), (7)(iii), and (7)(iv) of the Commission's regulations. These records are withheld in their entirety because they are predecisional in nature or their release could cause an unwarranted invasion of personal privacy, disclose confidential sources, or interfere with an ongoing enforcement proceeding.

Pursuant to 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 Ben B. Hayes, Director, Office of Investigations.

This denial may be appealed to the Commission 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

8508150064 850731
PDR FOIA
THUMSER83-787 PDR

Enclosure : As stated

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December 23, 1983

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-83-787

Rec'd 12-28-83

Mr. Joseph M. Felton, Director
Division of Rules and Records
Office of Administration
United States Nuclear Regulatory Commission
Washington, D.C. 20555


Re: Freedom of Information Act Request
Zimmer Nuclear Power Station

Dear Mr. Felton:

Pursuant to the provisions of the Freedom of Information Act, 5 U.S.C. §552, we hereby request that the Nuclear Regulatory Commission produce for inspection by attorneys employed by this firm any reports or other documents generated by the Nuclear Regulatory Commission during its investigation of problems in construction, planning or financing of the Zimmer Nuclear Power Station which resulted in the issuance by the Nuclear Regulatory Commission of a Notice of Violation to the Cincinnati Gas & Electric Corporation in November 1981.

Very truly yours,

D'AMATO & LYNCH

By: 
Gilbert W. Bowman

GWB:lw

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