

Herring, Kent LTC MIL USA OTJAG

From: Hayes, John [John.Hayes@nrc.gov]
Sent: Wednesday, October 14, 2009 8:25 AM
To: Barbara Moore
Subject: RE: Please Disallow DU at PTA
Attachments: image001.jpg

Ms. Moore,

I have forwarded your request for a hearing to the Office of the Secretary as they are responsible for handling hearing requests.

Thank you for your comments. I will add them to the comments received from others. Your comments and the others will be evaluated by NRC project team responsible for the review of the Army's DU possession only license application.

Regards,

Jack

From: Barbara Moore [mailto:dfly@dragonflyranch.com]
Sent: Wednesday, October 14, 2009 2:57 AM
To: Hayes, John
Subject: Please Disallow DU at PTA

Aloha Mr. Hayes,

As the president of the Big Island Health and Wellness Alliance (BIHWA) I am writing to thank you for listening to the requests of the people of this island asking that you DISallow Depleted Uranium on our Sacred Aina.

Furthermore, I am begging you to not pretend to be hearing our heart-felt pleas but rather respond to our need to safe guard our guests visiting this island, the people who reside here, and our noble soldiers, from this deadly substance.

I formally request that there be a public hearing that allows our residents the right to protect themselves from this invasive substance that destroys the health of our residents.

CLOSE DOWN ALL LIVE FIRE AT PTA, STOP THE BOMBING AND REMEDIATE THE AREA IMMEDIATELY.

I attended your meeting and read your literature assuring us that DU is nothing for us to worry about.

I can tell you from personal experience that Depleted Uranium IS dangerous. Ever since I protested, on a fateful day in 2007, against DU at PTA when I was caught in a dust devil as I looked at a meter spike in the dangerous zone, I have been experiencing serious health problems resembling issues that develop after exposure to depleted uranium. I won't bother going into detail but suffice it to say that I do not think I would be challenged with chronic lymphoid leukemia if you and your team of experts were to honestly assess the danger of DU years ago and had then put a stop to the live fire, bombing, and Stykers moving DU dust into the precious air that Big Islander's breathe.

As you heard from the statistics of this area, cancer has increased for us "down winders" so that I am not the only victim suspected of suffering from the effects of DU on this island.

The words that popped out of my mouth when I was speaking at the meeting you arranged for us in Kona was, "Are you dupes?" When I saw your facial responses to my question, I regretted offending you by using those harsh words. I came home and looked up the meaning of "dupe:" an "unknowing" dupe is a victim of deception. The verb, "to dupe", means "to deceive". Since you are educated and intelligent people, I can't help but believe that you are fully aware of how lethal DU is to humans, plants, animals, the planet. Are you deceiving yourselves when you try to tell us that allowing DU on our island is not hazardous to our health and the well being of our precious land, water, and air?

You now have the opportunity to make a stellar decision that goes against all the brainwashing you have been exposed to and are attempting to foist upon us. After the meeting, when I shook your hands, I told you that I would appreciate your taking an honest stand that could cost you your job. None of you seemed thrilled at that possibility. I know times are tough and you have a high paying job. But at what cost to your integrity when you rubber stamp every request you have ever gotten asking you for permission to possess the most destructive substance on the planet: the material used in Weapons of Mass Destruction, silently killing even humans it was not intended to kill for four and a half million years to come ? Wouldn't it be a new experience to look at yourself in the mirror and say, "Today I'm going to go on record for making the RIGHT decision, the sane decision, the decision that protects our citizens from the proliferation of this lethal material. I'm going to say NO to allowing Depleted Uranium in the Aloha State."

Every one of you can actually use your own brain and realize that you have an opportunity to take a major historical step—one that could positively affect your life and that of your children to follow—by going on record as refusing the army the right to allow Depleted Uranium on these islands. REMEDIATE is the key word I wish for you to embrace. Say NO to allowing the military a permit to possess Depleted Uranium.

