

**Morris, Alexander**

**From:** FOIA-Central@hq.doe.gov  
**Sent:** Thursday, October 02, 2008 10:40 AM  
**To:** FOIA-Central  
**Subject:** DOE Headquarters FOIA Request

Name (Eddie Ivins)

Organization: AREVA NP

Address:

3315 Old Forest Road, P.O. Box 10935  
Lynchburg, VA 24506-0935

Phone: 434-832-3781

FAX: 434-382-3781

Email: eddie.ivins@areva.com

Record Description:

(Phase I of the applications for "Federal Loan Guarantees for Nuclear Power Facilities" reference Number: DE-FOA-0000006.)

Please provide the applications for NRG at the South Texas Project, Georgia Power for Vogtle and Dominion for North Anna.

Preferred Form or Format: Electronic PDF

Type of Requester (if provided):

Affiliated with a private corporation and seeking information for the use in the company's business.

Fees and Fee Waivers:

I agree to pay up to a specified amount for fees. Enter amount \$ 1

Waiver or Reduction of Fees Factors (if provided):

Expedited Processing:

Specific Justification for Expedited Processing:

*10/2 spoke to requester he agrees to pay 100.<sup>00</sup>  
Please notify requester if I will exceed.  
ACM*

*FOIA-2008-000563*

*Branch*

OCT 02 2008  
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# CHICAGO LEGAL CLINIC, INC.

South Chicago • Pilsen • Austin • Downtown

Most Reverend. Thomas J. Paprocki, President  
Edward Grossman, Executive Director  
Marta C. Bukata, Deputy Director \*  
Keith I. Harley - [kharley@kentlaw.edu](mailto:kharley@kentlaw.edu)  
Greta M. Doumanian  
Elizabeth Schenkier  
Ellen Moyle  
\* also admitted in Indiana

Downtown Office:  
205 W. Monroe  
Suite 401  
Chicago, IL 60606  
Phone (312) 726-2938  
Fax (312) 726-5206  
TDD (773) 731-3477

September 24, 2008

Freedom of Information Act Officer  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

Re: Geologic Sequestration Project, Environmental Impact Statement  
Midwest Geological Sequestration Consortium/ADM Decatur

To The Freedom of Information Act Officer:

Please be advised that I represent the Sierra Club. Sierra Club is a public interest, non-profit environmental advocacy organization. Sierra Club is dedicated to protecting communities, wild places and the earth itself. Although national in scope, Sierra Club's members include thousands of members in Illinois, including members and volunteers who are committed to fulfilling Sierra Club's mission in the Decatur, Illinois area. Sierra Club is actively evaluating the environmental impacts associated with DOE's proposed carbon sequestration projects generally and at the Archer Daniels Midland Company facility located in Decatur, Illinois. Sierra Club is especially interested in how the Department of Energy evaluated the environmental impacts of its decision to fund, approve and/or participate in the ADM pilot project under the National Environmental Policy Act.

Therefore, on behalf of the Sierra Club and pursuant to the Freedom of Information Act, 5 USC 552 *et seq.*, I request copies of all documents in your files relating to the Department of Energy's evaluation of the environmental impacts of its decision to fund, approve and /or participate in conducting the pilot sequestration project to be conducted at the Archer Daniels Midland Company's ethanol plant in Decatur, Illinois, either directly or by and through the Midwest Geological Sequestration Consortium. Archer Daniels Midland Company's address is: 4666 Faries Parkway, Decatur, IL 62526.

The documents I am seeking include all records in the possession of the Department of Energy including, but not limited to, environmental assessments, consultations with other agencies, evaluations of the applicability of categorical exclusions, Findings of No Significant Impacts, Federal Register Notices as well as documents related to scoping, the

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development of a Draft Environmental Impact Statement (DEIS), public notices of a public hearing and opportunity to comment on a DEIS, transcripts from public hearings and written comments received, final Environmental Impact Statements and responses to significant public comments. This request includes all information about DOE's decision to provide funding, approval and/or to participate in conducting the pilot sequestration project at ADM's ethanol plant in Decatur, Illinois, either directly or by and through the Midwest Geological Sequestration Consortium. This request also includes internal DOE reports, correspondence, letters, memoranda, review notes, consultations with other agencies, meeting notes, denials and letters of incompleteness, inspection reports and field visit memoranda, information regarding regulatory compliance and any other reports or records relating to the ADM/ Midwest Geological Sequestration Consortium carbon sequestration project.

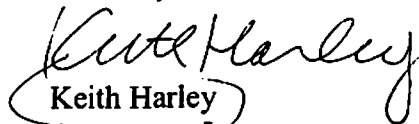
Pursuant to the Freedom of Information Act, 5 USC 552(a)(4)(a)(iii), I request a waiver of any and all fees, including fees for searching for and copying records and information, which you incur in meeting this request. Sierra Club is entitled to a fee waiver because it is a public interest organization composed of people interested in protecting the environment. This information will not be used to further any pecuniary interest of any profit-seeking venture. Because of the impact of the carbon sequestration program on the health, safety, and welfare of the public and on the environment, disclosure of this information is in the public interest. In addition, disclosure of this information will enhance public understanding of the workings of the government, including your agency. I will endeavor to make this information available not only to Sierra Club and its members, but to the general public, to ensure a well-grounded understanding of this matter.

As you know, your agency has ten (10) working days to respond to this request. If there is any problem with this request, or if fees will not be waived, please notify me how much this request will cost before you proceed. I am willing to consider reducing the scope of its request if necessary to expedite your response. Please call if you wish to discuss reducing the scope of the requested records.

If the request is denied in whole or in part, I request a formal determination which explicitly refers to the statutory basis for your denial, and which describes Sierra Club's rights to appeal within your agency.

Thank you for your attention and your anticipated cooperation.

