

March 14, 2011
Defense Nuclear Facility Safety Board
Andrew Thibadeau
Freedom of Information Officer
Email: andrewt@dnfsb.gov

Re: Freedom of Information Act Request

Dear Mr. Thibadeau,

Under the Freedom of Information Act, 5 U.S.C. subsection 522, Citizen Action New Mexico is requesting access to full and complete copies of the following records:

1. The February 28, 2011 Response to the Citizen Action states:
“The inventory in the Engineered Storage Silos, otherwise known as ‘yard holes,’ has been reviewed. The staff’s review of the silos concluded that they provide adequate protection of public health and safety.”
 - A. Please provide all written and electronic documents that were reviewed to make that determination by DNFSB Staff.
 - B. Please provide any documents, including the staff’s review, in written and electronic form by the DNFSB and its staff or relied upon by DNFSB from any other entities, including but not limited to, Sandia National Laboratories for the DNFSB analysis and to make the above conclusion.
 - C. Provide documents as to whether DNFSB determined whether or not the yard holes contain hazardous waste components regulated under the Resource Conservation and Recovery Act (RCRA).
 - D. Please provide documents showing the construction designs and as built construction for each of the Engineered Storage Silos and the radioactive and hazardous materials contained therein.
 - E. Please provide any information as to whether any of the Engineered Storage Silos are of erthen construction.
 - F. Please provide any permits obtained by Sandia National Laboratories for the Engineered Storage Silos that were reviewed by the DNFSB.
 - G. Please provide any Documented Safety Analysis (DSAs) for the Engineered Storage Silos.
 - H. Provide documents for any Unresolved Safety Questions for the Engineered Storage Silos.
2. The February 28, 2011 Response to the Citizen Action states:
“The Auxiliary Hot Cell Facility, Building 6597, has established inventory controls that adequately protect the public from the consequences of potential accidents. The staff is working with SNL to ensure that radiological confinement will be maintained for those containers that must be opened before being loaded into the hot cell.”
 - A. Please provide all written and electronic documents that were reviewed by DNFSB to make the determination by DNFSB Staff that radiological confinement will be maintained at the Auxiliary Hot Cell Facility (AHCF).

B. Please provide documents identifying the types and amounts of radionuclides that will be handled at the AHCF.

C. Please provide the documents that DNFSB relied upon for the determination that Sandia National Laboratories has resolved the problems for the lack of earthquake safety, airplane crash scenarios and/or ventilation system problems identified for the AHCF by earlier DNFSB analyses.

D. Please provide any documents, including the DNFSB staff's review, in written and electronic form by the DNFSB and its staff or relied upon by DNFSB from any other entities, including but not limited to, Sandia National Laboratories to make the above conclusion.

E. Provide documents for any Unresolved Safety Questions for the AHCF.

3. Request for Fee Waiver and supporting information.

Citizen Action New Mexico is a special interest citizen-based organization that publishes or disseminates information that will be beneficial to the public as well as for scientific and potential regulatory purposes; therefore, I am requesting a waiver of all fees associated with this request. Disclosure of the requested information is in the interest of the public as it is likely to contribute significantly to public knowledge and education; public health issues; and other concerns frequently cited by members of the public (*please refer to Section 2). This request is not in our commercial interest nor are we a business attempting to collect information on industrial competitors.

Section 1.

Please note the following information:

1. Citizen Action is a non-profit citizen group under the fiscal auspices of the New Mexico Community Foundation (NMCC), Santa Fe, New Mexico. Citizen Action represents at least 16-non-governmental organizations (NGOs) and neighborhood associations as a part of its coalition. The organizations within the coalition include: Southwest Research and Information Center (SRIC); Citizens for Alternatives to Radioactive Dumping (CARD); Peace Action New Mexico (PANM); Progressive Albuquerque Network (PAN); Southwest Organizing Project (SWOP); Native Forest Network (NFN); Center for Action and Contemplation (CAC); Green Party of New Mexico; Bernalillo County Green Party; International Depleted Uranium Study Team (IDUST); Living Rivers; Forest Guardians; Mountain View Neighborhood Association; South Meadows Neighborhood Association; New Mexico Solidarity Network (NMSN); and Stop The War Machine (STWM).