I repeat:

CLOSE DOWN ALL LIVE FIRE AT PTA, STOP THE BOMBING AND REMEDIATE THE AREA IMMEDIATELY.

Sincerely,

Barbara Moore

--

"In the Sweetness of Friendship,
let there be Laughter
and the Sharing of Pleasures "
Khalil Gibran
Barbara Ann Kenonilani Moore

President of Big Island Health and Wellness Travel Alliance soul proprietor of Dragonfly
Ranch: HEALING ARTS CENTER Voted #1 B&B in West Hawaii by readers of West Hawaii Today daily
paper
(808)328-2159
<http://dragonflyranch.com>
where Aloha abounds
72 degrees and sunny on Big Island's Kona Coast

Hayes, John

From: luwella leonardi [phonicsworks@gmail.com]
Sent: Monday, October 12, 2009 4:33 AM
To: Hayes, John
Subject: Depleted Uranium public hearing for the Waianae Coast

Luwella K Leonardi
85-1363 Halapoe Place
Waianae, HI 96792

Dear John Hayes,

October 11, 2009

I am writing this letter requesting that a meeting be held for my community. We have for many years been in undated with bombing plume dust from the military here in Hawaii and specifically on the Waianae Coast. The military has trained and practiced their bombing in my community as well as their own community for a decade. It is with great disturbance that such a great country would continue this practice especially with the knowledge of depleted uranium is present in their weapons.

The sustainable projected five year plans for the military are to remove contaminated debris from within military installations in Hawaii. To keep military family safe from these toxic chemical is to scoop and send these contaminated soil to my community on the Waianae Coast. I have truckers in my community that are ignorant and have procurement jobs to enter

Schofield Barracks and load their trucks with contaminated soil and bring it to my community. It takes months but eventually, the loads of contaminated soil gets black topped and used as a truckers parking lot.

I have followed these truckers to Schofield Barracks and later at the end of the day watch these same truckers unload their load directly in back of my house. I have been in undated by this plume for many years. Every person that has been directly affected by these toxic dusts is sick. My community has many sick people and most people in my community have no medical coverage therefore, it is not reported until death occurs. Upon closer examination people die in my community before they reach full maturity when compared to other communities on Oahu.

I would appreciate the opportunity for a public hearing so that one can discuss the possibility of clean-up, contamination of my community, and a shorter life span. I appreciate your attention that you have given to this request.

Mahalo,
Luwella K Leonardi

I.

Reply 11/9/09

PO Box 10265
Hilo, Hawai'i 96721
October 9, 2009

U.S. Nuclear Regulatory Commission (NRC)
Office of the Secretary of the Commission
Rulemakings & Adjudications Staff
Mail Stop O-16C1
Washington, DC 20555-0001

Dear NRC staff,

Enclosed are my REQUEST FOR EXEMPTION FROM ELECTRONIC FILING and REQUEST FOR EXTENSION OF TIME TO FILE A REQUEST FOR HEARING AND PETITION FOR INTERVENTION. Thank you for your attention to these requests.

Sincerely,



Cory Harden

cc.

Office of Commission Appellate Adjudication, NRC
Catherine Scott, Kimberly Sexton, and Brett Klukan at Office of the General Counsel, NRC
David Howlett, U.S. Army Installation Command, Arlington, VA
Jim Albertini, Malu Aina

REQUEST FOR EXEMPTION FROM ELECTRONIC FILING

I request an exemption, under 10 CFR 2.302 paragraph (g) (3), from electronic formatting and electronic transmission, because when I tried to do this while representing Sierra Club, it became extremely time-consuming.

- I tried to download the format viewer, but screen messages said it would take 4 to 8 hours on my dial-up connection. The connection sometimes fails if a telephone call comes in, or if I don't tap a key every 10 minutes. Then I have to start over. NRC technical support said they would bring this up at staff meeting and get back to me with possible solutions, but I haven't heard back yet.
- To submit documents in the required PDF format, I would have to drive 30 miles round trip to a computer service store.
- I spent an hour or so on the computer and with NRC technical support trying to get a digital ID, but it still didn't come in correctly.