Sincerely,

  
Keith Harley  
Attorney at Law

**Morris, Alexander**

**From:** FOIA-Central@hq.doe.gov  
**Sent:** Sunday, September 28, 2008 7:41 PM  
**To:** FOIA-Central  
**Subject:** DOE Headquarters FOIA Request

Name: [redacted] J  
Organization: Rocky Flats  
Address:

Phone:  
FAX:  
Email:

**Record Description:**

Rocky Flats, Building 881] Begining tear down Plutonium was found in the duct work and was enough to reclaim and they did that Reclamation. I want to know [how much more nuclear radiation that I received that was not recorded on my Dosemitery Badgeduring the two years all total working in that Building. I'm sure with the Badges I had I was not being chesked for the rays off the PU. 1978/1980 and there once a month while I was a inspector of Rigging Equipment. Have already sent a letter in requesting this Information, and to Help my tracking number is for your assistance and if you can't get me the Info then a letter stating that it can not be found or calculated for records being lost. Either way would be exceptible in writing with a Signature. Email or regular mail is exceptible. Thank You Kindly.

Preferred Form or Format: Mail - Post Office

**Type of Requester (if provided):**

An individual seeking information for personal use and not for commercial use.

**Fees and Fee Waivers:**

I request a waiver or reduction of fees.

**Waiver or Reduction of Fees Factors (if provided):**

1. The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government."

**Past Activities of Rocky Flats Plant**

2. The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities.

**Discover the facts**

3. The contribution to an understanding by the general public of the subject likely to result from disclosure, taking into account your ability and intent to disseminate the information to the public in a form that can further understanding of the subject matter.

**My personal information**

4. The significance of the contribution to public understanding: Whether the disclosure is

FOIA-2008-000569

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likely to contribute "significantly" to public understanding of government operations or activities.

N/A

5. The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure, and, if so

N/A

6. 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."

N/A

Expedited Processing:

I believe a compelling need exists to warrant expedited processing because there is:  
an imminent threat to the life or physical safety of an individual exists or

Specific Justification for Expedited Processing:

[ The Radiation I was Subjected to my self or any one that worked in that Building. ]

**Morris, Alexander**

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**From:** FOIA-Central@hq.doe.gov  
**Sent:** Thursday, October 02, 2008 5:09 PM  
**To:** FOIA-Central  
**Subject:** DOE Headquarters FOIA Request

Name: (Meg O'Leary)

Organization: Cahill/Wink LLP

Address:

c/o Cahill/Wink LLP  
60 Railroad Place, Suite 202  
Saratoga Springs, NY 12866

Phone: 518-584-1991

FAX: 518-584-1962

Email: meg.oleary@cahillwink.com

Record Description:

One or more press releases issued by the Department of Energy during June of 1997 announcing the selection of 17 companies for \$59 million in Clean Energy R&D to develop fuel cells to power clean cars. Among the companies participating in the program is Mechanical Technology Inc. of Latham, NY.

Preferred Form or Format: electronic copy delivered via email

Type of Requester (if provided):

An individual seeking information for personal use and not for commercial use.

Fees and Fee Waivers:

I agree to pay all applicable fees.

Expedited Processing:

Specific Justification for Expedited Processing:

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**Morris, Alexander**

**From:** FOIA-Central@hq.doe.gov  
**Sent:** Friday, October 03, 2008 11:29 AM  
**To:** FOIA-Central  
**Subject:** DOE Headquarters FOIA Request

Name: Sandra McKenzie

Organization:

Address:

Phone:

FAX:

Email:

Record Description:

A Copy of the loan application for federal loan guarantees applications for nuclear power facilities related to Exelon's proposed Victoria County Station (Victoria, Texas). We are not seeking information which you deem privileged or proprietary. We would like you to provide, if possible information as to the amount, if any, being requested and information as to what or how the funds will be used.

Preferred Form or Format: PDF or print

Type of Requester (if provided):

Affiliated with an educational or noncommercial scientific institution, and this request is made for scholarly or scientific purpose and not for commercial use.

Fees and Fee Waivers:

I request a waiver or reduction of fees.

Waiver or Reduction of Fees Factors (if provided):

1. The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government."

yes as it relates to providing loan gaurantees to private industry

2. The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities.

yes, it will contribute to the citizens understanding where and how their tax dollars are being spent

3. The contribution to an understanding by the general public of the subject likely to result from disclosure, taking into account your ability and intent to disseminate the information to the public in a form that can further understanding of the subject matter.

yes, I am hopeful that the local news paper will publish the information and it is likely since this topic has already been the subject of a guest editorial which I authored

4. The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities.

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Yes, it is significant since the amount of loan guarantees (according to DOE press release) is the amount of approximately \$122 billion

5. The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure, and, if so

I am not currently receiving payment from the newspaper for the guest column.

6. 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."

I am not receiving payment from the newspaper for the guest column.

**Expedited Processing:**

I believe a compelling need exists to warrant expedited processing because there is:

an urgency to inform the public concerning actual or alleged Federal Government activity exists (this option available ONLY for requesters primarily engaged in disseminating information)

**Specific Justification for Expedited Processing:**

Current events, involving the proposed bail out of wall street and involving the proposal to provide government loan guarantees, make this an issue of immediate public importance.



**Morris, Alexander**

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**From:** FOIA-Central@hq.doe.gov  
**Sent:** Monday, October 06, 2008 9:42 AM  
**To:** FOIA-Central  
**Subject:** DOE Headquarters FOIA Request

Name: Mrs. Rajitha Uppalli  
Organization: FedSources, Inc.

Address:

8400 Westpark Dr, 4th floor, McLean, VA 22102

Phone: 703-610-8745

FAX:

Email: uppallir@fedsources.com

Record Description:

Please provide all clearly releasable copy of Section A or the cover page of any contract awarded from solicitation # RFP117109. This is related to TRAINING SERVICES AND TECHNICAL SUPPORT program.

