

Freedom of Information Act (FOIA) Request

Heart of America Northwest,
Heart of America Northwest Research Center
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June 25, 2012

Dorothy Riehle
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FOIA Request regarding alternative / renewable energy utilization by USDOE for WTP and PNNL

Dear Ms. Riehle and PNNL,

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 analyses prepared for purposes of compliance with the National Environmental Policy Act for purposes of consideration of the environmental and health impacts from, and all reasonable alternatives for, provision of electricity to: a) the Hanford Waste Treatment Plant (WTP) (also referred to as the Vitrification Plant); and, b) Pacific Northwest National Lab (PNNL) future expansion of work or facilities.
 - a. This does not include the Draft Tank Closure and Waste Management Environmental Impact Statement (TCWMEIS) or a Final TCWMEIS, if one is issued while this request is pending.
 - b. This does include presentations, reports, and analyses of the amount of electricity required for WTP, and for alternatives for meeting that electricity need.

- 2) Consideration of the use of solar power, including solar photovoltaics, for provision of electricity to meet WTP or PNNL electrical demand, including, but not limited to consideration of siting for such facilities and availability of federal or other funding for solar projects;
 - a. This item includes all records, not just those prepared for purposes of compliance with the National Environmental Policy Act.
 - b. This includes, but is not limited to, records regarding costs and feasibility of use of solar power to meet these projected electricity demands, and consideration of land areas available for such uses.
 - c. Note: because the lands which might be used to meet electricity demand for PNNL include land area under the control of the USDOE Richland Office or Office of River Protection, we are sending this FOIA request jointly to both USDOE-Richland and PNNL. We expect both offices of the USDOE to respond fully and meet FOIA obligations under separate requests.

- 3) Any correspondence between the USDOE and PNNL or by either USDOE or PNNL with outside entities or persons regarding provision of electricity from new sources on federal lands controlled by USDOE or PNNL for purposes of meeting electricity needs of either WTP or PNNL from January 1, 2011 to the present.

This request includes, but is not limited to, preliminary and final reports, memoranda, schedules, and correspondence, whether in hard copy or electronic form. Correspondence includes, but is not limited to, letters, notes, e-mail messages (and attachments), and phone logs.

In the event that access to any of the requested records is denied, please note that FOIA provides that “[a]ny reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under [FOIA].” 5 U.S.C. § 552(b). Please provide all non-exempt portions of the requested records that are reasonably segregable; and, describe the deleted material in detail and specify the statutory basis for the denial, as well as your reasons for believing that the alleged statutory justification applies in each instance. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest.

Request for Waiver of Fees:

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 federal and state regulators), and our organization has no commercial interest.

Specifically, this request and our organizations as requesters meet the fee waiver criteria set out in 10 C.F.R. § 1004.9:

1. The subject matter of the requested records must specifically concern identifiable “operations or activities of the government.” A request for access to records for their informational content alone does not satisfy this factor.

Response:

The subject of the requested records are the USDOE's and Pacific Northwest National Laboratory's (operated for USDOE) planning for, and consideration of, use of alternate energy sources and how the USDOE and PNNL are planning to meet projected electricity needs. As both USDOE and PNNL missions include research and development of alternative energy sources, it is important for the public to know how each is considering meeting electricity demand and to what degree each is considering use of solar or other renewable energy sources.

2. For the disclosure to be "likely to contribute" to an understanding of specific government operations or activities, the releasable material must be meaningfully informative in relation to the subject matter of the request.

Response:

The requested and released material will enable the public and our organization to propose or comment on use of alternative modes for meeting electricity demand at Hanford by USDOE and PNNL. The use of alternative energy to meet demand by USDOE and PNNL is an important governmental role which the public has a strong interest in.

3. The disclosure must contribute to the understanding of the public at large, as opposed to the understanding of the requester or a narrow segment of interested persons. One's status as a representative of the news media alone is not enough.

Response:

Our organization expects to inform the public about the use of various energy sources to meet projected electricity demand for the WTP and PNNL, and the impacts and relative benefits of various alternatives. We have already published newsletters and presented workshops utilizing information from similar FOIA requests to USDOE and other agencies, and expect to use this information for upcoming newsletters, workshops, website materials, etc... Depending on what information is disclosed, we may utilize the requested materials in presentations to university courses.

4. The disclosure must contribute "significantly" to public understanding of government operations or activities.

Response:

Our publications and workshops will be designed to use information from this request to enable the public to comment on how WTP and PNNL may use renewable or other energy sources to meet projected demand, and to comment on the impacts of various alternatives. Without this FOIA information, the public will not be able to review how USDOE and PNNL have considered those alternatives and their relative benefits and impacts.

5. The extent to which disclosure will serve the requester's commercial interest, if any.

Response:

The requester has no commercial interest. We are a non-profit citizens group with an educational mission.

6. The extent to which the identified public interest in the disclosure outweighs the requester's commercial interest.

Response:

The requester has no commercial interest and seeks the disclosure solely in the public interest.

We therefore request a fee waiver pursuant to 5 USC 552.

We urge you to act promptly on this request, because of the need for timely review of records to effectively participate in review of the pending Final TCWMEIS and other pending proposals. Access to the requested records should be granted within twenty (20) working days from the date of your receipt. Failure to respond in a timely manner shall be viewed as a denial of this request and we may immediately file an administrative appeal. Thanking you in advance for your prompt reply.

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.

On behalf of Heart of America Northwest and Heart of America Northwest Research Center,

Gerry Pollet, JD;

Executive Director

Please respond to both:

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Heart of America Northwest & HoANWRC

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P.S. If you have any questions about the scope of this request or our qualification for a fee waiver, please email or call me.