Lucarelli, Scott

OTHER: 2 HOURS SEARCH FREE, 100 FREE PAGES

From: rick.saraga@emcbc.doe.gov
Sent: Friday, June 26, 2009 7:07 PM
To: FOIA Office
Subject: FOIA Request

CC 09-032

RECEIVED JUL 13 2009
JUN 29 2009
BY OLS

FOIA Request Form

Fullname: Christopher Thomas
Organization: HEAL Utah
Address: 68 S. Main Street, Suite 400
Salt Lake City, UT 84101
Phone: 801-355-5055
Fax: 801-355-5055
Email: christopher@healutah.org
Description: Any evaluation of liability with regard to the longterm disposal of depleted uranium conversion product from DOE's inventory of depleted uranium hexafluoride. This would include, but not be limited to, any documents related to obtaining an exemption from DOE's policy of using only DOE disposal facilities to manage DOE radioactive wastes in order to dispose of depleted uranium hexafluoride conversion product at a commercial nuclear waste disposal sits.
Request Type: Personal
Media Type:
Fee Agreement:
Fee Limit:
Fee Amount:
Fee Wavier: Waiver
Factor1: The subject of this request relates directly to whether the DOE intends to shift longterm liability associated with depleted uranium disposal to private entities or states. Therefore, it relates t how the government operates and acts.
Factor2: Analyses of liability associated with depleted uranium disposal would indicate that the DOE had considered the value of shifting this liability to other parties. It would therefore likely contribute to understanding of its activities.
Factor3: I work for a public interest non-profit that represents public interests in public hearings and in public regulatory filings. As such, there is a high likelihood that this valuable informational material would be disseminated.
Factor4: As the Utah public is concerned about the potential for disposal of depleted uranium in Utah and associated longterm impacts, the information sought will significantly aid public understanding of these issues.
Factor5: The organization I work for is non-commercial.
Factor6: As stated above, I have no commercial interest in the information. Therefore, the only interest is public in nature.
Fee Waiver Denied: Agree
Fee Amount: 50.00
Reasonable Threat:
Reasonable Urgency:
Justification:

FOIA-2009-000554

Joan

United States Government **Department of Energy**
Consolidated Business Center

memorandum

DATE: July 13, 2009 CC09-032

REPLY TO:
ATTN OF: EMCBC: LUCARELLI

SUBJECT: **FOIA REQUEST OF CHRISTOPHER THOMAS (HEAL UTAH)**

TO: Alexander Morris, Freedom of Information Act Officer, MA-90, DOE-FORS

The attached FOIA request submitted by Christopher Thomas is transferred to your office for processing. Mr. Thomas submitted the request under Freedom of Information Act, 5 U.S.C. 552.

We have informed Mr. Thomas that records responsive to the request may be records that are controlled by or are under the jurisdiction of DOE Headquarters; therefore, the request is being forwarded to your office to provide a direct response.

Please contact me at 513-246-0497, if further information on this matter is needed.

Scott Lucarelli
Lead Paralegal
Office of Legal Services

Attachments:
(1) Request
(2) Transfer Letter from EMCBC
(3) E-mail correspondence with requester

Department of Energy

Environmental Management
Consolidated Business Center
250 East 5th Street, Suite 500
Cincinnati, Ohio 45202
(513) 246-0500

JUL 13 2009

Mr. Christopher Thomas
HEAL Utah
68 S. Main Street, Suite 400
Salt Lake City, UT 84101

FOIA CC09-032

Dear Mr. Thomas:

FREEDOM OF INFORMATION ACT REQUEST CC 09-032

This is in further response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. 552. You requested records pertaining to "any evaluation of liability with regard to the long term disposal of depleted uranium conversion product from DOE's inventory of depleted uranium hexafluoride. This would include, but not be limited to, and documents related to obtaining an exemption from DOE's policy of using only DOE disposal facilities to manage DOE radioactive wastes in order to dispose of depleted uranium hexafluoride conversion product at a commercial nuclear waste disposal site."

Any records responsive to the request that may exist are under the jurisdiction of DOE headquarters. For this reason, I have transferred your request to that office for appropriate action. Upon completion of the search by that office, they will provide a response to you. In your letter, you requested a waiver of fees. The HQ office will make the final determination on your request for a fee waiver.

If you have any questions about the processing of the request, please contact Mr. Alexander Morris, FOIA Officer, Office of Information Resources, MA-90, Forrestal Building, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, DC, 20585. He can be reached at (202) 586-3159.

You will not receive any further correspondence from the Environmental Management Consolidated Business Center (EMCBC) about this matter. If you have any questions concerning this correspondence, please contact me at (513) 246-0497.

Sincerely,

Scott Lucarelli
Lead Paralegal
Office of Legal Services

Lucarelli, Scott

From: Morris, Alexander [Alexander.Morris@hq.doe.gov]
Sent: Friday, July 10, 2009 10:26 AM
To: Whitley, Wayne
Cc: Lucarelli, Scott
Subject: RE: FOIA Request -HEAL Utah

Thank you for the quick turnaround. I will have EMCBC transfer the request to HQ to be assigned to EM.

Chris.