Preferred Form or Format: Electronic Format

Type of Requester (if provided):

Affiliated with a private corporation and seeking information for the use in the company's business.

Fees and Fee Waivers:

I agree to pay up to a specified amount for fees. Enter amount \$ 75

Waiver or Reduction of Fees Factors (if provided):

Expedited Processing:

Specific Justification for Expedited Processing:

FOIA-2008-000572

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# Trustee for the Fernald II Workers' Settlement Fund

Eric H. Kearney, Esq.  
Special Master/Trustee

Gary F. Benjamin  
Administrator

September 24, 2008

## MEDICAL EXPERT PANEL

John R. Balmes, MD  
Professor of Medicine  
Chief Division of Occupational &  
Environmental Medicine  
University of California  
San Francisco, California

Stephen M. Levin, MD  
Associate Professor  
Division of Occupational &  
Environmental Medicine  
Mount Sinai School of Medicine  
New York, New York

James E. Lockey, MD, MS  
Professor of Environmental Health &  
Internal Medicine (Pulmonary Division)  
University of Cincinnati  
Cincinnati, Ohio

Pamela S. Mallory, RN, CCM  
Expert Panel Coordinator

Kevin Hagerty MA-90  
Chief FOIA/PA Officer  
U.S. Department of Energy  
Office of Freedom of Information Act  
1000 Independence Avenue, SW  
Washington, DC 20585

RE: FOIA and Privacy Act Request

Dear Mr. Hagerty:

I am requesting "certified" copies of the following records. All appropriate release forms are attached.

Application for employment  
Employment History and Personnel Record  
Return to work slips  
Weekly assignment sheets  
Accident or injury records:  
Typed and written committee incident reports  
Typed and written accident reports  
Typed and written supervisor report of injury  
All Industrial Hygiene typed and written reports  
All Health and Safety Division reports  
All Internal and external correspondence written to, about and/or from the employee

(External Dosimetry Records)  
Individual readings from TLDs  
Film Badges  
Neutron dosimeters  
Pocket ionization chambers, etc  
All raw data and summations

Internal Dosimetry Records  
Analytical results from fecal analyses, whole body counts, breath analysis, etc.  
Type of analysis performed  
Chemical and physical form of contaminant  
All raw data and summations

Dr. Quigley, Lawrence Livermore Laboratory, results or other monitoring reports or other physician documents and reports regarding tissue or bone Sampling Records

Please send all raw data.

(Medical Records)  
EKG's

FOIA 2008-00058 (

Pre placement Physical Examination  
Periodic Examinations  
Correspondence written to or from physicians or hospitals or insurance  
companies  
All typed medical record reports  
Bureau of Worker's Comp files, internal memo's, correspondence or other  
medically related litigation claims  
Medical Department Dispensary Records, internal memo's and "blue cards"  
Medical Division "Treatment Cards"  
All Clinical Laboratory Results, including in vitro analysis (urinalysis), bio-assay  
and Uranium and Plutonium (Please include raw data)  
All pathology reports  
Radiograph Reports  
Pulmonary Function Tests  
Other: All medically related records and correspondence

The package address is:

**Pamela Mallory Expert Panel Coordinator  
Fernald II Worker's Settlement Fund  
1821 Summit Rd., Suite 203  
Cincinnati, Ohio 45237**

Sincerely,

  
Pamela Mallory RN

September 16, 2008

Chris Morris  
Freedom of Information Act Officer  
U.S. Department of Energy  
1000 Independence Ave., SW  
Washington, DC 20585

Mr. Morris:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, I am requesting the following items:

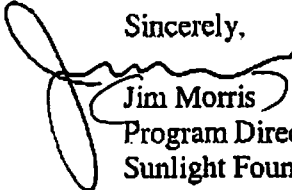
- A year-by-year breakdown of DOE expenditures (including R&D grants, contracts, loans and loan guarantees) on the Global Nuclear Energy Partnership and the Advanced Fuel Cycle Initiative from January 1, 2001, to the present. (Example: DOE gave a \$10 million grant to Company X in 2005 for Y). We would prefer to receive this information in electronic format.
- Copies of all correspondence from January 1, 2006 to the present between the DOE Office of the Secretary and the following companies: AREVA, Mitsubishi Heavy Industries Ltd., Energy Solutions LLC, GE-Hitachi Nuclear Americas LLC and General Atomics.

I respectfully request a waiver of all costs associated with fulfilling this submission pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure of the requested records will further 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, the Sunlight Foundation.

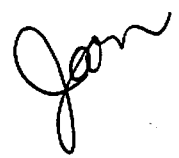
Founded in 2006, the Sunlight Foundation is a 501(c)3, nonpartisan organization dedicated to furthering transparency in government. Sunlight disseminates information about its activities to thousands of concerned citizens, policymakers, and the media via its Web site <http://www.sunlightfoundation.com>.

Please feel free to call or email me if this request requires further clarification.

Sincerely,

  
Jim Morris  
Program Director  
Sunlight Foundation  
1818 N Street NW, Suite 410  
Washington D.C. 20036  
[jmorris@sunlightfoundation.com](mailto:jmorris@sunlightfoundation.com)  
(202) 742-1520, ext. 246

FOIA-2008-000586



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**Morris, Alexander**

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**From:** FOIA-Central@hq.doe.gov  
**Sent:** Tuesday, October 07, 2008 11:09 AM  
**To:** FOIA-Central  
**Subject:** DOE Headquarters FOIA Request

Name: William Carder

Organization: Nuclear Marketing Services, Inc.

Address:

9808 Saint Germaine Drive  
Knoxville, TN, 37922

Phone: 865-806-0064

FAX: 865-675-4313

Email: wcarderjr@aol.com

Record Description:

Navarro Research and Engineer was awarded (Contract # DEAT5208NA28669) for technical support to the Uranium Processing Facility Integrated Project Team. This award is a Task Order. The requested document is the composition of the Navarro Team which was awarded the base contract and the task order.