October 9, 2009

In the matter of)	
)	
U.S. ARMY INSTALLATION COMMAND)	Docket No. 40-9083
)	
(Depleted Uranium at Pohakuloa Training)	
Area & Schofield Barracks, Hawai'i))	

CORY HARDEN'S REQUEST FOR EXTENSION OF TIME TO FILE A REQUEST FOR HEARING AND PETITION FOR INTERVENTION

INTRODUCTION

I hereby request an extension of time for the public to file a request for hearing and petition for intervention until 60 days after certain documents are made available on ADAMS (Agency-Wide Document Access and Management System on NRC's website.)

DISCUSSION

"The U.S. Army Installation Command submitted to the NRC a license application ("Application") (ADAMS Accession No. ML090070095) requesting authorization to possess depleted uranium at two sites in Hawaii, Schofield Barracks on Oahu and Pohakuloa Training Area on the Big Island of Hawaii. On August 13, 2009, a notice of opportunity to request a hearing or petition for intervention was published in the Federal Register, setting the deadline for such as October 13, 2009." *[copied from October 1, 2009 NRC staff response to Sierra Club's motion for extension of time to file comments, a request for hearing and petition for intervention]*
[1]

FURTHER DISCUSSION RE. REQUIREMENTS LISTED IN AUGUST 12, 2009 FEDERAL REGISTER NOTICE NRC-2009-0352:Docket No. 40-9083**

1. The name, address, and telephone number of the requester;
*Cory Harden, PO Box 10265, Hilo, Hawai'i 96721 808-968-8965 mh@interpac.net
I am filing as an individual, not representing Sierra Club, though I include information from occasions when I was representing Sierra Club.*
2. The nature of the requester's right under the Act to be made a party to the proceeding;
Residency on Hawai'i Island, where some of the depleted uranium (DU) spotting rounds were used

3. The nature and extent of the requester's property, financial or other interest in the proceeding;
See #2

4. The possible effect of any decision or order that may be issued in the proceeding on the requester's interest;

If Hawai'i Island residents have fuller knowledge about when, where, and how the spotting rounds were used, they will be able to make more meaningful comments to NRC on its decisions about conditions to write into the Army DU license

5. The circumstances establishing that the request for a hearing is timely in accordance with 10 CFR 2.309(b).

This request is being mailed by the due date of October 13, 2009.

1. Provide a specific statement of the issue of law or fact to be raised or controverted;

I request that the 60-day deadline to file a request for hearing and petition for intervention be re-set after two documents are made publicly available on ADAMS (Agency-Wide Document Access and Management System on NRC's website.)

The documents are (1) the Archives Search Report (ASR) and (2) an official Army document stating the decision not to do a Human Health Risk Assessment (HHRA) for Pohakuloa, and giving the scientific basis for this decision.

Since these two documents are not readily available alongside related documents on ADAMS, the public is prevented from making informed decisions about filing requests for hearing and petitions for intervention, and from making informed comments on the application.

2. Provide a brief explanation of the basis for the contention;

Re. ASR

A. The ASR may help resolve contradictory statements about the number of spotting rounds at Pohakuloa and in Hawai'i. If the number is 2050 at Pohakuloa alone, not just 714 statewide, very different conditions may eventually be written into the Army DU license. Here are the contradictory statements:

Army

"U.S. Army Colonel Killian...said the types of exercises conducted at PTA (Pohakuloa Training Area) would require the firing of at least 2,050...spotting rounds." [Depleted Uranium at Pohakuloa, West Hawai'i Today, 2-4-09] [2]

'The 2,050 figure was based on old training manuals, which specify how many rounds soldiers had to shoot to be qualified on the weapon system.' [from my notes--re. Col. Killian's presentation to Hawai'i County Council 2-3-09 and conversations with him that day] [3]

"The Army agrees it is theoretically possible to have fired up to 2,520 rounds on training ranges in Hawaii. This includes both Schofield and Pohakuloa ranges. However, shipping records have accounted for all, but 20 of the rounds. Therefore, it is reasonable to assume that only a total of 714 rounds were fired in Hawaii. (Note: the below extract from the Archives Search Report includes a plausible explanation for the reason that fewer rounds may have been fired in Hawaii.)

