

**FOIA/PA REQUEST**From : Christine Ziebold MD PhD MPH  


Case No.	2004-0135
Date Recd.	2-20-04
Action Off:	Pool
Related Case:	

To : Ms. Mary Jean Pool  
U.S. Nuclear Regulatory Commission  
Mail Stop T-6 D8  
Washington, D.C. 20555-0001

Fax : 301-415-5130

February 19, 2004

Narrowed down document request and Request for a waiver of fees FOIA/PA 2004-0096

Dear Ms. Pool:

Thank you for your letter from January 14, 2004. Upon advice by Ms Reed I called the Public Document Room in Washington DC to request a search of the Legacy Library for 3 M docket #030 04951 from 1994 backwards to 1961 (ie begin of licenses 22-00057-06 & 22-00057-32G) and for ATK docket #040-07982 from 2004 back to 1975. I then reviewed the 225 pages of document titles, narrowing them down to 16 documents re 3M and 11 pages re ATK. Please supply me with your email address so I may send you these lists, including (at least 2) documents that were missing and appear to be non-public.

I would like to supply you with information for a waiver of fees. I will show in the following that there is a substantial public interest in the information that I am requesting, that I have the ability to understand and disseminate it to the public.

The following issues address a waiver of fees (10 CFR section 9.41) as outlined in your January, 14 2004 response:

1. **Purpose of use of information:** The requested information will be used to increase community understanding of the past radionuclide use and contamination at TCAAP. It will be used in support of the cleanup, to improve the soundness of government decisions, and to ensure the cleanup is responsive to community needs. The subject of depleted uranium (DU) munitions in particular is a critical public health issue for our nation as well as for other nations. Evidence is mounting for the elimination and ban of this type of weapon due to the toxicity and longevity (4.5 billion years half life) of the material involved.

2. **Extent of extraction and analysis:** The requested information will show the NRC licensing agreements, any noncompliance and violations of Allianttech, formerly Honeywell, and 3M regarding radionuclide use TCAAP. I will be looking at the NRC licenses to see what restrictions had been placed upon Honeywell regarding DU and 3M in their handling of 10 different radionuclides. More importantly, I have reason to believe that DU amongst other radionuclides were released into the natural environment at

TCAAP. Therefore I am interested in any and all radiation surveys of buildings and their surroundings, as well as the natural environment at TCCAP. The requested information will show the characterization and remediation of radioactive hazards, especially of the natural environment at TCAAP, as documented by NRC. I have been requesting this very specific information from EPA, NRC and Army as documented in letters, emails and conversations since 2002 and not received it. The information will be analyzed to spur the assessment of public health risks associated with radionuclide use on TCAAP and likely inherent in the property. The information needs to be communicated, before acquisition of the land, land transfer, development and privatization of this critical information (by developers) occur.

**3. Use of records and qualifications:** I have never requested information through the Freedom of Information Act before. However, I know the subject matter, as I have been a community member of the TCAAP Restoration Advisory Board (RAB) since 2002. I have been researching environmental health issues since 2000. I am a practicing pediatrician and epidemiologist. I am capable of extracting and understanding the content of the agency record, exemplified by my 12 page petition to the ATSDR in July 2003. The petition grew out of the study of Army, EPA and MPCA documents related to TCAAP, which I had access to as a RAB member. The petition in turn caused NRC region III to engage in a more active correspondence with me last year. As a physician I am interested in the hitherto unknown effects of the activities at TCAAP on the health of humans and the ecosystem. As an environmental health scientist I am interested in checking past risk assessments, as guidelines and federal standards have changed. In the opinion of my esteemed colleagues, professors of environmental health at the School of Public Health University of Minnesota, proper measurements for exposure to radionuclides through TCAAP as a superfundsite, "should be available".

**4. Impact on the public's understanding:**

The public knows very little about the licensing of Honeywell to produce DU munitions and even less about 3M's research activities, which involved 12 radionuclides, amongst it U-235. ~~It would be of great interest for the public to find out whether or not Honeywell and 3M were following NRC licensing agreements, what risks workers and residents were exposed to and what residual risk remains.~~ The information directly responds to the community's need to know. It will improve community relations and the soundness of government decisions on all levels.

