



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

PDR-016
LPDR

ocket No. 50-358

JUL 24 1984

Ms. Mimi Yoon
Mr. Louis Clark
Government Accountability Project
Institute for Policy Studies
1901 Que Street, NW
Washington, DC 20009

IN RESPONSE REFER
TO FOIA-83-680

Dear Ms. Yoon and Mr. Clark:

This is in further response to your letter dated November 16, 1983, in which you requested, pursuant to the Freedom of Information Act, documents concerning the Zimmer plant.

Document 1 listed on the Appendix to this letter is a draft containing information which constitutes advice, opinions, and recommendations of the staff. This document is being withheld in its entirety 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. The factual contents of this document are already in the public record in the Commission Order and release of the factual portions of this document would reveal the predecisional evaluation of which facts are important. Therefore, this document does not contain any reasonably segregable factual portions. The release of the document would tend to inhibit the open and frank exchange of ideas essential to the deliberative process.

Document 2 listed on the Appendix to this letter is an investigatory record, the release of which could interfere with an ongoing investigation as well as an enforcement proceeding. Therefore, this document is being withheld pursuant to Exemption (7)(A) of the Freedom of Information Act (5 U.S.C. 552(b)(7)(A)) and 10 CFR 9.5(a)(7)(i) of the Commission's regulations.

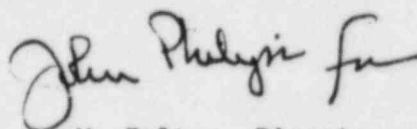
Pursuant to 10 CFR 9.15 of the Commission's regulations, it has been determined that the information withheld is exempt from production or disclosure and that its production or disclosure is contrary to the public interest. The person responsible for the denial of document 1 is Mr. John Hoyle, Assistant Secretary of the Commission. The person responsible for the denial of document 2 is Mr. Ben B. Hayes, Director, Office of Investigations.

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These denials 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 review of additional documents is continuing. As soon as the review is completed, we will be in touch with you.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Philip Felton".

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

Enclosure: Appendix

APPENDIX

1. 11/12/82 Draft of Commission Order (18 pages)
2. Undated Document entitled "Zimmer Investigative Categories"
(13 pages)

GOVERNMENT ACCOUNTABILITY PROJECT

Institute for Policy Studies

1011 Que Street, N.W., Washington, D.C. 20009

(202) 234-9382

November 16, 1983

Director
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-83-680
rec'd 11/22/83

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, the Government Accountability Project (GAP) of the Institute for Policy Studies requests copies of any and all agency records and information, including but not limited to notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, engineering analyses, drawings, files, graphs, charts, maps, photographs, agreements, handwritten notes, studies, data sheets, notebooks, books, telephone messages, computations, voice recordings, any other data compilations, interim and/or final reports, status reports, and any and all other records relevant to and/or generated in connection with the United States of America Nuclear Regulatory Commission Order to show Cause and Order Immediately Suspending Construction (CLI-82-33), Docket No. 50-358, Construction Permit No. CPPR-88, EA 82-129.

This request includes all agency records, as defined for the NRC^{*/}, whether they currently exist in NRC official, "working", investigative or other files, or at any other location, including private residences.

If any records as defined for this agency, and covered by this request have been destroyed and/or removed, and/or are destroyed and/or removed after receipt of this request, please provide all surrounding records, including but not limited to a list of all records which have been or are destroyed and/or removed, a description of the action(s) taken, relevant date(s), individual, office and/or agency-wide policies and/or justifications for the action(s), identification of all personnel involved with the action(s), and any and all records relevant to, generated in connection with, and/or issued in order to implement the action(s).

GAP requests that fees be waived, because "finding the information can be considered as primarily benefitting the general public." 5 U.S.C. § 552(a)(4)(A). The Government Accountability Project is a non-profit, nonpartisan public interest organization concerned with honest and open government. Through legal representation, advice, national conferences, films, publications and public outreach, the Project promotes whistleblowers as agents of government accountability. Through its Citizens Clinic, GAP offers assistance to local public interest and citizens groups who seek to

^{*/}See 10 C.F.C. § 9.3a(b) and NRC Manual, Appendix 0211, Parts 1.A2 and A.3 (approved October 8, 1980).

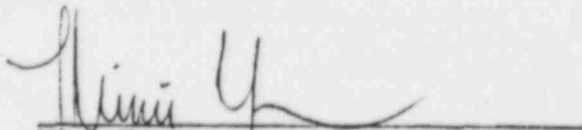
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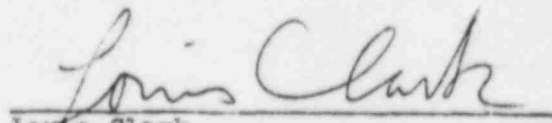
ensure the health and safety of their communities. GAP requests the above information as part of an ongoing monitoring project on the adequacy of the NRC's efforts to protect public safety and health at nuclear power plants.

For any documents or portions that you deny due to a specific FOIA exemption, please provide an index itemizing and describing the documents or portions of documents withheld. The index should provide a detailed justification of your grounds for claiming each exemption, explaining why each exemption is relevant to the document or portion of the document withheld. This index is required under Vaugh v. Rosen (I), 484 F.2d 820 (D.C.Cir 1973), cert. denied, 415 U.S. 977 (1974).

We look forward to your response within ten (10) working days.

Sincerely,


Mimi Yoon
Legal Intern


Louis Clark
Executive Director