

29E-016
PDR



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

MAR 28 1984

J. Patrick Hickey, Esquire
Shaw, Pittman, Potts & Trowbridge
1800 M Street, NW
Washington, DC 20036

IN RESPONSE REFER
TO FOIA-83-684

Dear Mr. Hickey:

This is in further response to your letter dated November 23, 1983 in which you requested, pursuant to the Freedom of Information Act, two categories of documents regarding the William H. Zimmer Nuclear Power Station.

A September 28, 1983 memo to Commissioner Gilinsky from R. Goldsmith contains information which constitutes advice, opinions, and recommendations of the Commissioner's confidential assistant written in order to advise the Commissioner. The information is being withheld from public disclosure pursuant to Exemption 5 of the Freedom of Information Act (5 U.S.C. 552(b)(5)) and 10 CFR 9.5(a)(5) of the Commission's regulations. Disclosure of this information would inhibit the candid and frank exchange of communications between the Commissioners and their assistants and would thus not be in the public interest. There are no reasonably segregable factual portions. The memo is being withheld in its entirety.

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. John C. Hoyle, Assistant Secretary of the Commission.

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."

The NRC has not completed its review of the remaining documents subject to your request. We will respond as soon as that effort is completed.

Sincerely,

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

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November 23, 1983

BY HAND

WRITER'S DIRECT DIAL NUMBER
(202) 822-1103

Mr. Donnie H. Grimsley, Acting Chief
Freedom of Information Branch
Division of Rules and Records
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST
FOIA-83-684
Rec'd 11-23-83

Dear Mr. Grimsley:

In accordance with the Freedom of Information Act, I hereby request the NRC to provide copies of the following documents now in its possession:

1. The transcript of the November 15, 1983 "Discussion of Pending Investigations" held before the Commission, insofar as the discussion concerned the William H. Zimmer Nuclear Power Station.
2. All documents prepared on or after July 1, 1983, which discuss or support the NRC Staff's decision not to approve the Cincinnati Gas & Electric Company's proposed Course of Action for Zimmer, as reflected in the attached letter dated November 21, 1983 from James G. Keppler, Regional Administrator, to the Cincinnati Gas & Electric Company.

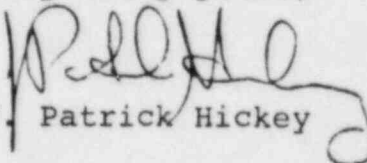
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Mr. Donnie H. Grimsley
November 23, 1983
Page Two

We would appreciate your efforts to expedite this request.

Very truly yours,


J. Patrick Hickey

Enclosure

November 21, 1983

Docket No. 50-358

Cincinnati Gas and Electric
Company

ATTN: W. H. Dickhoner
President

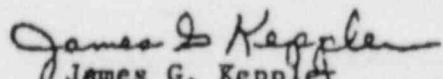
139 East 4th Street
Cincinnati, OH 45201

Dear Mr. Dickhoner:

This letter is to document discussions held today in Region III with Mr. J. Williams, Jr. I advised Mr. Williams that based upon information obtained to date from the Office of Investigation's ongoing investigation at Zimmer, the NRC staff is not able to approve Cincinnati Gas and Electric Company's proposed Course of Action for Zimmer with the described role for the H. J. Kaiser Corporation. While the results of the NRC investigation, which is not expected to be completed for several more months, may prove more favorable to Kaiser, we cannot approve the Course of Action with the information we have developed to date.

Based on our meeting, we understand CG&E will respond to this matter to deal with the staff's concerns.

Sincerely,


James G. Keppeler
Regional Administrator

cc: See Distribution

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