



April 11, 2001

Carolyn Becknell
Freedom of Information Officer
U.S. Department of Energy
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, NM 87185

Carol Ann Reed
FOIA/PA Officer
U.S. Nuclear Regulatory Commission
Mail Stop T-6 D8
Washington, D.C. 20555

Dear FOIA Officers:

Please consider this a request for documents in accordance with the provisions of 5 U.S.C. § 552, *et seq.*, commonly known as the Freedom of Information Act.

This request for documents and records should be interpreted to include copies of all correspondence, including, but not limited to, internal memoranda or correspondence, correspondence with other federal, state or foreign agencies, corporations, or individuals, papers, maps, data, field notes/reports, bills, contracts, telephone logs, scientific studies, briefing documents, electronic mail, and notes documenting any communications, regardless of physical form or characteristics. Our request encompasses all documents and records in the possession of the agency, regardless of whether the documents or records were produced by employees of the Department of Energy (DOE) or the Nuclear Regulatory Commission. Please provide me a copy of the following materials:

- Any requests for reimbursement submitted to the DOE by PricewaterhouseCoopers (Trustee) in connection with the Atlas Mill Tailings pile located in Moab, Utah (Atlas site or site) pursuant to Title 10, 42 U.S.C. § 2296a, and any materials submitted with regard to the request for reimbursement;
- Information regarding the total amount of funds spent by PricewaterhouseCoopers in its capacity as Trustee of the Atlas site;
- Information regarding what goods or services the Trustee has purchased or plans to purchase with Trust funds, the purpose of the purchase(s), and whether the goods and services have been delivered;
- Information regarding the amount of money that has not yet been spent by the Trustee that is available to be spent on the site; and
- Any other information regarding how the Trustee expended the assets of the Trust

This request is made by Earthjustice on behalf of the Grand Canyon Trust, Sierra Club, Colorado Plateau River Guides, and Grand County, Utah. Earthjustice is a non-profit, public

FOIA/PA REQUEST

Case No: 2001-0229
Date Rec'd: 4-17-01
Action Off: Pool
Related Cases: _____

interest, environmental law firm committed to the enforcement of our nation's environmental laws. The requestors represent an extensive network of people, many of whom live, work or recreate near the Atlas site and/or have a keen interest in a cleanup that assures the protection of the Colorado River. Neither Earthjustice nor its clients will derive any income or commercial benefit from use of any of the requested documents. The DOE and NRC have granted fee waivers to these groups in the past. I therefore request a waiver of any fees associated with this request.

The requested materials are part of an effort to ensure that the limited resources available for reclamation of the Atlas site are used effectively and efficiently. Even though the Atlas site is highly visible and controversial, the public knows very little about how the Trustee has spent the limited funds available for the cleanup of the site. Release of the requested materials will greatly contribute to the public's understanding of what goods and services have been purchased in an effort to cleanup this site. Earthjustice, on behalf of its clients, will thoroughly analyze the requested materials. Earthjustice is uniquely qualified to collect, analyze and disseminate the requested information. Our attorneys and research staff have extensive knowledge of environmental laws and policies as well as experience in disseminating complex information in an educational and informative manner. The results of this analysis will be broadly disseminated to our clients and to the general public thereby enhancing the public's understanding of the expenditures made by the Trustee in fulfilling its duties. Earthjustice and its clients have the ability to broadly disseminate information through newsletters and other publications, the national and regional media, action alerts, conferences, and the internet. Information gathered from the requested materials will be made available free of charge.

Pursuant to 5 U.S.C. § 552, I would appreciate a response within twenty working days of your receipt of this request. In the event that you have any questions concerning the type of materials I am interested in receiving, please contact me as soon as possible at (303) 623-9466. I appreciate the time and effort that goes into processing this request.

Sincerely,



Kimberly Boggiatto