Preferred Form or Format: PDF

Type of Requester (if provided):

Affiliated with a private corporation and seeking information for the use in the company's business.

Fees and Fee Waivers:

I agree to pay all applicable fees.

Expedited Processing:

Specific Justification for Expedited Processing:

FOIA-2008-000588

OCT 08 2008 03  
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**Morris, Alexander**

**From:** FOIA-Central@hq.doe.gov  
**Sent:** Wednesday, October 08, 2008 11:21 AM  
**To:** FOIA-Central  
**Subject:** DOE Headquarters FOIA Request

Name (Catherine Pieronek)

Organization: University of Notre Dame

Address:

Phone:

FAX:

Email:

FOIA-2008-000595

Ed  
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**Record Description:**

I would like the (final reports for the Title IX reviews conducted at the University of Wisconsin-Madison, Columbia University and the University of Washington at Seattle.)

**Preferred Form or Format:** No preference; paper or e-mailed pdf is fine.

**Type of Requester (if provided):**

Affiliated with an educational or noncommercial scientific institution, and this request is made for scholarly or scientific purpose and not for commercial use.

**Fees and Fee Waivers:**

I request a waiver or reduction of fees.

**Waiver or Reduction of Fees Factors (if provided):**

1. The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government."

I do believe this concerns the operations or activities of the government, as these documents address how the government is enforcing and fulfilling its obligations under the law (Title IX).

2. The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities.

Yes, this information will be used in a scholarly research activity on how the government is conducting Title IX reviews.

3. The contribution to an understanding by the general public of the subject likely to result from disclosure, taking into account your ability and intent to disseminate the information to the public in a form that can further understanding of the subject matter.

This is an important law for the public to understand as it applies to engineering and science. Most people know about the law only through athletics. They are resisting applying the law to science and engineering. A thoughtful review of how the government is actually conducting these Title IX reviews may help to increase public support for the activity.

4. The significance of the contribution to public understanding: Whether the disclosure is

For Education she needs to provide info on how documents will be used.

JOAN

likely to contribute "significantly" to public understanding of government operations or activities.

See answer to number 3. I believe that a thorough review and analysis of these (and NASA's) reviews, will help to improve public understanding.

5. The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure, and, if so

There is no commercial interest in this, only scholarly, academic research.

Expedited Processing:

Specific Justification for Expedited Processing:

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OCT 09 2008 01

October 7, 2008

VIA E-MAIL JAY.WERTENBERGER@PNL.GOV  VIA FAX (509) 375-2117	VIA FAX (202)-586-0575
Mr. Jay Wertenberger Department of Energy Pacific Northwest National Laboratory – Battelle PNNL Contracts P.O. Box 999 Richland, WA 99352	FOIA Officer United States Department of Energy 1000 Independence Avenue, SW Washington, DC 20585
VIA E-MAIL JEFF.SHORT@PNSO.SCIENCE.DOC.GOV  VIA FAX (509) 372-4532	
Jeff Short, Contracting Officer U.S. Department of Energy Pacific Northwest Site Office Post Office Box 350 k(-42 Richland, WA 99352	

Re: Protest of S.A. Robotics of the Department of Energy's Pacific Northwest National Laboratory's Award of a Contract Resulting from Solicitation No. 53277 to Detector Networks International

Freedom of Information Act Request under 5 USC §552 for Any and All Documents, Including Communications, Related to the United States Department of Energy's Pacific Northwest National Laboratory's Solicitation No. 53277 and the Award of the Resulting Contract to Detector Networks International

Dear Mr. Wertenberger and Mr. Short:

S.A. Robotics protests the award of contract resulting from Solicitation No. 53277 to Detector Networks International. For the purposes of FAR 33.103, we submit the following information:

**Protestor Name:** S.A. Robotics  
3985 S. Lincoln Ave.  
Suite 100

FOIA-2008-000597

*Jan*



Loveland, CO 80537  
Tel: 970-663-1431  
Fax: 970-663-5898

**Solicitation Number: 53277**

**A. Detailed Statement of the Factual Grounds for the Protest:**

The Department of Energy ("DOE") posted notice in "Fed Biz Ops" on November 1<sup>st</sup> 2007 of a "Sources Sought Notice" expression of interest for Solicitation No. 53277 (the "Solicitation"). The Solicitation was to be issued as part of DOE's National Nuclear Security Administration's ("NNSA") Office of Second Line of Defense ("SLD") Megaports Initiative. The notice of the Solicitation advised offerors to contact the Pacific Northwest National Laboratory – Battelle ("PNNL") if offerors were qualified to, and interested in, submitting a proposal in response to the Solicitation. On November 29, 2007, S.A. Robotics ("SAR") submitted its formal request to PNNL to be considered as a source for the Solicitation. On June 25, 2008, PNNL issued the Solicitation. The stated evaluation criteria for proposals submitted in response to the Solicitation were identified as follows:

Past Performance	- 5% (50 points)
Experience and Qualifications	- 10% (100 points)
Management Approach	- 5% (50 points)
Technical Approach	- 40% (400 points)
Price Proposal	- 40% (400 points)

On July 8, 2008, and as part of the Solicitation process, the DOE conducted a site visit for interested offerors of a prototype Radiation Detection Straddle Carrier built by Sandia and Los Alamos and it is now SAR's understanding that Mr. Louis Guillebaud (who is the PNNL selected awardee) was extensively involved with this prototype project.

On July 24, 2008, SAR submitted a fully compliant proposal in response to the Solicitation to PNNL.