'Total rounds verified shipped from Oahu from Lake City Ordnance Plant were 714 rounds on 27 April 1962. Notice this date coincides with the first weapons arriving at Oahu in the spring of 1962. As discussed in Section 8.1, this original shipping quantity is not close to the "worst case scenario" estimate of usage for six years with 14 weapons (2,520 rounds.) This shipping quantity averages only 8.5 rounds fired per year per weapon. It is highly probable that additional stocks of the Cartridge, 20 mm Spotting M101 were order from one of the Ordnance

Depots (Letterkenny or Pueblo) during the six active years of the Davy Crockett Weapon System in Hawaii.' " ["Sierra Club's concerns--1" in letter from Army to U.S. Rep. Mazie Hirono, dated about May 20, 2009] [4]

Sierra Club

"I have estimated that up to 120 to 2,000 spotting rounds were fired on the PTA. [Pohakuloa Training Area]...I would use the upper end of this range..." [Number of Spotting Rounds section in "Independent Review of Pohakuloa: Depleted Uranium from the Davey [sic] Crockett Weapon System" by Peter Strauss] [5]

"An environmental consultant [Peter Strauss, hired by Sierra Club] estimated there may be as many as 2,000 depleted uranium rounds at Pohakuloa Training Area...The consultant's analysis was based on an Army report estimating that between 120 and 400 firing pistons are scattered around impact ranges at PTA...Each piston would have fired up to five of the DU rounds, for a total of between 600 and 2,000 rounds fired, Strauss said."

[Sierra Club consultant disputes Army's DU tally, Hawai'i Tribune-Herald, 8-26-08] [6]

B. The ASR seems to provide a basis for determining the number of spotting rounds and where they were shipped worldwide. ["Army Archive Search Report Results" on "Accounting of M101 Spotting Rounds" page in "Hawai'i Island Depleted Uranium Update" handout that accompanied Army Colonel Killian's presentation to Hawai'i County Council, February 3, 2009] [7]

C. A title that seems to refer to the ASR [8] appeared on the Army DU website about October 7, 2009, but when I try to download the report I get an error message. [9]

D. I made many attempts--some listed below--to obtain the ASR through Sierra Club.

In December 2008, I filed a Freedom of Information Act Request [10] for the ASR with the Army.

In May 2009 I phoned Anna Tarrant with the Army Directorate of Human Resource in Honolulu.

On July 7, 2009, at a meeting of the Pohakuloa Citizen Advisory Group which I attended by phone, I asked Commander Warline Richardson to obtain the report, and she said she would try.

At NRC's August 27, 2009 meeting in Hilo, Greg Kompf, who I believe is a radiation specialist based in Washington, D.C., promised to send me the report.

On September 22, 2008, John Hayes of NRC e-mailed me that Sierra Club must contact Office of the Secretary re. my request to extend the deadline for 60 days after the ASR appeared on ADAMS. [1--see Attachment 1]

On September 26, 2009, Addison Davis, Deputy Assistant Secretary of the Army, Environment, Safety, and Occupational Health, e-mailed that he would try to get the report. [11]

Re. Pohakuloa HHRA

The Army said they would do a full HHRA, then said they'd do a modified HHRA, then said they wouldn't do any HHRA. But I have not seen an official explanation of the scientific basis for this change in any documents on ADAMS or the Army DU website.

