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{In Archive} Merrimack Station PIC
palmeag to: Sharon Zaya

06/21/2005 03:45 PM

From: palmeag@nu.com
To: Sharon Zaya/R1/USEPA/US@EPA

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2 attachments



Merrimack Sta PIC - REDACTED.PDF Merrimack Sta QAP & SOP - REDACTED.PDF

Sharon:

At your request, I am providing the attached copy of the Merrimack Station PIC, with certain portions of the text redacted. Our outside counsel, Elise Zoli and Betsy Mason at Goodwin Procter, were surprised to hear that you requested a redacted copy of the PIC to forward to the rest of your team, both because there is no legal impediment to your sending the unredacted original copy to other EPA employees who are working on this matter (see 40 CFR sec. 2.209(e) ("[a]n EPA office, officer, or employee may disclose any business information to another EPA office, officer, or employee with an official need for the information")), and because neither of them has ever encountered such a request.

To be clear, it continues to be PSNH's position that the entire PIC is CBI, and PSNH is not waiving this argument under applicable federal or New Hampshire law. As a result, the attached copy of the PIC retains the "trade secret, proprietary or company confidential" banner on each page. We are providing this redacted copy as a courtesy and solely for EPA's internal use, without waiving any rights, and with the understanding that to the extent that it is Region 1's position that such a redacted copy is required for the Agency's internal use (a position with which PSNH does not agree), the redacted text is CBI that must be kept confidential even within EPA. We of course believe that it is both legally proper and makes much more sense to manage the entire PIC as CBI and to disclose the complete document to your whole team in accordance with applicable CBI requirements.

Please call me at 603-634-2439 if you have any questions. Thanks,
Allan.

(See attached file: Merrimack Sta PIC - REDACTED.PDF)
(See attached file: Merrimack Sta QAP & SOP - REDACTED.PDF)