



NR 2, 200

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State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

L. P. Voigt
Secretary

BOX 450
MADISON, WISCONSIN 53701

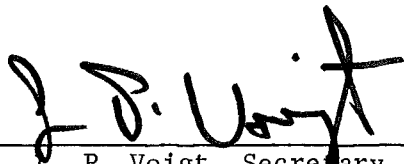
IN REPLY REFER TO: _____

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, L. P. Voigt, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. M-65-74 was duly approved and adopted by this Department on February 21, 1975. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at Pyare Square Building in the Village of Shorewood Hills, this 21st day of April, 1975.



L. P. Voigt, Secretary

(SEAL)

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

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IN THE MATTER of repealing and recreating .
NR 200.06 (2) and creating NR 2.19 of the .
Wisconsin Administrative Code pertaining .
to confidentiality of information. .
.....

M-65-74

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING & RECREATING AND CREATING RULES

Pursuant to authority vested in the State of Wisconsin Natural Resources Board by Chapters 144, 147 and 227, Wisconsin Statutes, the State of Wisconsin Natural Resources Board hereby repeals and recreates and creates rules as follows:

SECTION 1. NR 2.19 is created to read:

NR 2.19 Confidential Information. (1) This section applies in those cases where the department is expressly authorized by law to treat information obtained by it as confidential.

(2) Application for Confidential Status. Any person seeking confidential treatment of information obtained by the department shall file with the department a written application for confidential status containing:

- (a) The name, address and interest of the applicant;
- (b) The specific information for which confidential status is sought;
- (c) The facts alleged to constitute the basis for granting confidential

treatment;

(d) Whether the applicant elects to proceed under subsections (5) or (6) of this section if the department determines that additional facts or information is required.

(3) Decision on Application. (a) Any decision issued under this section shall be in writing and shall state the basis for granting confidential status or the reasons for denial of the request. The department may grant or deny the request in whole or in part. The decision shall be final unless an adjudicatory hearing is requested within 14 days following its issuance. If a hearing is requested, the department shall schedule a hearing at which the applicant shall appear and present evidence or testimony supporting its position. The department may also appear and present evidence regarding the application. The hearing will be before a hearing examiner, and testimony shall be under oath and cross-examination allowed. The hearing will not be open to the public. The department shall issue a final decision based upon the record of hearing.

(b) No information for which confidential status was requested shall be disclosed to the public for 30 days following issuance of the final decision under subsection (a). Information supplied by the applicant, not otherwise required by the department, shall be treated as confidential. Unless judicial review is requested, the information shall be returned to the applicant following the 30-day period after issuance of the final decision.

(4) Information Sufficient. If the information in the application for confidential status provides an adequate basis for determining confidentiality, the department shall notify the applicant of its decision within 20 days.

(5) Written Interrogatories. When elected under subsection (2)(d), the following procedure shall apply:

(a) The department shall, within 30 days after receiving a request for confidentiality, mail to the applicant a list of written interrogatories the answers to which are necessary for a determination under this section.

(b) If the applicant fails to answer all interrogatories within 30 days, the department shall deny the application.

(c) Within 20 days after receipt of the answers, the department shall notify the applicant of its decision.

(6) Appearance Before the Department. When elected under subsection (2)(d), the following procedure shall apply:

(a) Within 30 days of receipt of the application, the department shall notify the applicant of a time and place to make an appearance before the department. The applicant shall answer questions of the department and may present information and testimony regarding the request for confidentiality. The appearance shall not be open to the public.

(b) Based on the information presented and reports from department personnel reviewing the request for confidentiality, the department shall issue its decision within 20 days after the appearance.

(c) The appearance under this subsection is not a contested case.

SECTION 2. NR 200.06 (2) is repealed and recreated to read:

(2) All information contained in an application other than that specified as confidential shall be available to the public for inspection and copying. All confidential information, so identified, shall be set forth in separate documents. Effluent data shall not be deemed confidential information. Confidential treatment will be considered only for that information identified as such in documents separate from nonconfidential information which meets the requirements of section 147.08(2)(c), Wis. Stats., and for which written application for confidentiality has been made pursuant to NR 2.19.

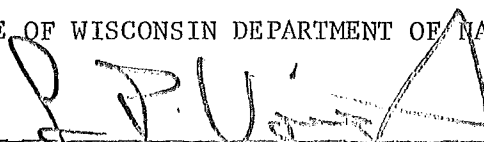
The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on February 21, 1975.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin April 21, 1975

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By


H. P. Voigt, Secretary