A. Reference to a full HHRA

"Plan--archive research...scoping...characterization survey...health risk assessment published" [from my notes on the Army presentation at the Kawaihae Local Resource Council meeting November 18, 2007, Waimea, Hawai'i Island] [12]

B. Reference to a modified HHRA

"Modified Risk Assessment anticipated by APR 09"

[from "Project Current Status" page of "Hawai'i Island Depleted Uranium Update" handout that accompanied Army Colonel Killian's presentation to Hawai'i County Council, February 3, 2009] [13]

C. Reference to no HHRA

"Greg Kompf of the Army...indicated there is not going to be a HHRA report performed because of the limited amount of DU identified at Pohakuloa." [9-9-09 e-mail to me from John Hayes] [14]

"Pohakuloa Human Health Risk Assessment- It is my understanding from the Department of the Army that no health report would be generated which would address this topic because of lack of depleted uranium data from Pohakuloa. This information was also presented during our meeting with the Army the week of August 24, 2009. The report is not part of the license application." [1-- Attachment 3--affidavit of John Hayes]

3. Demonstrate that the issue raised in the contention is within the scope of the proceeding;
See #2

4. Demonstrate that the issue raised in the contention is material to the findings that the NRC must make to support the action that is involved in the proceeding;
See #2

5. Provide a concise statement of the alleged facts or expert opinions which support the requester's/petitioner's position on the issue and on which the requester/petitioner intends to rely to support its position on the issue;
See #2

6. Provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. This information must include references to specific portions of the application that the requester/petitioner disputes and the supporting reasons for each dispute, or, if the requester/petitioner believes the application fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the requester's/ petitioner's belief.
See #2

Hayes, John

From: Jim Albertini [JA@interpac.net]
Sent: Tuesday, October 27, 2009 5:05 AM
To: Julian, Emile; Hayes, John
Cc: Cory Harden; Isaac D. Harp; Alan McNarie; A P honolulu; advertiser; Hilo Trib; Hono Weekly; Star bulletin; Ian Lind; KBOO; kgmb tv9; KHNL-TV; KHNL-TV; KPUA; Maui news; Mike Yuen; bret yager; Jim Quirk; Baron Sekiya; jason Armstrong; admin; peter sur; David Corrigan; david schlesinger; jsong@ap.org; paka@newpacificvoice.org
Subject: NRC hearing request

To the NRC:

I hereby request an NRC hearing on the Army's request for a depleted uranium possession-only permit.

I request to join Cory Harden and Isaac D. Harp requests and petition to intervene.

I wish to join Cory Harden's

- (1) request for exemption from electronic filing**
- (2) request for extension of time to file a request for hearing and petition for intervention**
- (3) petition for intervention**

This is the basis for my contention:

- 1. The Army is basically ignoring Hawaii County Council's resolution 638-08, passed (8-1) on July 2, 2008 which lists eight action points, especially halting all live-fire and anything that creates dust at Pohakuloa training Area (PTA) until an assessment and clean up of the DU contamination already present. I was present at Mauna Kea State park on May 29, 2007 when citizen radiation monitors recorded readings of up to 75 counts per minute with dust devils coming directly off PTA range II, where Davy Crockett DU spotting rounds had been fired, located 1-2 miles away from Mauna Kea Park. The fact of Davy Crockett DU spotting rounds fired at PTA was confirmed by the Army in Aug. 2007, three months after our recorded radiation readings.**
- 2. Army search of contamination is inadequate. Less than 1% of PTA has been surveyed for DU contamination. There needs to be permanent independent air monitoring around the base to determine radiation coming off the base.**
- 3. There needs to be a thorough and complete search of record archives (including classified files) other possible DU munitions used at PTA and other sites in Hawaii beyond the Davy Crockett DU spotting round.**
- Davy Crockett was first used at PTA in 1962. The Army claims DU has been banned in training since 1996. What about the years inbetween. That's 34 years.**
- 4. Military has ignored Hawaii County Council resolution 701-08 naming Dr. Lorrin Pang, MD as the official county representative on the DU issue with the Army.**
- 5. The Army makes DU health hazard disclaimers without basis and ignores inhalation hazard of DU oxide.**
- 6. PTA is Hawaiian Kingdom Sacred Land that is under illegal U.S. occupation. There is no legal basis for the U.S. to be bombing and continuing control at PTA.**
- 7. Decommission PTA instead of expanding live-fire by a factor of two --from 7 million rounds a year to 14.8 million rounds according to the Army's Stryer EIS.**
- 8. The State of Hawaii lease of land to PTA does not allow for a nuclear waste dump at PTA. The lease to PTA should be canceled.**
- 9. Reports of animal tumors in the PTA area need to be investigated for possible links to DU exposure.**
- 10. The pre-cautionary principle needs to be a guiding light for all decision making and involving citizen**

