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September 6, 2011

BY MAIL AND EMAIL

Mark Stein
U.S. EPA Region 1
5 Post Office Square
Mail Code: ORA18-1
Boston, MA 02109-3912

Re: Public Service of New Hampshire's Merrimack Station

Dear Mr. Stein,

On August 9, 2011, John King provided me, pursuant to CLF's updated FOIA request, with EPA's October 10, 2010, CWA § 308 letter ("308 request") and some of PSNH's responses to that letter. In your absence, I spoke with Ann Williams regarding PSNH's Confidential Business Information (CBI) claims over some of its responses. We agreed to review the questions for which PSNH claimed CBI over its responses before asking EPA to make an independent evaluation of whether the material submitted by PSNH was in fact CBI.

Based on our review of PSNH's responses, CLF makes the following additional requests, under FOIA:

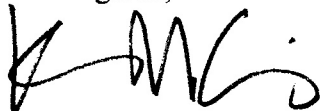
1. CLF requests EPA make an independent determination that the information that PSNH claimed was CBI does in fact qualify as CBI. Specifically, this request refers to PSNH's answers to questions 5 and 9 from EPA's 308 request.
2. In submitting its non-CBI responses to the 308 request, PSNH asked for and EPA granted an extension to answer one question (4(e)), for which it does not appear that PSNH was planning to claim CBI, but which it was going to submit with their CBI material on December 8th. The answer to that question was not included with the materials provided on August 9, 2011. Please provide that information immediately as it does not appear from PSNH's response that it intended to claim CBI regarding that answer.
3. The 308 request references an October 8, 2010 submission to EPA from PSNH. Please provide all records and communications related to PSNH's construction of a wastewater

treatment system for the FGD system and NPDES permitting for that system, including, but not limited to, PSNH's October 8, 2010 submission to EPA. This request does not include records and communications EPA has already provided to CLF pursuant to its prior FOIA request related to this matter on October 9, 2009.

CLF makes this FOIA request pursuant to the same conditions of its original October 9, 2009 FOIA request, including its request for a fee waiver.

Thank you for your assistance with this request. Please let me know immediately if I need to direct this request to someone else at EPA. Should you have any questions, please do not hesitate to call me.

Best regards,

A handwritten signature in black ink, appearing to read 'K. Cassidy', with a stylized flourish at the end.

Kevin M. Cassidy

Pacifica Environmental Advocacy Center – East

CC: Melissa Hoffer (via email only)
Tom Irwin (via email only)
Ann Williams (via email only)
John King (via email only)