On August 7, 2008, PNNL issued questions to SAR with respect to its technical proposal. PNNL did not advise SAR in this communication, or any other communication, that PNNL considered SAR's proposal to be nonresponsive, to contain any significant weaknesses or deficiencies or that the past performance of one of SAR's proposed teammates (Antech) was considered poor by a biased member of the technical source selection board. In fact in accordance with the FAR

procurement requirements, because PNNL issued questions to SAR, it can only be concluded that SAR's proposal was deemed responsive.

On September 26, 2008, PNNL notified SAR that the contract had been awarded to DNI. On September 29, 2008, PNNL advised SAR that it had not been awarded the contract and the key reasons cited by PNNL were (1) that the primary method of detection was not widely deployed, (2) communication equipment was not sufficiently described, and (3) the roles and responsibilities of the team members were not clearly defined. During this initial debrief, SAR was also notified that its proposal price was lower than that of DNI by approximately \$400,000.

On October 3, 2008, during an in-person debriefing, PNNL advised SAR that it had not been selected because (1) SAR received 0 points on its price proposal because the estimate was deemed "non-responsive" due to two assumptions in SAR's proposal, one regarding the EURO/U.S. Dollar exchange rate and one regarding the freight costs, (2) SAR's roles and responsibilities were not clearly defined, specifically those of the individuals that would be performing the work (note that the emphasis on individuals was not conveyed to SAR during the September 29, 2008 debrief), and (3) Antech was not a good team member. It is worth noting that items (1) and (3) were not conveyed to SAR during the initial telephone debrief on September 29, 2008.

#### **B. Detail Basis of Legal Grounds of SAR's Protest:**

SAR's protest is based upon PNNL's failure to:

1. evaluate proposals in accordance the Solicitation's stated evaluation criteria in accordance with 48 CFR 15.304 and 15.308;
2. determine whether an award to DNI presented an impermissible conflict of interest under 48 CFR 9.505-2 and 48 CFR 909.504;
3. evaluate proposals equitably; and
4. conduct meaningful discussions with SAR in accordance with 48 CFR 15.306(b)(1)(i) and (d)(3); and
5. conduct a price/technical trade off analysis to determine the best value.

Initially, it is imperative to note that SAR's bid was \$400,000 lower than the winning bid. Furthermore, if PNNL were to select SAR, it would enjoy the lowest lifetime cost for the operations of the equipment. Based on the response SAR received during its debrief as well as the technologies that DNI would employ and its approach, SAR believes that our proposed approach represents a savings of approximately \$6,000,000 after 5 years of operations over what DNI has proposed. Therefore, if the SAR approach is selected, PNNL (and DOE) would enjoy \$6,400,000 in savings over 5 years compared to the costs of the DNI proposed approach.

This protest is timely filed in accordance with 48 C.F.R. § 33.103(e), as it has been filed within five (5) days from Friday October 3, 2008, the date SAR received the formal debriefing SAR requested from PNNL. That formal debriefing disclosed some of the purported basis for PNNL's award decision. As this protest was timely filed in accordance with 48 C.F.R. 33.103(f) (3), SAR respectfully requests that PNNL suspend performance of the Contract while this protest is pending.

SAR is an interested party as SAR's and DNI's technical and pricing proposals were improperly evaluated, and the Solicitation required that PNNL award the Contract "to that Offeror whose proposal contains the combination of the evaluated criteria offering the best overall value." *International Data Products*, B-274654, Dec.26, 1996, 97-1 CPD 34, 1996 WL 761964, \*3 (Comp.Gen.). *See also, Northwest EnviroService*, B-247380, July 22, 1992, 92-2 CPD 38, 1992 WL 191673, \*2 (Comp.Gen.).

Once PNNL established the Solicitation's evaluation criteria, it was obligated to evaluate all proposals in accordance with the stated evaluation criteria. Federal agencies are not permitted to conduct evaluations that are unreasonably inconsistent with the stated evaluation criteria. *Programmatics, Inc., et al.*, B-228916.2 *et al.*, Jan. 14, 1988, 88-1 CPD ¶ 35. Contracting officers do not have the discretion to announce in a solicitation that one evaluation plan will be used and then use another. Accordingly, once firms have been informed of the criteria against which their proposals will be evaluated, the agency must adhere to those criteria in evaluating proposals and making its award decision. *MCR Federal, Inc.*, B-280969, Dec. 14, 1998, 99-1 CPD ¶ 8. Further, an agency's source selection decision must be based on both the factors and significant subfactors outlined in the solicitation. *See, e.g., Cornell Co., Inc.*, B-310548, Dec. 3, 2007, 2007 U.S. Comp. Gen. LEXIS 229 at \*7.

In this situation, the plain terms of the Solicitation did not inform offerors that prices were to be submitted as firm fixed prices without any clarifying assumptions. In addition the clarifying assumptions that SAR provided would not impact the overall cost of the project, it only identified costs that SAR (or any other bidder) has no control over. As a result, SAR's price proposal should not have been thrown out as non-responsive or, alternatively, PNNL should have amended the Solicitation and SAR should have been given an opportunity during the questions and answers period to modify its proposal so as to avoid a non-responsive determination by PNNL. SAR never received any indication from PNNL that its price would be deemed non-responsive due to the two assumptions regarding exchange rate and shipping costs. There was ample opportunity for PNNL to communicate this concern to SAR and, if necessary, for SAR to respond with clarification of any questions regarding these issues. By having its price declared non-responsive, SAR received 0 points on price evaluation criteria. SAR requests that its price be deemed responsive and scored in accordance with the plain terms of the Solicitation. SAR further requests that PNNL produce evidence that demonstrates how and when its proposal was determined to be "non-responsive." In accordance with Attachment 1, page 4, SAR contends that if it was deemed non-responsive, PNNL should not have continued questions and answers with SAR and should have immediately notified SAR of its non-responsiveness. The fact that

SAR's proposal was scored and considered goes directly against this new PNNL finding of non-responsiveness. SAR requests an explanation regarding the timing and correctness of this finding and also requests reimbursement for all of its bid and proposal costs, and costs incurred in support of this protest, including without limitation travel, consulting fees, legal fees and other in house efforts.