participation in the decision making process. Afterall, it is the citizens that the Army is suppose to be defending, not endangering.

The NRC needs to be aware of the military's history of abuse in Hawaii.

In the 1960s, around the same time the Army was testing DU Davy Crockett spotting rounds at PTA, the Army got a lease of State land in the Waiakea Forest Reserve, which is the city of Hilo's watershed, to do what the Army said would be "weather testing." Well the Army lied. They were no doing weather testing, they were testing chemical warfare agents in Hilo's watershed. One of the agents was nerve gas GB that can kill in minutes in dosages of one milligram, approximately 1/50 of a drop. When this military abuse and lying was exposed by Hawaii Congresswoman, Patsy T. Mink, citizen outrage was expressed and the State lease to the Army was canceled. The same should be done today with PTA.

(For more details on the history of military abuse in Hawaii read The Dark Side of Paradise --Hawaii in a Nuclear World, by James V. Albertini, et all.)

Other examples of military environmental abuse: On Hawaii Island, there are 57 known present and former military sites, totaling hundreds of thousands of acres of land and coastal waters that are in need of environmental clean-up. Many of these sites are littered with unexploded ordnance and other chemical toxins. The projected cost of such clean up is in the billions of dollars. But the military claims "No money." The military has plenty of money to make its mess but little or no money to clean up its mess. This travesty of justice and abuse of the earth must end.

Jim Albertini

Malu 'Aina Center for Non-violent Education & Action

P.O.Box AB

Kurtistown, Hawai'i 96760

phone: 808-966-7622

email: JA@interpac.net

Visit us on the web at: www.malu-aina.org

Herring, Kent LTC MIL USA OTJAG

To: Herring, Kent LTC MIL USA OTJAG
Subject: RE: comment deadline

From: Isaac D. Harp [imua-hawaii@hawaii.rr.com]
Sent: Monday, October 26, 2009 07:23
To: Sexton, Kimberly; Marco, Catherine; Hayes, John; Tadesse, Rebecca; Klukan, Brett
Cc: Cory Harden; Jim Albertini; Lanny Sinkin
Subject: Re: comment deadline

Aloha Nuclear Regulatory Commission Folks:

Now that the Army has admitted to their intentional use of depleted uranium munitions in Hawaii without a permit from the Nuclear Regulatory Commission (NRC) or from the Atomic Safety and Licensing Board I would like to know:

- 1) What are the consequences for the Army's intentional violations of federal law over a period of nearly 5 decades,
- 2) What additional consequences will be applied to the Army for intentionally concealing their crimes, and
- 3) What will be done to insure the Army's accountability of and removal of depleted uranium munitions and depleted uranium waste from Hawaii?

I would like to request a hearing on the Army's request to possess depleted uranium at Schofield on Oahu and at Pohakuloa on Hawaii island.

I am a native Hawaii as defined by federal definition. I am requesting a hearing because I believe that the Army has unleashed what I consider a never-ending threat to the health and well-being of Hawaii's lands and Hawaii's residents, both native and non-native.

