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Due Date: NO ACTION

Title: FOIA Request for Department of Energy Documents and Records - 07/12/2011

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MGR			AMRC		
DEP			AMSE		
AMA				EMD	
	FMD			OOD	
	HRM			SED	
	PRO		OCC		
AMCP			OCE		Riehle, Dorothy (Actionee)
AMMS			ORP		
	ISI		PNSO		
	PIC		RLCI		
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Comments: THIS DOCUMENT CONTAINS OUO INFORMATION

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Sensitive Attachments?: Yes

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Date RL CC Rec'd: 07/18/2011

**If No Action has been assigned to this document and one is needed,
please advise RL Correspondence Control.**



Heart of America Northwest

The Public's Voice for Hanford Cleanup

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July 12, 2011

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FOIA Request for Department of Energy documents and records --- 07/12/2011

Dear FOIA Officers,

Pursuant to the Freedom of Information Act (5 U.S.C. 552), we are requesting copies of all public records (including email, electronic, and paper records) relating to:

1. All documents and records relating to discussions, meetings, negotiations, correspondence and agreements between Washington Department of Ecology ("Ecology") (or anyone representing the Department of Ecology, including from the Office of the Attorney General) and the United States Department of Energy ("USDOE") (and any of its contractors) regarding Ecology's policy related to withholding or disclosure of USDOE documents marked Official Use Only ("OUO") or "sensitive" in response to Public Records Act requests.
2. All documents and records relating to proposed and scheduled meetings between Ecology (or anyone representing the Department of Ecology, including from the Office of the Attorney General) and USDOE to discuss Ecology's policy to withhold USDOE documents marked OUO from Public Records Requests.
3. All documents and records relating to discussions between Ecology (or anyone representing the Department of Ecology, including from the Office of the Attorney General) and USDOE regarding Ecology's ability to change the OUO policy it issued per the Stipulation and Agreed Order of Dismissal, No. 10-2-01411-7, filed on October 18, 2010 in settlement of *Heart of America Northwest v. State of Washington Department of*

Ecology. This includes, but is not limited to, emails and notes of meetings or calls (handwritten or other), and metadata associated with emails.

4. All drafts of, and reviews or comments on, proposed changes to Ecology's OOU policy it issued per the Stipulation and Agreed Order of Dismissal, No. 10-2-01411-7, including the date each draft was written. This includes, but is not limited to, emails and notes of meetings or calls (handwritten or other), and metadata associated with emails.

Correspondence requested includes records of any phone calls or meetings, including handwritten notes or memos regarding such calls or meetings; meeting notes, summaries or minutes.

We request a waiver of fees because disclosure of this information is in the public interest. Disclosure will contribute significantly to the public understanding of the operations of government activities (USDOE and state regulators). Our organization, which is a non-profit public interest group devoted to educating and involving the public in the cleanup of Hanford and ensuring the prompt disclosure of public records, has no commercial interest in the disclosure.

Below is specific information regarding each of the fee waiver specific provisions listed in 10 CFR 1004.9(a)(8).

1. The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government;"

The materials requested clearly concern the operations and activities of the government. Energy and Ecology are both government agencies, and the requested materials specifically concern agencies' activities in response to requests for public records.

2. The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;

The requested information concerns the availability of records to the public. The information will show how long Ecology will withhold OOU documents when requested through a public records request. Clearly, this information is "likely to contribute" to the public's understanding of government operations and activities: with this information, the public will know both how long they will have to wait before receiving OOU documents, and how Ecology and USDOE established such a timeframe for disclosure.

3. The contribution to an understanding by the general public of the subject likely to result from disclosure, taking into account your ability and intent to disseminate the information to the public in a form that can further understanding of the subject matter;

Heart of America Northwest is a regional non-profit public interest organization with a membership of approximately 18,000 people. Heart of America NW Research Center has likewise worked to inform and involve the public in the cleanup of Hanford for over 25 years

and distributes information to thousands of individuals every year. Moreover, we strongly support public involvement in open government by working closely with the Coalition for Open Government and informing and involving the public in cleanup decisions. To this end, we disseminate information via newsletters, workshops, press releases, and our website so that the public can be informed about Hanford and participate publicly in decisions about Hanford. This request will therefore serve two goals of our organization. First, it will allow us to determine how to obtain documents through public records requests in the future so we can disseminate future information to the public. Second, it will allow us to directly inform the public how to obtain document through public records requests. Additionally, Heart of America Northwest will disseminate the information in its Guide to Obtaining Records, along with the Washington Coalition for Open Government's Guide to Making a Public Records Request. Because we intend to disseminate this information to the public, both now and in the future, the requested material will undoubtedly further the public understanding of public records requests.

4. The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities;

As stated above, the requested information will significantly contribute to the public's understanding of government operations and activities. Understanding how public records requests work will allow the public to use such requests to further understand government operations and activities in the future. The organizations requesting the information plan to distribute information based on this request to the public via newsletters, workshops and website so that the public may participate in records requests.

This information requested will enable the public to use public records requests to gain access to government. The information will also demonstrate how Ecology and USDOE determine when to withhold records so the public can also understand what records they cannot obtain. Additionally, because numerous public records requests unveil information necessary for the public to submit comments during comment periods, the information requested will contribute significantly not only to the public understanding of government, but also to public participation in government.

5. The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so,

Heart of America Northwest and Heart of America NW Research Center, are non-profit, and have absolutely no commercial interest in the requested material.

6. The primary interest in disclosure: Whether 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."

Again, the requesting organizations are non-profit, and have absolutely no commercial interest in the requested material. We therefore request a fee waiver pursuant to 5 USC 552.

For any of the requested records which are commonly used, and easily copied, electronic formats (e.g. Word, emails, PDF), please provide the records to us in that electronic format to save times and reduce costs. If some records are available sooner than others, please forward those rather than waiting for a search for other records.

Thank you in advance for your prompt response.

Sincerely,



Ross Pearson
Legal Intern
Heart of America Northwest Research Center
(206) 382-1014

Please respond to pearsonr@seattleu.edu and to gerry@hoanw.org
Please send large electronic files to office@hoanw.org or on CD to:
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