



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

JUL 31 1985

Ms. Karen S. Orman
Berger and Montague, PC
1622 Locust Street
Philadelphia, PA 19103

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IN RESPONSE REFER
TO FOIA-83-655

Dear Ms. Orman:

This is the final response to your letter dated November 7, 1983, in which you requested, pursuant to the Freedom of Information Act (FOIA), documents concerning the William H. Zimmer Nuclear Power Station.

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 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 Ben B. Hayes, Director, Office of Investigations.

This denial may be appealed to the Commission with 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

Enclosure: As stated

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November 7, 1983

Freedom of Information Act Officer
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-83-655

Rec'd 11-10-83

Re: Freedom of Information Act
Request Pertaining to
Cincinnati Gas & Electric Co. and the
William H. Zimmer Nuclear Power Station

Dear Sir or Madam:

Pursuant to 5 U.S.C. §552, the Freedom of Information Act, we request that you make available for our inspection and copying all documents not available in the Public Reference Room referring or related to any informal and/or formal investigation pending by the U. S. Nuclear Regulatory Commission of Cincinnati Gas & Electric Co. and/or the William H. Zimmer Nuclear Power Station. Also, if any such investigation is pending, please advise us as to whether it is formal or informal and its current status.

We are counsel to shareholders who seek to represent a class in actions which allege violations of Sections 10(b), 11 and 20 of the Securities and Exchange Act of 1934 and Rule 10b-5 promulgated thereunder (Rubin, et al v. Dickhoner, et al, No. C-1-83-1721 (S.D. Ohio W.D.); Peller v. Cincinnati Gas & Electric Company, et al, No. C-1-83-1761 (S.D. Ohio W.D.)). The plaintiffs allege, inter alia, misrepresentations and omissions of fact by Cincinnati Gas & Electric Co. with respect to the construction of the William H. Zimmer Nuclear Power Station.

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Freedom of Information Act Officer

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Access to the material requested in this letter would be of tremendous assistance to us in prosecuting this civil action. Moreover, the public interest in encouraging private enforcement of the federal securities laws by individuals acting as private attorneys general would be furthered in allowing us access to these materials.

Very truly yours,

BERGER & MONTAGUE, P.C.

By: Karen S. Orman
Karen S. Orman

and

WAITE, SCHNEIDER, BAYLESS
& CHESLEY

and

GENE MESH CO., LPA

and

ABBAY & ELLIS

KSO:pmp