I believe this to be the case due to the Army's admitted past unlawful use of and possession of depleted uranium in Hawaii since at least as long ago as the 1960's when the Army trained with Davey Crockett nuclear bomb launcher depleted uranium spotting rounds in Hawaii. I also believe that the Army may use depleted uranium munitions with their Stryker Brigade that is stationed in Hawaii, which as admitted by the Army has weapons capable of utilizing depleted uranium munitions. I also have suspicion based on past Army lies that the Army has used depleted uranium munitions in areas not yet disclosed by the Army, and as is the case now, needs to be discovered and reported by others.

I also request that others interested parties be provided the opportunity of joining me at some later date should they wish to participate in the hearing process.

Please understand that like most of the natives of Hawaii I am severely limited financially so I would request to be provided with federal financial assistance to obtain sufficient legal counsel to match the capabilities of the Army's legal counsel in order to balance the playing field at the hearing. I hope that it is possible for the hearing to be held in Hawaii, where the hearing body will be able to enjoy the warmth of Hawaii and it's people. When we're not placed in a defensive position we can be the warmest and most welcoming people in the world.

I would also like to inform you that NOAA staff reported a few years ago that a Tomahawk missile was spotted in the nearshore waters of the Northwestern Hawaiian Islands and I would like to request the NRC see to it's proper removal and disposal.

Further for the record, Lyndon B. Johnson's Executive Orders 11166 and 11167 of 15 August 1964 are unlawful takings of Hawaii lands, otherwise known as stealing. Johnson had no legitimate authority to take Hawaii lands for military use, or for any other purpose.

Johnson claimed that his authority was based on section 5(d) of the Act of March 18, 1959, providing for the admission of the State of Hawaii into the union. The Act of March 18, 1959, providing for the admission of the State of Hawaii into the union was in and of itself entirely illegitimate. I attach hereto a specimen of the June 27, 1959 Hawaii statehood ballot, which proves beyond a doubt that the statehood process was illegitimate.

I'm sure that you will notice that the ballot was illegitimate for the lack of alternatives to statehood. What corrupted the process even further was the fact that foreigners, including US military personnel stationed in Hawaii, were allowed to participate in the vote. This is just one of the several United States injustices committed against Hawaii since the USS Boston, unlawfully and without congressional approval landed military troops in Honolulu Harbor to support U.S. businessmen with the unlawful displacement of Hawaii's lawful government in 1893 and the imprisonment of our Queen in her own palace.

U.S. Public Law 103-150 shares some insight into what occurred here, although obviously the United States wouldn't want to smear itself by admitting to the entirety of their crimes against Hawaii.

Thank you for adding these comments into the record, and for any response that you might have.

Sincerely,

Isaac Harp
P.O. Box 437347
Kamuela, HI 96743

OFFICIAL BALLOT

SATURDAY, JUNE 27, 1959

VOTE ON ALL THREE PROPOSITIONS

Shall the following propositions, as set forth in Public Law 86-3 entitled "An Act To provide for the admission of the State of Hawaii into the Union," be adopted?

1. Shall Hawaii immediately be admitted into the Union as a State?

YES	
NO	

2. The boundaries of the State of Hawaii shall be as prescribed in the Act of Congress approved March 18, 1959, and all claims of this State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.

YES	
NO	

3. All provisions of the Act of Congress approved March 18, 1959, reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Hawaii are consented to fully by said State and its people.

YES	
NO	

To vote on a proposition, make an X in the square to the right of the word "YES" or "NO".

VOTE ON ALL THREE PROPOSITIONS

Hayes, John

From: Isaac D. Harp [imua-hawaii@hawaii.rr.com]
Sent: Wednesday, October 14, 2009 10:42 PM
To: Hayes, John
Cc: Jim Albertini; Cory Harden
Subject: Re: Testimony Opposing Army Request for Permit to Possess Depleted Uranium in Hawaii

Dear Jack,

It's sad to hear that the Nuclear Regulatory Commission has extended the public comment period only to Cory Harden and Jim Albertini. I trust you will grant me and others like myself an extension because the public comment period extension should be applied to all.

