

From: Isaac D. Harp
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
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----- Original Message -----

From: Klukan, <mailto:Brett.Klukan@nrc.gov> Brett
To: Isaac D. Harp <mailto:imua-hawaii@hawaii.rr.com> ; mh@interpac.net ; ja@interpac.net
Cc: Sexton, Kimberly <mailto:Kimberly.Sexton@nrc.gov> ; Marco, <mailto:Catherine.Marco@nrc.gov> Catherine ; Hayes, John <mailto:John.Hayes@nrc.gov> ; Tadesse, <mailto:Rebecca.Tadesse@nrc.gov> Rebecca
Sent: Friday, October 16, 2009 3:20 AM
Subject: RE: comment deadline

Mr. Harp,

You are correct. I would add two things:

1. A petition for hearing submitted after the deadline set by the NRC Commission will be granted if in addition to the general petition requirements--a show of standing (10 C.F.R. 2.309(d)) and at least one contention meeting the admissibility requirements (10 C.F.R. 2.309(f)(1))--the proffered contention or contentions are timely pursuant to 10 C.F.R. 2.309(f)(2) or, if not timely, a balance of the factors in 10 C.F.R. 2.309(c) weighs in favor of granting the petition. For your convenience, here is the link to the text of 10 <<http://www.nrc.gov/reading-rm/doc-collections/cfr/part002/part002-0309.html>> C.F.R. 2.309.

2. In an NRC licensing proceeding such as the instant, there are usually three parties to the proceeding: 1) the applicant (here, the Army), 2) one or more petitioners who have put forth requests for hearing and 3) the NRC staff (whom Kimberly Sexton and I represent). Ms. Sexton and I are not, however, the adjudicators in this proceeding (that role is held usually by a panel of judges from the Atomic Safety and Licensing Board to whom the NRC Commission has delegated adjudicatory authority).

Cheers,

Brett Klukan

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