

Rockingham County Newspapers

March 22, 1988

Executive Director of Operations
U. S. Regulatory Commission
Washington, D.C. 20555

APPEAL OF INITIAL FOIA DECISION

88-A-19E (88-28)

Rec'd 3-25-88

Dear Sir:

I wish to appeal the denial of my FOIA request re 88-28.

The information in question concerns the "redacted" material including, but not limited to, contracts negotiated with bus companies, ambulance drivers and hospitals by New Hampshire Yankee for its Massachusetts emergency evacuation plans.

The information is contained in appendix A of the utility's plans.

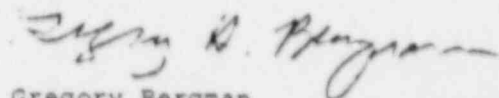
I would argue that such information is not proprietary and is of no competitive use. Indeed, it is an essential part of the evacuation plans for Seabrook Station, which are in the public domain, and should also be available to the public.

Without this data, no reporter can confirm that the companies contracted with exist or that their personnel understand what their duties would be in the event of a nuclear accident. This confirmation is of vital public interest.

Fears that release of this material might lead to harrassment of companies or their personnel are unfounded. In the case of the New Hampshire evacuation plans, the availability of similar information led to nothing more than healthy and informed debate. If anything, public debate of the plans may lead to improvements and to increased public confidence in them.

I see no sound reason for withholding these records and, in fact, see an overriding public policy interest in their release.

Yours truly,



Gregory Bergman
Rockingham County Newspapers
(The Hampton Union)
PO Box 1140
Hampton, NH 03842

8805090044 880322
PDR FOIA
BERGMAB8-A-19 PDR

THE EXETER NEWS-LETTER, THE HAMPTON UNION, THE ROCKINGHAM GAZETTE, THE KINGSTONIAN,
THE RAYMOND TIMES, PLAISTOW/HAMPSTEAD NEWS, THE BEACHCOMBER



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NRC CASE NUMBER DIA-88-24	
RESPONSE TYPE	
<input checked="" type="checkbox"/> FINAL	<input type="checkbox"/> PARTIAL
DATE FEB 25 1988	
DOCKET NUMBER(S) (if applicable)	

REQUESTER: **Mr. Gregory Bergman**

PART I - RECORDS RELEASED OR NOT LOCATED (See checked boxes)

- No agency records subject to the request have been located.
- No additional agency records subject to the request have been located.
- Agency records subject to the request that are identified in Appendix _____ are already available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.
- Agency records subject to the request that are identified in Appendix _____ are being made available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.
- The nonproprietary version of the proposal(s) that you agreed to accept in a telephone conversation with a member of my staff is now being made available for public inspection and copying at the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.
- Enclosed is information on how you may obtain access to and the charges for copying records placed in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC.
- Agency records subject to the request are enclosed. Any applicable charge for copies of the records provided and payment procedures are noted in the comments section.
- Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.
- In view of NRC's response to this request, no further action is being taken on appeal letter dated _____.

PART II A - INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

Certain information in the requested records is being withheld from public disclosure pursuant to the FOIA exemptions described in and for the reasons stated in Part II, sections B, C, and D. Any released portions of the documents for which only part of the record is being withheld are being made available for public inspection and copying in the NRC Public Document Room, 1717 H Street, N.W., Washington, DC, in a folder under this FOIA number and requester name.

Comments

SIGNATURE, DIRECTOR, DIVISION OF RULES AND RECORDS
Linda Robinson for Donnie Grimsley

88-03010165 3pp

PART II B - APPLICABLE FOIA EXEMPTIONS

Records subject to the request that are described in the enclosed Appendices A are being withheld in their entirety or in part under FOIA Exemptions and for the reasons set forth below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.5(a) of NRC Regulations.

- 1. The withheld information is properly classified pursuant to Executive Order 12356 (EXEMPTION 1)
- 2. The withheld information relates solely to the internal personnel rules and procedures of NRC (EXEMPTION 2)
- 3. The withheld information is specifically exempted from public disclosure by statute indicated (EXEMPTION 3)

Section 141-145 of the Atomic Energy Act which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165)

Section 147 of the Atomic Energy Act which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167)

- 4. The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated (EXEMPTION 4)

The information is considered to be confidential business (proprietary) information.

The information is considered to be proprietary information pursuant to 10 CFR 2.790(d)(1).

The information was submitted and received in confidence from a foreign source pursuant to 10 CFR 2.790(d)(2).

- 5. The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency (EXEMPTION 5)

- 6. The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy (EXEMPTION 6)

- 7. The withheld information consists of investigatory records compiled for law enforcement purposes and is being withheld for the reason(s) indicated (EXEMPTION 7)

Disclosure would interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow them to take action to shield potential wrongdoing or a violation of NRC requirements from investigators. (EXEMPTION 7(A))

Disclosure would constitute an unwarranted invasion of personal privacy (EXEMPTION 7(C))

The information consists of names of individuals and other information the disclosure of which would reveal identities of confidential sources. (EXEMPTION 7(D))

PART II C - DENYING OFFICIALS

Pursuant to 10 CFR 9.9 and 9.15 of the U.S. Nuclear Regulatory Commission 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 persons responsible for the denial are those officials identified below as denying officials and the Director, Division of Rules and Records, Office of Administration, for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL	
			SECRETARY	EDO
Thomas E. Murley	Director Nuclear Regulation	Appendix A		X

PART II D - APPEAL RIGHTS

The denial by each denying official identified in Part II.C may be appealed to the Appellate Official identified in that section. Any such appeal must be in writing and must be made within 30 days of receipt of this response. Appeals must be addressed as appropriate to the Executive Director for Operations or 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."

APPENDIX A

RECORDS TOTALLY WITHHELD

NUMBER

DATE

DESCRIPTION & EXEMPTION

The portions of the Public Service Company of New Hampshire's Seabrook Plan for Massachusetts Communities that were not previously made public will continue to be withheld pursuant to Exemption 4.

Media Regulatory Commission
Federal Rules and Records
100 St. James Street, 10th Floor
Boston, MA 02109, P.O. 20555

Gregory J. Brennan, Reporter
100 St. James Street, 10th Floor
Boston, MA 02109
Phone: 617-552-4242

FREEDOM OF INFORMATION
ACT REQUEST
FOIA-88-28
Rec'd 1-13-88

I am requesting access to Federal and Military Commission documents relating to requests for information in the vicinity of the World Trade Center evacuation plans for the World Trade Center Station.

I am specifically looking for the names of the bus companies, bus truck companies, hospital and ambulance operators left out of the evacuation plan for the World Trade Center Station (WTC).

If you are unable to provide this information I am permitted to have a waiver of fees for the information. I would appreciate your assistance in this regard. I believe I am entitled to this information and I therefore request that you provide it to me. I therefore request that you provide the information.

I am requesting that information is to be provided to me as quickly as possible. I am requesting that you release the information and that you provide the special procedures available under FOIA.

I would appreciate your handling the request as quickly as possible and I would like to receive the information from you within 10 days as the law stipulates.

If you have any questions about the FOIA request listed above please call me at (603)-928-4211 during normal business hours.

Sincerely,

Gregory J. Brennan

Gregory J. Brennan

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