-----Original Message-----
From: Whitley, Wayne
Sent: Friday, July 10, 2009 10:22 AM
To: Morris, Alexander
Subject: RE: FOIA Request -HEAL Utah

Yes

-----Original Message-----
From: Morris, Alexander
Sent: Thursday, July 09, 2009 3:59 PM
To: Whitley, Wayne
Subject: FW: FOIA Request -HEAL Utah

Wayne,

EMCBC received this request. I need to know if your office should process this. RW advised me that this should be handled by EM.

I am also going to forward another email to you from the requester that provides some clarification.

Please advise asap as EMCBC needs to know what to do with this request.

Thanks

chris

-----Original Message-----
From: Lucarelli, Scott [mailto:scott.lucarelli@emcbc.doe.gov]
Sent: Tuesday, July 07, 2009 11:27 AM
To: Morris, Alexander
Subject: FOIA Request -HEAL Utah

Chris,

We received the attached FOIA request and believe that HQ may also have responsive documents. The requester (HEAL Utah) is seeking "documents related to obtaining an exemption from DOE's policy of using only DOE disposal facilities to manage DOE radioactive wastes in order to dispose of depleted uranium hexafluoride conversion product at a commercial nuclear waste disposal site." I believe this request is in response to a recent Weapons Complex Monitor article (attached) that stated a DOE decision was made and announced that DOE will change DOE Order 435.1 and shift waste disposal policy toward commercial facilities. I am attempting to clarify the request with the requester. Since this request refers to policy, I believe that HQ may have responsive documents. Please let me know your thoughts.

Scott Lucarelli
Lead Paralegal, Office of Legal Services EMCBC, U.S. Department of Energy 250 East 5th Street, Suite 500 Cincinnati, Ohio 45202
Phone: (513) 246-0497
Fax: (513) 246-0524
scott.lucarelli@emcbc.doe.gov <mailto:scott.lucarelli@emcbc.doe.gov>

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552(b)(5).

Lucarelli, Scott

From: Lucarelli, Scott
Sent: Thursday, July 09, 2009 2:40 PM
To: Morris, Chris
Subject: FW: FOIA request
Attachments: CC 09-032 Thomas.pdf

Chris,

Listed below is some clarification to the FOIA request I forwarded to you earlier (and attached here). The requester has stated that the liability assessment could have been done anywhere within DOE anytime within the last decade. Also, would the decision to waive policy and allow disposal of depleted uranium at a non-DOE site have been made at a HQ level or at each location? Please let me know if you believe this FOIA or any portion of it should be transferred to HQ. Thanks.

Scott Lucarelli
Lead Paralegal, Office of Legal Services
EMCBC, U.S. Department of Energy
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From: Christopher Thomas [mailto:christopher@healutah.org]
Sent: Wednesday, July 08, 2009 5:20 PM
To: Lucarelli, Scott
Subject: Re: FOIA request

Hi Scott,

Here are answers to your questions:

1) What time period does your request cover?
More broadly speaking, I would imagine that the DOE could have done a study on the long-term liability associated with depleted uranium anytime, but I would guess sometime in the last decade.

On the more narrow issue of preparing an application for a waiver to dispose of DOE stockpile of depleted uranium at a non-DOE site, I would guess sometime in the last 5 years.

2) What DOE site or sites does your request pertain to or does it pertain to DOE as a whole?
On the broader liability issue, a study could have potentially originated anywhere from within DOE.

In terms of a waiver to allow disposal of depleted uranium at a non-DOE site, I would look at the following sites: Piketon, Paducah, Oak Ridge, and Savannah River Site. In fact I know that Savannah River Site disposed of a number of drums of depleted uranium oxide at EnergySolutions in October of 2008 .... I'd be curious to see any waiver associated with that disposal decision.

~~If you have any additional questions, please don't hesitate to contact me by phone or email.~~

Sincerely,

--
Christopher Thomas
Policy Director
HEAL Utah
801-355-5055 (main)
801-560-1915 (cell)
www.healutah.org

On Wed, Jul 8, 2009 at 11:19 AM, Lucarelli, Scott <scott.lucarelli@emcbc.doe.gov> wrote:

Mr. Thomas,

I am in receipt of your Freedom of Information Act (FOIA) request for the following described records:

"Any evaluation of liability with regard to the long term disposal of depleted uranium conversion product from DOE's inventory of depleted uranium hexafluoride. This would include, but not be limited to, any documents related to obtaining an exemption from DOE's policy of using only DOE disposal facilities to manage DOE radioactive wastes, in order to dispose of depleted uranium hexafluoride conversion product at a commercial nuclear waste disposal site."

In order to more timely process your request, I would greatly appreciate it if you could answer the following two questions:

1) What time period does your request cover?

2) What DOE site or sites does your request pertain to or does it pertain to DOE as a whole?

Once I receive the requested information, I will be able to better determine where to begin the records search and how far back in time we need to search. Thank you for your understanding.

Scott Lucarelli
Lead Paralegal, Office of Legal Services
EMCBC, U.S. Department of Energy
250 East 5th Street, Suite 500
Cincinnati, Ohio 45202
Phone: (513) 246-0497
Fax: (513) 246-0524
scott.lucarelli@emcbc.doe.gov

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--

Christopher Thomas
Policy Director
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