PNNL improperly evaluated SAR's proposal by deducting points from its ranking of SAR's technical proposal based upon the Technical Approach evaluation criteria (which is more heavily weighted than the Experience and Qualifications evaluation criteria) because of Antech's involvement on the SAR team. The deduction of points solely related to Antech, without any basis, is unreasonable, arbitrary and capricious. First, Antech is a world class company with substantial and relevant experience and is highly qualified for this project. Antech has received numerous awards for its work at DOE sites and in Canada and the UK and is absolutely qualified for this project. Antech equipment has been a key component to many DOE EM project successes through out the complex. Thus, no deduction should be made solely as a result of its participation on the SAR team. Second, to the degree that PNNL has a valid basis for such a deduction, any valid deduction related to Antech should have been made to the Experience and Qualifications (less heavily weighted) evaluation criteria. SAR requests that the deduction based solely upon Antech's involvement should be eliminated or at a minimum deducted from the Experience and Qualifications evaluation criteria as opposed to the Technical Approach evaluation criteria.

PNNL improperly deducted points from SAR's score under the Technical Approach evaluation criteria due to PNNL's mistaken belief that SAR's proposed method of detection is not widely deployed. PNNL disclosed this as the basis for downgrading SAR's technical proposal during the telephone conversation that occurred on September 29, 2008. However, at the formal, in-person debrief on October 3, 2008, PNNL changed its rationale and told SAR the deployment of its detection method was not the issue that resulted in PNNL lowering SAR's technical evaluation, but rather Antech's involvement was the reason for a deduction of points from the Technical Approach evaluation criteria. Please see Exhibit A for a discussion regarding why SAR's proposed method of detection is appropriate and this point deduction, if in fact made, was factually inaccurate, unreasonable and unwarranted. Given the information contained in Exhibit A, SAR requests that its proposal be re-evaluated and that PNNL eliminate or at a minimum reduce the above mentioned deduction related to the deployment of SAR's proposed method of detection.

During the September 29, 2008 telephone conversation, SAR was informed that its technical score was lowered because SAR did not have adequate seaport experience. The Solicitation's evaluation criteria for Experience and Qualifications provided the following technical criteria that would be used to evaluate SAR's proposal:

*...Offerors shall include detailed descriptions of their prior experience with design, radiation systems, software applications, and systems engineering and*

*integration.* They shall also include descriptions of the management approaches used on past programs of similar complexity.

*Emphasis added.* The Solicitation's evaluation criteria for Past Performance disclosed the following technical criteria that would be used to evaluate SAR's proposal:

This criterion will evaluate the past performance of the Offeror and its Subcontractors. The Offeror shall provide detailed cost, schedule, and technical performance results for *its three most recent contracts most closely related to the RDSC requirement.* The Offeror shall also provide a contact person for each of these contracts who can substantiate the provided information. Similar information for major subcontractors will strengthen the submission.

*Emphasis added.* The Solicitation's evaluation criteria required that offerors provide information of "prior experience with design, radiation systems, software applications, and system integration" (Experience and Qualifications evaluation criteria) or "technical performance results for its three most recent contracts most closely related to the RDSC requirement" (Past Performance evaluation criteria. The Solicitation did not advise offerors that their proposals would be evaluated based upon the level of "seaport experience" an offeror may or may not have had. As a result, PNNL improperly evaluated SAR's proposal and improperly reduced the technical score for SAR's proposal. Further, neither the Solicitation nor any subsequent communication to SAR made it clear that the information submitted that was to be evaluated under either Past Performance or Experience and Qualifications would be evaluated based upon "seaport" experience. Further, even if the Solicitation had required that offeror's proposals specifically include such information, SAR does have "seaport" design experience and SAR's primary subcontractor Konecranes has extensive seaport experience and is, in fact, the third largest fabricator of Saddle Carriers in the world. As a result, PNNL either failed to evaluate SAR's proposal in accordance with the Solicitation's stated evaluation criteria or improperly failed to credit SAR's proposal for SAR's experience and Konecranes' vast seaport experience.

During the October 3, 2008 debriefing, SAR was informed that it received a deduction relating to the roles and responsibilities of individuals that would work on the project. The only evaluation criterion that requested information from offerors on the individuals who would be working on the project was the "Experience and Qualifications" criteria which stated that proposals would be evaluated on the following subcriteria:

This criterion will evaluate the experience and qualifications of the Offeror and its Subcontractors. The Offeror shall provide detailed documentation of its experience with similar programs and that of its Subcontractors. It shall also list the program manager, project manager, and other key personnel proposed and include their applicable experience, qualifications, and education.

Offerors shall include detailed descriptions of their prior experience with design, radiation systems, software applications, and systems approaches used on past programs of similar complexity.

The PNNL RFP Experience and Qualifications criteria did not disclose that offerors would be evaluated on the "roles and responsibilities of the various team members." Further nothing in the Solicitation required offerors to define the roles and responsibilities of the various team members except in the Executive Summary which was not graded. SAR did provide a clear description of SAR's roles and responsibilities along with all subcontractors' roles and responsibilities both in SAR's technical proposal along with a clear discussion in the Executive Summary. As a result, PNNL failed to evaluate SAR's proposal in accordance with the Solicitation's stated evaluation criteria and any deduction based upon this perceived "deficiency" was improper and should be reversed.