Here is a testimony below from Barbara Moore.

Sincerely,

Isaac Harp

----- Original Message -----

From: "Barbara Moore" <dfly@dragonflyranch.com>
To:
Sent: Wednesday, October 14, 2009 5:28 AM
Subject: DISallow DU

Aloha Mr. Hayes,

As the president of the Big Island Health and Wellness Alliance (BIHWA) I am writing to thank you for listening to the requests of the people of this island asking that you DISallow Depleted Uranium on our Sacred Aina.

Furthermore, I am begging you to not pretend to be hearing our heart-felt pleas but rather respond to our need to safe guard our guests visiting this island, the people who reside here, and our noble soldiers, from this deadly substance.

I formally request that there be a public hearing that allows our residents the right to protect themselves from this invasive substance that destroys the health of our residents.

I also wish to request that an Environmental Impact Study be done.

CLOSE DOWN ALL LIVE FIRE AT PTA, STOP THE BOMBING AND REMEDIATE THE AREA IMMEDIATELY.

I attended your meeting and read your literature assuring us that DU is nothing for us to worry about.

I can tell you from personal experience that Depleted Uranium IS dangerous. Ever since I protested, on a fateful day in 2007, against DU at PTA when I was caught in a dust devil as I looked at a meter spike in the dangerous zone, I have been experiencing serious health problems resembling issues that develop after exposure to depleted uranium. I won't bother going into detail but suffice it to say that I do not think I would be challenged with chronic lymphoid leukemia if you and your team of experts were to honestly assess the danger of DU years ago and had then put a stop to the live fire, bombing, and Stykers moving DU dust into the precious air that Big Islander's breathe.

As you heard from the statistics of this area, cancer has increased for us "down winders" so that I am not the only victim suspected of suffering from the effects of DU on this island.

The words that popped out of my mouth when I was speaking at the meeting you arranged for us in Kona was, "Are you dupes?" When I saw your facial responses to my question, I regretted offending you by using those harsh words. I came home and looked up the meaning of "dupe:" an "unknowing" dupe is a victim of deception. The verb, "to dupe", means "to deceive". Since you are educated and intelligent people, I can't help but believe that you are fully aware of how lethal DU is to humans, plants, animals, the planet. Are you deceiving yourselves when you try to tell us that allowing DU on our island is not hazardous to our health and the well being of our precious land, water, and air?

You now have the opportunity to make a stellar decision that goes against all the brainwashing you have been exposed to and are attempting to foist upon us. After the meeting, when I shook your hands, I told you that I would appreciate your taking an honest stand that could cost you your job. None of you seemed thrilled at that possibility. I know times are tough and you have a high paying job. But at what cost to your integrity when you rubber stamp every request you have ever gotten asking you for permission to possess the most destructive substance on the planet: the material used in Weapons of Mass Destruction, silently killing even humans it was not intended to kill for four and a half million years to come ? Wouldn't it be a new experience to look at yourself in the mirror and say, "Today I'm going to go on record for making the RIGHT decision, the sane decision, the decision that protects our citizens from the proliferation of this lethal material. I'm going to say NO to allowing Depleted Uranium in the Aloha State."

Every one of you can actually use your own brain and realize that you have an opportunity to take a major historical step—one that could positively affect your life and that of your children to follow—by going on record as refusing the army the right to allow Depleted Uranium on these islands. REMEDIATE is the key word I wish for you to embrace. Say NO to allowing the military a permit to possess Depleted Uranium.

I repeat:

CLOSE DOWN ALL LIVE FIRE AT PTA, STOP THE BOMBING AND REMEDIATE THE AREA IMMEDIATELY.

Sincerely,

Barbara Moore

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"In the Sweetness of Friendship,
let there be Laughter
and the Sharing of Pleasures "
Khalil Gibran

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----- Original Message -----
From: Hayes, John