



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

JUL 29 1983

PDR-C16

Thomas Devine, Esquire
Government Accountability Project
1555 Connecticut Avenue, NW
Suite 202
Washington, DC 20036

IN RESPONSE REFER
TO FOIA-83-559

Dear Mr. Devine:

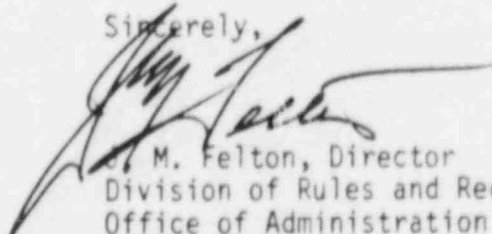
This is in response to your letter dated September 19, 1983, in which you requested, pursuant to the Freedom of Information Act (FOIA), the Office of Investigations' (OI) documents concerning the William H. Zimmer nuclear power station. On October 19, 1983, Mr. Ben B. Hayes informed you that OI would respond to your FOIA request at the earliest opportunity but that to respond immediately it would be necessary to divert investigative resources from the Zimmer investigation. Therefore, you agreed to delay OI's response to this FOIA request.

The enclosure to this letter lists the documents that were located in 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 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 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,


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

8508150115 850729
PDR FOIA
DEVINE85-559 PDR

Enclosure:
As stated