**5. Size and nature of the public:** TCAAP is located in a northern suburb of the Twin Cities of Minnesota, where close to 3 million people live. Contamination from TCAAP affected the Twin Cities source of drinking water and led to its listing on the NPL 20 years ago. Community involvement at TCAAP was institutionalized in the formation of the RAB in 1996. However, information about radionuclide use, contamination and clean-up is kept outside the RAB informed Superfund process. This has been detrimental to public awareness. EPA's deferral to NRC, which is not part of the RAB, has contributed to the present state of misinformation about radionuclide use, radionuclide environmental contamination and radionuclide clean up at TCAAP. Community interest has recently increased. A presentation by EPA headquarters at building 105 on TCAAP

on January 5 of "How EPA defers to NRC regarding radionuclide clean up" was attended by more than 100 citizens. This was unheard of in the RAB's 8-year history. The Army had to move the presentation to a different room because of the unexpected number of interested people. There is a hunger for information that this presentation could not satisfy, as questions about DU arose, that EPA could not or would not answer. At the subsequent RAB meeting on January 6 the Army Commander offered to have a DU forum outside the RAB-structure, to inform interested citizens about DU at TCAAP. We anticipate that this will be taking place in March. Congresswoman Betty Mc Collum has sent a letter to NRC on January 8 inquiring about DU at TCAAP. On their next meeting, January 12, the City of Arden Hills adopted a resolution to request a report from the Nuclear Regulatory Commission<sup>1</sup>. Reports of these developments were carried by the Arden Hills Bulletin<sup>2</sup> and the Pioneer Press<sup>3</sup>. Citizens residing in the communities surrounding TCAAP from Circle Pines to Shoreview to White Bear Lake have contacted me for more information. The Minnesota Green Party has expressed an interest in making the DU use at TCAAP a campaign issue. State Representative Karen Clark has proposed a moratorium on the use of DU in Minnesota. Senator Mark Dayton (D-MN) has made a congressional inquiry into the matter.

#### 6. Means of dissemination:

I intend to disseminate information to the public regarding this issue by writing and having the information published in a number of publications. I intend to relate the information to the public by discussion, websites, e-mail messages on lists, writing for newspapers, magazines. Normally, I prefer to write articles myself.

When the issue is of extreme importance to the community, as in the case of impending land transfer, I will release information as a press release for the Star Tribune and the Pioneer Press and the local press. It is likely that I will release information through the organizations in the Twin Cities I work closely with, the Phil Berrigan DU group, Military Toxics Project, Friends for Nonviolent World, Women against Military Madness, Nukewatch (a Wisconsin-based environmental and peace action group) and the Minnesota Green Party. In addition, the information I receive will be published in the Nukewatch quarterly newsletter "Pathfinder", which 2700 citizens across the nation receive, and posted on the Nukewatch website at [www.nukewatch.org](http://www.nukewatch.org). I intend to directly disseminate information through the internet. I am active on a working DU internet list, for the purpose of expanding research and knowledge about DU.

7. Fees: I do not obtain payment for this work or for the dissemination of this information. Public access to the information obtained through my FOIA request will be free of charge.

<sup>1</sup> City of Arden Hills, County of Ramsey, Minnesota. Resolution 04-18.

<sup>2</sup> 1-14-2003. By Stephanie Ariganello, staff writer, Arden Hills Bulletin

<sup>3</sup> 1-28-2003. Arden Hills wants answers to DU question. Request for more info sent to NRC and Alliant. By Stephanie Ariganello. Arden Hills Bulletin

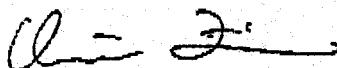
<sup>4</sup> Jan. 21, 2004 Arden Hills: City seeks assurances that uranium will be cleaned up. By Allen Powell II. St. Paul Pioneer Press.

**8. Commercial interest:** I am not connected with any commercial organizations, clean up companies or the Army. I know that the future buyer of the land, developers, as well as the City of Arden Hills are interested in how and where radionuclides, including depleted uranium have been handled at the arsenal. I am not, however, connected with any of the above groups.

The public has shown great interest in the issue of radioactive contamination at TCAAP and depleted uranium munitions in particular. Please note that I have not written this FOIA request lightly, but have worked myself up the hierarchy in the chain of command, which controls this information.

Please e-mail or call me, if I have missed an issue concerning a waiver of fees.

Sincerely,



Christine Ziebold MD PhD MPH