



**Department of Energy**  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

February 25, 2011

Certified Mail

Mr. Bill Green  
(home address has been deleted)

Dear Mr. Green:

**FREEDOM OF INFORMATION ACT REQUEST (FOI 2011-00476)**

Your Freedom of Information Act (FOIA) request dated January 11, 2011, was received in this office on January 19, 2011. In that letter you requested a copy of "any agreement the Department of Energy (DOE) has in place that commits the DOE Richland Operations Office (RL) and the Office of River Protection (ORP) to be subject to Revised Code of Washington (RCW) 70.98 (the *Nuclear Energy and Radiation Act*) and/or Washington Administrative Code (WAC) 246-247." In addition, you indicated "this FOIA request is specific to RCW 70.98 and/or WAC 246-247 and does not include the waiver of sovereign immunity contained in the federal *Clean Air Act* (CAA) [see CAA § 118; 42 U.S.C. 7418." Lastly, you stated in your request "the DOE RL/ORP operating permit (Number: 00-05-006 Renewal 1) includes a radioactive air emissions license (# FF-01)" and "this license was issued and is enforced pursuant to WAC 246-247 as authorized by RCW 70.98."

We have conducted a thorough search and no documents were located. This search was conducted by those within the agency who are most familiar with the subject matter of your request in locations where documents would most likely be found. Specifically, we conducted an electronic and manual search of the records located in the files of the Office of Chief Counsel, the Environmental Management Division, and the records management system that maintains all correspondence for RL and ORP called IDMS.

The undersigned individual is responsible for this determination. You have the right to appeal to the Office of Hearings and Appeals, as provided in 10 CFR 1004.8, for the adequacy of our search. Any such appeal shall be made in writing to the following address: Director, Office of Hearings and Appeals (HG-1), U.S. Department of Energy, L'Enfant Plaza Building, 1000 Independence Avenue SW, Washington, D.C. 20585-1615, and shall be filed within 30 days after receipt of this letter. Should you choose to appeal, please provide this office with a copy of your letter.

For purposes of assessment of fees, you have been categorized under 10 CFR 1004.9(b)(4), as an "other" requester. In this category, you are entitled to two free hours of search time and 100 pages of duplication at no cost. There will be no charge for this response as costs were minimal.

Mr. Bill Green

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Should you have any questions regarding your request, please contact me on (509) 376-6288.

Sincerely,

A handwritten signature in black ink, appearing to read "Dorothy Riehle". The signature is written in a cursive style with a prominent initial "D" and a long, sweeping underline.

Dorothy Riehle  
Freedom of Information Act Officer  
Office of Communications  
and External Affairs

OCE:DCR