2. Citizen Action has previously published articles regarding Sandia National Laboratories on its website (www.radfreenm.org) and in the New Mexico Daily Breeze. Health and safety of the public and workers are relevant to the operations of the government for the subject facilities of this FOIA request. Citizen Action intends to use and publish the documents obtained from this request to inform the New Mexico public about the interaction of the DNFSB and Sandia National Laboratories for approving the operational readiness and hazards associated with facilities at Sandia National Laboratories.

3. Citizen Action's interactive website (www.radfreenm.org) contains a partial listing (29 entries) of information from previous documents obtained by our organization under the Freedom of Information Act (FOIA). The contact information for the University of New Mexico Zimmerman Library, U.S. Department of Energy Reading Room, where the entire collection of FOIA documents is available for public review, is also posted on our website.

4. Citizen Action's website receives on average between 2,500 - 10,000 hits per month. In addition to posting independent technical reviews of the Mixed Waste Landfill, press releases, newspaper articles, action alerts, related lawsuits, and meeting announcements the results of FOIA requests are summarized and posted on the Citizen Action website.

5. Citizen Action is expanding its research on legacy waste sites at SNL/NM to other concerns regarding weapons activities, programs, laboratory facilities currently being conducted at SNL/NM and the effect on the community. A short survey was recently mailed to over 750 interested individuals and organizations throughout the State of New Mexico to gauge public interest in programs at SNL/NM. The "Get To Know Sandia" survey has also been posted on the Citizen Action website where members of the public can register their comments electronically.

6. Citizen Action sends press releases to the local media announcing the results of FOIA reviews for further dissemination of this information to the public. Citizen Action also makes appearances on television and radio programs and disseminates information obtained from FOIA requests.

7. Citizen Action maintains an active and rapidly growing e-list serve and member mailing list of over 700 people to provide updated information on issues at SNL/NM. We network with other groups in disseminating information on SNL/NM issues such as neighborhood organizations, clubs, churches, schools, unions, businesses, and other non-governmental organizations

8. As we have done in the past, information obtained from previous FOIA requests are shared with the New Mexico Environment Department (NMED).

Section 2.

We are requesting the full disclosure of the information requested under this FOIA as this information will:

1) Fulfill the public's right-to-know about SNL/NM's future programs and activities to be conducted at the lab over the next 10-years;

2) Provide, in the spirit of openness and transparency, responses to questions from the public concerning SNL/NM's future programs and activities;

- 3) The documents requested will enhance the general public's understanding of government operations at SNL/NM, including but not limited to the effect of operations on the health of employees and the community;
- 4) Provide information that may affect regulatory issues and oversight by the NMED concerning future programs and activities at SNL/NM, and the potential impact of these programs and activities on surrounding communities;
- 5) Provide information about programs and activities at SNL/NM that may potentially have an impact on our world at state, national, and international levels;
- 6) Contribute to information concerning the next Site-Wide Environmental Impact Statement (SWEIS) conducted for SNL/NM;
- 7) Provide members of the public with information that may potentially relate to important matters of public health and protection of the environment concerning SNL/NM's future plans for activities and programs conducted at the lab.

Citizen Action New Mexico is requesting a full fee waiver for all items requested under this FOIA request with the DNFSB to be solely responsible for any costs associated with this request at no cost to the taxpayer or the requester. We hope this information is sufficient for you to assess our request for a fee waiver.

As the FOIA requires, Citizen Action will look forward to a response from DNFSB within 20 days.

If all or part of our request is denied, please cite each specific exemption that justifies your refusal to release the requested information, and please notify me of appeal procedures available under the law. If you have any questions about the handling of this request or the information requested therein you may call me at (505) 262-1862. Thank you very much.

Sincerely yours,

David B. McCoy, Executive Director
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