In spite of the fact that PNNL engaged in discussions with SAR on September 29, 2008, PNNL failed to disclose the main deficiencies and/or weaknesses that resulted in the lower score SAR's proposal received. It was only at the formal debriefing that occurred on October 3, 2008 that PNNL disclosed the deficiencies and/or weaknesses upon which it based its reduction of its score of SAR's technical proposal. When discussions are conducted, they must at a minimum identify deficiencies and significant weaknesses in each competitive-range of offeror's proposal. 48 CFR § 15.306(d)(3); *Multimax, Inc., et al.*, B-298249.6 *et al.*, Oct. 24, 2006, 2006 CPD ¶ 165 at 12; *PAI Corp.*, B-298349, Aug. 18, 2006, 2006 CPD ¶ 124 at 8. Discussions must be "meaningful," that is, sufficiently detailed so as to lead an offeror into the areas of its proposal requiring amplification or revision. *Smiths Detection, Inc.*, B-298838, B-298838.2, Dec. 22, 2006, 2007 CPD ¶ 5 at 12; *Symplicity Corp.*, B-297060, Nov. 8, 2005, 2005 CPD ¶ 203 at 8. For example, discussions are not meaningful where the agency fails to apprise an offeror that its staffing levels are viewed as unreasonably low. *Professional Servs. Group, Inc.*, B-274289.2, Dec. 19, 1996, 97-1 CPD ¶ 54 at 4. Further, an agency may not mislead an offeror --through the framing of a discussion question or a response to a question --into responding in a manner that does not address the agency's concerns, or misinform the offeror concerning a problem with its proposal or about the government's requirements. *Multimax, Inc., et al., supra*; *Metro Mach. Corp.*, B-281872 *et al.*, Apr. 22, 1999, 99-1 CPD ¶ 101 at 6. SAR was not notified that its price was deemed non-responsive until its in-person meeting on October 3, 2008 which was subsequent to two telephone conversations with PNNL regarding SAR's proposal and related score. SAR finds it disturbing that PNNL did not alert SAR of its decision regarding the non-responsiveness of its price proposal until the October 3, 2008 debriefing. PNNL should have notified SAR of this as soon as it made this determination and permitted SAR to either amend its proposal or not expend any additional monies in its pursuit of the contract resulting from the Solicitation. PNNL's failure to do so leads SAR to believe that PNNL's technical evaluation team's purported basis for downgrading SAR's proposal was likely fabricated to sway a predetermined selection of DNI.

PNNL was also required to “treat all offerors equally, evaluating proposals evenhandedly against common requirements and evaluation criteria.” *Banknote Corp. of Am., Inc. v. United States*, 56 Fed. Cl. 377, 384 (2003). See also *TLT Construction Corp. v. United States*, 50 Fed. Cl. 212, 216 (2001) (“A fundamental principle of government procurement is that [contracting officers should] treat all offerors equally and consistently apply the evaluation factors listed in the solicitation.”); and *RJO Enterprises, Inc.*, B-260126.2, July 20, 1995, 95-2 CPD ¶ 93. Public information reveals that DNI is a newly established company with no history. It is extremely unlikely that DNI even meets the minimum requirements for the mandatory certifications (including but not limited to having an NQA-1 compliant program) required by the Solicitation.

Further, DNI’s Chief Executive Officer, Louis Guillebaud, was clearly involved in the design and fabrication of the prototype of the system being procured under the Solicitation. SAR believes that allowing DNI to bid on the Solicitation presented a conflict of interest or at least a situation in which not all offerors would be treated equally due to Mr. Guillebaud’s prior experience with the prototype and relationships with the PNNL technical evaluation team members from LANL and Sandia Labs. Contracting officers are required to identify and evaluate potential conflicts of interest as early in the acquisition process as possible. FAR §9.504. Situations that create potential conflicts of interest are identified and discussed in FAR subpart 9.5, and they include situations in which a contractor’s performance of contract requirements may affect the contractor’s other activities and interests. See FAR §§9.505, 9.508. See also *Science Application Intl. Corp.*, B-293601; B-293601.2; B-293601.3. May 3, 2004. The award of the contract to DNI and Mr. Guillebaud presents an impermissible conflict of interest that should have been identified by PNNL and DNI should not have been permitted to compete for the contract.

In short, SAR feels as if this procurement was a disguised congressional earmark, dressed up as a competitive procurement, intended for an award wired for DNI. If this is the case, then SAR (and the other offerors) wasted its time and money in preparing and submitting a qualified bid.

In light of the above, SAR requests that PNNL set aside the subject award to DNI and award the contract to SAR. In the event SAR is not awarded the contract, SAR requests immediate reimbursement for its bid and proposal costs as well as all costs incurred following notification of the award and related to this protest, including legal costs, consulting costs, travel costs and any other costs related to the post award activities of SAR related to this matter.

### **C. Freedom of Information Act Request:**

In accordance with 5 U.S.C. 552, as amended, and applicable DOE regulations promulgated there under, SAR requests all documents related to the Solicitation and communications between DOE and PNNL and DNI and/or Louis Guillebaud or any predecessor company with which Mr. Guillebaud was involved that relate to the prototype demonstrated for this procurement and the specifications developed for this procurement.

SAR requests that you produce responsive documents in their entirety, including all attachments. In the event you determine that a document contains material or information that falls within a statutory exemption to mandatory disclosure, please review such material or information for possible discretionary disclosure. Furthermore, §522(b) of the Act provides that if some parts of a file are exempt from release, "reasonably segregable" portions of the nonexempt material should be provided. Therefore, if you determine that some of the information requested is exempt from disclosure, please provide a copy of each of the nonexempt documents and portions of documents.

We request that you confirm in writing when you have determined that all documents responsive to this request, or portions thereof, have been furnished or specifically identified and denied under claim of authority pursuant to 5 U.S.C. §552(b).

As you know, courts have ruled that agencies refusing to release documents requested pursuant to the Act must prepare and release indexes of the documents withheld. Therefore, if you determine that part or all of any document requested herein is exempt from release, please provide an index of the documents you choose to withhold. Each such index must: (a) be contained in one document and be complete in itself; (b) adequately describe each withheld document or deletion from a released document; (c) state the exemption claimed for each withholding or deletion; (d) explain in detail why the exemption is relevant; and (e) be specific enough to permit a reasoned judgment as to whether the material is actually exempt under the Act. Furthermore, in the event of a withholding, please separately state your reasons for not exercising your discretionary powers under the Act to release in the public interest any material you deem to be exempt.

