



February 16, 2012

Dorothy Riehle
FOIA Office
U.S. Department of Energy
P. O. Box 550
Richland, WA 99352

Re: FOIA Request

Dear Ms. Riehle:

Pursuant to the Freedom of Information Act (5 U.S.C., Section 552) ("FOIA"), Hanford Challenge requests copies of any and all records related to or generated in connection with the legal costs and fees related to litigation related to or generated in connection with a Surveillance entitled, Review of the 100K Infrastructure Utilities Upgrade Project, SURVEILLANCE S-11-EMD-PRC-001. Please include in this response:

- A copy of the Surveillance report;
- any and all attachments and/or exhibits associated with the report;
- any and all correspondence and/or memoranda related to or generated in connection with the Surveillance report;

I specifically request that you undertake a search of all offices that may be in possession or control of these records at any location where responsive records might reasonably be found.

The term "records" as used in this request is intended to cover documents and data whether maintained in paper, digital or electronic formats and stored on media such as hard drives, smart phones, tape drives or other such formats.

If any records covered by this request have been destroyed and/or removed, or are destroyed and/or removed after receipt of this request, please provide all surrounding records, including but not limited to a list of all records which have been destroyed and/or removed, a description of the actions taken, relevant dates, and individual, office and/or agency-wide policies and/or justifications for the action(s).

I hereby request that all fees, if any, be waived because finding this information is in the public interest, which could lead to a greater understanding of the operations of these facilities. Hanford Challenge is not requesting the information for any private or commercial purpose and is a non-profit, public interest organization designated as a tax exempt entity under IRS code 501(c)(3).

This fee waiver request is based upon 5 U.S.C. sec. 552(a)(4)(A)(ii)(II), which provides for fee waivers or reductions “if disclosure of the information 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.” See, *Center for Biological Diversity v. OMB*, 546 F.Supp. 2d 722 (N.D. Cal. 2008).

Our interest in the disclosure of these records is for public education, advocacy for public interest goals, and a more responsive and accountable government that promotes environmental protection and protection of human health and safety. Our investigations are disseminated through our website as well as our newsletters, and often reported in the news media. In addition, we publish special reports and meet with public officials, workers, and the public at large to educate and promote solutions for issues affecting human and environmental health and safety around the Hanford Site. Hanford Challenge is a member or, and participant in the Hanford Advisory Board, which advises the US Department of Energy, the EPA and the State of Washington, on cleanup issues related to the Hanford Nuclear Site. Hanford Challenge is also a founding and participating member in the Hanford Concerns Council, which resolves significant employee concerns at the Hanford Site.

The primary, and only interests in the disclosure of these records are for public education, advocacy for public interest goals, and the reform of the government for a more responsive and accountable government.

Hanford Challenge is uniquely situated to analyze and publish reports about the subject matter of this request. Our staff has many years of experience related to Hanford oversight, and has unique expertise regarding environmental, safety and health issues associated with nuclear sites.

We maintain an expansive and regularly updated website (hanfordchallenge.org) which is viewed by tens of thousands of visitors annually, and we publish a quarterly newsletter which is distributed by mail, at meetings, and on the website. We conduct or participate in monthly public forums and meetings, and our staff appear on talk shows, in interviews, and in public events.

For the above-stated reasons, Hanford Challenge therefore requests a fee waiver in this matter. I look forward to a response to this request within twenty working days of the receipt of this letter. If you have any questions, I am available at the address listed above.

Sincerely yours,



Tom Carpenter, Executive Director