

**From:** [John Francis Power](#)  
**To:** [FOIA Resource](#)  
**Cc:** [FOIAPublicLiaison.Resource](#)  
**Subject:** [External\_Sender] FOIA appeal  
**Date:** Wednesday, July 10, 2024 2:44:45 AM

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Dear Sir/Madam,

I am writing to appeal the recent decision regarding my Freedom of Information Act request (FOIA-2023-000132) for communications sent or received by Eric Stahl, Chief of the International Cooperation and Assistance Branch at the US Nuclear Regulatory Commission, between June 5 and 7, 2023 regarding the Zaporizhzhia Nuclear Power Plant in Ukraine.

In its response to my request, the US Nuclear Commission withheld 24 pages under FOIA Exemption 4 (secret or confidential information withheld as it was submitted by a foreign source in confidence pursuant to 10 CFR 7.390 (d)(2)) and Exemption 6 (information like emails and phone numbers that would result in a clearly unwarranted invasion of privacy.)

Of the 34 pages of documents released, the vast majority were redacted, excluding pages 7 and 8, which contained basic information about the power plant, and pages 33 and 34, which referenced a publicly-available BBC map.

While I understand Exemption 6 is invoked in response to most FOIA requests, I believe that Exemption 4 merits reconsideration for the following reasons:

- Zaporizhzhia Nuclear Power Plant is the largest power plant of its kind in Europe.
- At the time referenced in my request, there was considerable concern that the fighting around the plant – which had fallen under a zone of Russian control – was placing it in “constant jeopardy,” according to IAEA Director General Rafael Grossi.
- Ukrainian officials were also warning at the time that Russian forces could try to blow up the plant, which was surrounded by mines on its perimeter, according to the IAEA.
- The danger was also the subject of public debate in June 2023 as six of the plant’s reactors were placed in cold shutdown, leading some experts to suggest the situation was less dire than Ukrainian officials had warned.

- Nevertheless, a nuclear meltdown or accident would impact much of Europe and beyond, much like the 1986 Chernobyl accident.
- With all these factors taken into account, I believe it is in the public interest to understand how US officials were discussing the potential threat of a nuclear accident or attack, given its potentially enormous impact on US allies, US military personnel stationed in Europe, and the territorial US itself. I believe much of this information could be disclosed without compromising Exemption 4.
- I also note that correspondence and information mentioned in the correspondence may not have solely come from a foreign power like Ukraine, but may also have originated from the IAEA itself, an autonomous UN organization that does not fall under Exemption 4.

Thank you for your consideration, and please let me know if you need any further information from my end.

Sincerely,  
John

## John Power

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