

FOIA/PA REQUESTCase No.: 2010-0315Date Rec'd: 8-24-10Specialist: Christina

Related Case: _____

From: Cory (Martha) Harden [mailto:mh@interpac.net]
Sent: Sunday, August 15, 2010 2:17 PM
To: Tadesse, Rebecca
Subject: FOIA

Attachment is identical

August 14, 2010

Hello Rebecca Tadesse,

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. SS 552, Sierra Club requests a copy of the Human Health Risk Assessment done by the Army on depleted uranium (DU) at Pohakuloa Training Area, Hawai'i. The DU is from the cartridge, 20 mm spotting round M101 from the Davy Crockett light weapon M28.

As provided by FOIA, we request a waiver of all search and copying fees. Sierra Club is a nonprofit organization working for environmental protection. Sierra Club has no personal or commercial interest in the documents requested, which are likely to contribute significantly to public understanding of any environmental hazards posed by depleted uranium at Pohakuloa.

We look forward to receiving your initial response within 20 business days of the receipt of this request, as provided by FOIA. Please call me if you have any questions regarding this request. If the documents we requested are voluminous, please contact me to discuss the best way to proceed.

If all or any part of this request is denied, we request that we be provided with a written statement that lists the documents withheld from disclosure and the grounds for the denial. If you determine that some portions of the requested records are exempt from disclosure, please provide us with the portions that can be disclosed.

Thank you for your prompt attention to our request.

Cory Harden
Sierra Club
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808-968-8965

REQUEST FOR WAIVER OF FEES

August 14, 2010

FOIA for Human Health Risk Assessment (HHRA) done by the Army on depleted uranium (DU)
at Pohakuloa Training Area, Hawai'i

(1) The NRC shall collect fees for searching for, reviewing, and duplicating agency records, unless a requester submits a request in writing for a waiver or reduction of fees. To assure that there will be no delay in the processing of Freedom of Information Act requests, the request for a waiver or reduction of fees should be included in the initial Freedom of Information Act request letter.

Done.

(2) Each request for a waiver or reduction of fees must be addressed to the Freedom of Information Act and Privacy Act (FOIA/PA) Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Done.

(b) A person requesting the NRC to waive or reduce search, review, or duplication fees shall:

(1) Describe the purpose for which the requester intends to use the requested information;
I intend to have the HHRA reviewed by independent experts to fully evaluate risks from DU at Pohakuloa.

(2) Explain the extent to which the requester will extract and analyze the substantive content of the agency record;

See (1)

(3) Describe the nature of the specific activity or research in which the agency records will be used and the specific qualifications the requester possesses to utilize information for the intended use in such a way that it will contribute to public understanding;

The records may provide a basis for further action than currently planned to address any hazards from DU in Hawai'i.

I'm a board member of Sierra Club, Moku Loa group, and have been researching and commenting on impacts of military activities on Hawai'i's environment for about seven years. I've been interviewed by reporters a few times, several of my letters to local newspaper editors and submissions to the Sierra Club newsletter have been printed, and I've testified on the issue at County Council.

People who have assisted in reviewing previous reports are:

- *Marshall Blann, consultant for Los Alamos National Laboratory*
- *Dr. Lorrin Pang, former Army medical doctor, consultant to World Health Organization, director of Maui office of State Department of Health (but reviewing studies as an individual citizen)*
- *Dr. Mike Reimer, PhD in geology*

(4) Describe the likely impact on the public's understanding of the subject as compared to the level of understanding of the subject existing prior to disclosure;

The public will have more information about the health risks of DU at Pohakuloa, and may call on government agencies to respond, based on this information.

(5) Describe the size and nature of the public to whose understanding a contribution will be made;

The state population is 1,285,498. DU may be present in many areas of the state, since there has been military activity in numerous locations statewide.

A contribution would be made to the understanding of State legislators, who were concerned enough to consider several DU bills recently.

A contribution would be made to the understanding of Hawai'i Island's County Council, which was concerned enough to pass two resolutions on DU recently.

(6) Describe the intended means of dissemination to the general public;
I plan to e-mail and/or mail relevant information to state and possibly national news media-- newspapers, radio, and TV, and respond to any questions from reporters. I may submit it to Sierra Club newsletters (County and State), and share it with 100 or so Hawai'i residents on my e-mail list. I may use it in testimony at public meetings.

(7) Indicate if public access to information will be provided free of charge or provided for an access fee or publication fee; and
Free.

(8) Describe any commercial or private interest the requester or any other party has in the agency records sought.
None. Sierra Club is a non-profit group.

(c) The NRC will waive or reduce fees, without further specific information from the requester if, from information provided with the request for agency records, it can determine that disclosure of the information in the agency records is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government and is not primarily in the commercial interest of the requester.

(d) In making a determination regarding a request for a waiver or reduction of fees, the NRC shall consider the following factors:

(1) How the subject of the requested agency records concerns the operations or activities of the Government;
The HHRA is being done by the Army, which is currently seeking a license to possess DU from NRC.

(2) How the disclosure of the information is likely to contribute to an understanding of Government operations or activities;
The information should help determine whether government agencies are responding adequately to any hazards posed by DU in Hawai'i.

(3) If disclosure of the requested information is likely to contribute to public understanding;
See (b)(1) and (b)(6)

(4) If disclosure is likely to contribute significantly to public understanding of Government operations or activities;
See (b)(1), (b)(6), and (d)(2)

(5) If, and the extent to which, the requester has a commercial interest that would be furthered by the disclosure of the requested agency records; and
See (b)(8)

(6) If the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.
See (b)(8)