



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

August 18, 2011

CERTIFIED MAIL

Ms. Lidice O'Brien  
Heart of America Northwest  
1314 NE 56<sup>th</sup> Street Suite 100  
Seattle, Washington 98105

Dear Ms. O'Brien:

FREEDOM OF INFORMATION ACT REQUEST (FOI 2011-01376)

Your Freedom of Information Act (FOIA) request dated June 21, 2011, was received in this office on June 27, 2011. In that letter you requested the following records:

1. "Drums and/or containers of waste that leaked, spilled, released, or contaminated workers at the Waste Repackaging and Processing facility (WRAP) since January 1, 2011, including, but not limited to, any "occurrence reports", laboratory or other tests to identify the contents of waste released or leaked, doses received or exposures to contaminants or hazardous substances."
2. "Notification of releases, leaks, spills or contamination to the Washington State Department of Ecology, U.S. Environmental Protection Agency, Coast Guard or any other regulator;"
3. "Any correspondence (including, but not limited to, letter(s), emails, phone call or meeting notes) to and/or from the Washington State Department of Ecology (Ecology) and/or Environmental Protection Agency (EPA) that report on building, unit or facility inspection(s) conducted pursuant to federal and state hazardous waste laws (RCRA and HWMA) for all buildings, units, storage areas where these wastes were at the time of the leak, spill, release and areas where they were previously stored."
4. "Identifying where, length of time, and how the waste was stored prior to storage or processing at the WRAP facility, including any inspection reports and occurrence reports for the area, building or unit where the waste was stored."
5. "All documents and records relating to a formal designation under Federal and State Hazardous Laws of wastes in the drums (or similar containers) that leaked, spilled or released."
6. "All occurrence reports, analysis of causes, and plans for response pertaining to the leak(s), spills or releases of waste at the WRAP facility; and, at the facility(ies) or buildings where the wastes were stored prior to being moved to WRAP."

7. "Permit conditions in effect for managing drums and containers of waste, for analyzing wastes, and for responding to leaks for the facility(ies) where the leak(s) occurred, and the facility(ies) where the waste was held prior to WRAP or such other facility or building(s) where releases, spills or leaks occurred. Please include all correspondence between USDOE and/or USDOE's contractors with the Washington Department Of Ecology and/or US EPA regarding compliance with permit conditions or drafting or new conditions based on inspections prompted by, or analyses of the causes of recent leaks, spills, releases."

8."All correspondence between the U.S. Department of Energy (USDOE), Ecology, EPA, and/or any of their contractors or agents, that concern to the storage of the waste by WRAP and or the facility(s) that stored the waste prior to WRAP, compliance with container management requirements under any permit or federal or state hazardous waste laws."

9. "All correspondence between USDOE, Ecology, and EPA, and or any of their contractors or agents concerning the leak(s), spills, releases or contamination incidents which occurred at the WRAP facility since January 1, 2011."

10. "Identifying the quantities and types of wastes stored and awaiting treatment or disposal at the Central Waste Complex (including identification-of any non-solid or liquid wastes), schedules for removal for treatment, and conditions or compliance schedules for meeting requirements of federal and state hazardous waste laws which limit the time period for storing wastes without treatment. This includes, but is not limited to, identification of the quantities of wastes stored in each building, area or unit; length of time stored; designations of wastes stored; permit or other conditions governing management of the wastes to ensure incompatible wastes are not stored; and, provisions for secondary containment."

This is an interim response and enclosed are documents responsive to items 1 and 8 of your request. Within the documents, this office has been deletions of names, personal cell phone numbers, statements and any other information that could be used to identify the individuals pursuant to Exemption 6 of the FOIA.

Exemption 6 provides that an agency may protect from disclosure all personal information if its disclosure would constitute a clearly unwarranted invasion of privacy by subjecting the individuals to unwanted communications, harassment, intimidation, retaliation, or other substantial privacy invasions by interested parties.

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In invoking Exemption 6 we considered 1) whether a significant privacy interest would be invaded by disclosure of information, 2) whether release of the information would further the public interest by shedding light on the operations or activities of the government, and 3) whether in balancing the private interest against the public interest, disclosure would constitute a clearly unwarranted invasion of privacy. We have determined that the public interest in the identity of the individuals whose names appear in the documents does not outweigh the individuals' privacy interests.

All releasable information in the documents has been segregated and is being provided to you. 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 any information denied to you in this letter. 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.

We continue to search for documents responsive to your request and will notify you when our search and review is complete. If you have any questions regarding your request, please contact me at our address above or on (509) 376-6288.

Sincerely,



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

OCE:DCR

Enclosure