

FOIA - 96-504

RESPONSE TYPE

☒ FINAL *and* ☐ PARTIAL

DATE FEB 21 1997

DOCKET NUMBER(S) (if applicable)

REQUESTER

Mr. Jay Gouley

PART I.—AGENCY 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.☐ Requested records are available through another public distribution program. See Comments section.☐ Agency records subject to the request that are identified in Appendix(es) _____ are already available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.☒ Agency records subject to the request that are identified in Appendix(es) *B* are being made available for public inspection and copying at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.☐ 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, 2120 L Street, N.W., Washington, DC, in a folder under this FOIA number.☐ Agency records subject to the request that are identified in Appendix(es) _____ may be inspected and copied at the NRC Local Public Document Room identified in the Comments section.☐ Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC.☐ Agency records subject to the request are enclosed.☐ Records subject to the request have been referred to another Federal agency(ies) for review and direct response to you.

Fees

☐ You will be billed by the NRC for fees totaling \$ _____.☐ You will receive a refund from the NRC in the amount of \$ _____.☐ In view of NRC's response to this request, no further action is being taken on appeal letter dated _____, No. _____.

PART II. A.—INFORMATION WITHHELD FROM PUBLIC DISCLOSURE

☒ Certain information in the requested records is being withheld from public disclosure pursuant to the exemptions described in and for the reasons stated in Part II, 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, 2120 L Street, N.W., Washington, DC in a folder under this FOIA number.

COMMENTS

Based on your recent telephone conversation with Ms. Carol Ann Reed, another search for records subject to your request was undertaken. The staff located the additional records which are identified on Appendices B and C. The Appendix B record and the releasable portion of the record on Appendix C are enclosed.

FIAI 0/1

SIGNATURE, DIRECTOR, DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES

9702260249 970221
PDR FOIA
GOURLEY96-504 PDR

RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) REQUEST
(CONTINUATION)

FOIA NUMBER(S)

FOIA - 96-504

DATE

FEB 21 1997

PART II. B - APPLICABLE EXEMPTIONS

Records subject to the request that are described in the enclosed Appendix(es) C are being withheld in their entirety or in part under the Exemption No.(s) and for the reason(s) given below pursuant to 5 U.S.C. 552(b) and 10 CFR 9.17(a) of NRC regulations.

1. The withheld information is properly classified pursuant to Executive Order. (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 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. (Exemption 5). Applicable Privilege:

Deliberative Process: 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.

Attorney work product privilege. (Documents prepared by an attorney in contemplation of litigation.)

Attorney-client privilege. (Confidential communications between an attorney and his/her client.)

X 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 records compiled for law enforcement purposes and is being withheld for the reason(s) indicated. (Exemption 7)

Disclosure could reasonably be expected to interfere with an enforcement proceeding because it could reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients 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 could reasonably be expected to reveal identities of confidential sources. (Exemption 7 (D))

OTHER

PART II. C - DENYING OFFICIALS

Pursuant to 10 CFR 9.25(b) and/or 9.25(c) 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 Freedom of Information and Publications Services, 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		
			EDO	SECRETARY	IG
A. Bill Beach	Administrator, Region 3	App. C	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 there. Any such appeal must be made in writing within 30 days of receipt of this response. Appeals must be addressed, as appropriate, to the Executive Director for Operations, to the Secretary of the Commission, or to the Inspector General, 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 B
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	08/31/94	LER, Event Number 2733 (2 pages)

APPENDIX C
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	Undated	Notes re: occurrence in Clinton Township Michigan (2 pages) EX. 6

Natural Resources News Service

Suite 1102 ■ 1730 Rhode Island Ave., NW ■ Washington, DC 20036
202-466-4310 ■ 703-506-4594 Fax

FOIA/PA REQUEST

96-504

11-25-96

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Date Recd: 11-25-96

Action Off

File # 2838

Wayne T. Jaquin
President

November 20, 1996

Joseph J. Trento
Bureau Chief

Mr. Russell Powell
U.S. Nuclear Regulatory Commission #2608
Washington, D.C. 20555-0001

Roger G. Charles
Correspondent

Dear Mr. Powell:

Jay Gourley
Correspondent

This is a Freedom of Information Act request for all agency documents (whether or not generated by your agency) pertaining to any activities of David Hahn. (DOB: [REDACTED] SS#: [REDACTED] address: [REDACTED])

Suzanne Clarke
Correspondent

Jeffrey L. Moag
Correspondent

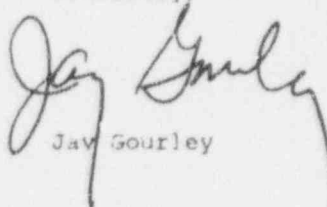
Hahn was a minor who conducted weekend science experiments based partly on information from the Nuclear Regulatory Commission. The experiments led to radioactive pollution at 2776 Pinto St., Commerce Township, Mich., where his mother lived. The pollution brought about an emergency response by Region Five of the Environmental Protection Agency. That response included the removal of a shed behind the Pinto St. home in about July 1995. The incident was brought to the government's attention when the Michigan Dept. of Environmental Quality called the Environmental Protection Agency after DEQ was consulted by local police. The resulting incident would have involved communication with local authorities and with other United States agencies, and possibly with foreign authorities.

Margaret A. Savage
Systems Manager

I have enclosed three documents to reduce the need for Privacy Act redaction. They include waivers from Hahn, who is no longer a minor, and from Michael Polasek, who owned and still owns the Pinto Street property. I have also enclosed a copy of the death certificate of Patricia Williams Hahn, David Hahn's mother, who lived at the Pinto Street address and who died February 14, 1996.

This request is made in my capacity as a correspondent for Natural Resources News Service for no other purpose than public dissemination that will foster understanding of your agency's work. As a result, I ask that you waive search and copying charges. Please proceed with the document search pending a decision on that request. You may consider this letter as my promise to pay at least \$50 should my request for a fee waiver be denied.

Sincerely,


Jay Gourley

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