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February 19, 2013

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

Re: FOIA Request/Legal Fees

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 Dr. Walter Tamosaitis. Specifically, I request --

- An itemization of any and all claims for payment, including reimbursements, for any and all costs associated with the litigation involving Dr. Walter Tamosaitis, as plaintiff, and contractors Bechtel National, Inc. (BNI), URS Energy Corporation, individual defendants Frank Russo, Gregory Ashley, William Gay, Dennis Hayes, and Cammi Krumm, and the Department of Energy (hereinafter, "the Tamosaitis litigation").

- any and all contracts, subcontracts, service requests, agreements and/or other procurement related records related to or generated in connection with the Tamosaitis litigation;

- any and all financial records, including but not limited to invoices, orders and receipts related to or generated in connection with the Tamosaitis litigation;

- any and all correspondence and/or memoranda related to or generated in connection with the Tamosaitis litigation;

- any and all emails related to or generated in connection with the Tamosaitis litigation;

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). I have enclosed our IRS letter of exemption for your review.

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.

Hanford Challenge works with members of the Hanford Site work force on issues affecting worker and public health and safety, environmental concerns, and site management issues. We monitor internal systems in effect at Hanford for addressing worker issues, including employee concerns, compensation and medical care and treatment issues.

Below is an analysis using agency criteria for a fee waiver:

1. subject matter of the requested records must specifically concern identifiable "operations or activities of the government." A request concerning only the information content of a record and without relation to government operations or activities does not satisfy this factor.

This criteria is clearly met. We seek records in the possession and control of the Department of Energy (DOE) relating to the Department's support of contractors in a claim related to alleged whistleblower reprisal at the Department's Hanford Waste Treatment Plant. The Department of Energy, the owner and manager of the Hanford Site, has conducted surveillances and

investigations of contractor activities at the site, making this function an identifiable operation of the government.

2. Whether the requested information "is in the Public Interest Because it is Likely to Contribute Significantly to the Public Understanding of the Operations of Activities of the Government."

The release of the requested information is in the public interest and is likely to contribute significantly to the public understanding of the operations of the government because these types of records reveal the activities at the Hanford Site, including DOE support of activities relating to the payment of litigation fees associated with the whistleblower claims of a senior engineer whose case has gained national media and Congressional attention, even as the Department insists that it does not tolerate such reprisals. Such data is therefore likely to contribute in significant ways to the public understanding of government operations.

3. The requested records must be meaningfully informative in relation to the subject matter of the request and should not already be in the public domain.

The requested records relate to the subject of our request, and are not in the public domain, to our knowledge.

4. Disclosure of the Information "is Not Primarily in the Commercial Interest of the Requester."

(A) The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure;

There is no commercial interest associated with our request. Hanford Challenge is a non-profit organization chartered under a 501(c)(3) designation in the IRS Code.

(B) 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."

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 often 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

Tom Carpenter, Executive Director