We agree to pay all reasonable search and review costs incurred in connection with this request up to \$500. Please notify me at (970) 663-1431 if you determine that such costs will exceed \$500.

We anticipate that the DOE will adhere to the time limitations set forth in 5 U.S.C. §552(a) (6) (A).



Please contact me as soon as possible if you have any questions about this bid protest and/or Freedom of Information Act request or need further information in order to provide a timely response. We look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Husney", written over a printed name.

Evan J. Husney  
Vice President and General Counsel

Encl.

**Morris, Alexander**

**From:** FOIA-Central@hq.doe.gov  
**Sent:** Wednesday, October 08, 2008 11:01 AM  
**To:** FOIA-Central  
**Subject:** DOE Headquarters FOIA Request

Name: )

Organization:

Address:

Phone:

FAX:

Email:

Record Description:

Any and all records involving any complaints made against me (DOE employee Special Agent (to the DOE Office of Inspector General from (aka (of Severna Park, MD during the month of August, 2008, September 2008, and/or October 2008)

These records should include all interview notes, emails to and from investigative reports, etc. Additionally, the records should include all reports of interviews with witnesses and any other parties making a complaint against me during the above specified three months.

Specifically requested in addition to all other information is all email from from his email account to an unknown DOE OIG recipient (possibly the DOE OIG Hotline email account) originating between between August 24, 2008 and September 19, 2008 regarding a complaint about me.

Also specifically requested is any and all notes made during an interview of me by DOE OIG Special Agent and Special Agent on September 19, 2008.

This FOIA request is being made on the advice of legal counsel in furtherance of a potential civil defamation of character lawsuit, so your prompt attention to this matter is greatly appreciated.

Thank you in advance.

Preferred Form or Format: Either email or hardcopy is fine.

Type of Requester (if provided):

An individual seeking information for personal use and not for commercial use.

Fees and Fee Waivers:

I agree to pay all applicable fees.

Expedited Processing:

Specific Justification for Expedited Processing:

FOIA-2008-200601



OCT 09 2008 05  
OTHER - 2 HOURS SEARCH FREE 100 FREE PAGES

**Morris, Alexander**

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**From:** FOIA-Central@hq.doe.gov  
**Sent:** Thursday, October 09, 2008 7:10 AM  
**To:** FOIA-Central  
**Subject:** DOE Headquarters FOIA Request

Name: (Lauren Dougherty)

Organization: none

Address:

Phone:

FAX:

Email:

Record Description:

I would like (information regarding loans made and/or guaranteed by the federal government for the company that goes by the names of):  
(Masada  
Pencor-Masada  
Pencor-Oxy Masada  
Orange Pencor)  
or any other similar name

Please contact me if/when you find any information, if that's possible, so that I may specify the amount I am willing to spend to get this information and it's format, if it is more than the limited amount.  
Thanks.

Preferred Form or Format:

Type of Requester (if provided):

An individual seeking information for personal use and not for commercial use.

Fees and Fee Waivers:

I agree to pay up to a specified amount for fees. Enter amount \$ 25.00

Waiver or Reduction of Fees Factors (if provided):

Expedited Processing:

Specific Justification for Expedited Processing:

FOIA-2008-000603

*Spencer*

OCT 09 2008 07  
OTHER - 2 HOURS SEARCH FREE, 100 FREE PAGES

**Morris, Alexander**

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**From:** FOIA-Central@hq.doe.gov  
**Sent:** Wednesday, October 08, 2008 4:50 PM  
**To:** FOIA-Central  
**Subject:** DOE Headquarters FOIA Request

Name: (Mike de Generro)

Organization: Sheppard Mullin Richter & Hampton LLP

Address:

1300 I Street NW  
11th Floor East  
Washington, DC 20005-3314

Phone: 202.772.5304

FAX: 202.218.0020

Email: Mdegenerro@sheppardmullin.com

Record Description:

(Copy of the Application and all supporting materials from dates of 2006-2007 made by Firmgreen Energy, Inc." or "Firmgreen Fuels of Ohio, LLC" for a grant from the U.S. Department of Energy, granted during 2007 in the amount of \$1,900,000.00.)

Preferred Form or Format: Word

Type of Requester (if provided):

Affiliated with a private corporation and seeking information for the use in the company's business.

Fees and Fee Waivers:

I agree to pay all applicable fees.

Expedited Processing:

Specific Justification for Expedited Processing:

FOIA-2008-00604

Brenna

**Morris, Alexander**

**From:** FOIA-Central@hq.doe.gov  
**Sent:** Thursday, October 09, 2008 8:14 PM  
**To:** FOIA-Central  
**Subject:** DOE Headquarters FOIA Request

**Name:** Andrea Issod  
**Organization:** Sierra Club Environmental Law Program  
**Address:**  
85 Second St, 2nd Floor  
San Francisco, CA 94105  
**Phone:** 415-977-5544  
**FAX:**  
**Email:** andrea.issod@sierraclub.org

**Record Description:**

On September 22, 2008, the DOE issued a "notice of intent to prepare an Environmental Impact Statement and Notice of Proposed Floodplain and Wetlands Involvement for the Kemper County IGCC Project, Kemper County, MS." This notice was published in Vol. 73, No. 184, p. 54569 of the Federal Register. The DOE is proposing to provide a total of \$294 million for the proposed project under the CCPI program and may also approve a loan guarantee. There is very little information available on this proposed project, especially the proposed mine that would encompass approximately 31,000 acres according to the DOE's scoping notice. We request information the DOE has received or obtained as part of its application process in order to inform the local public more about this project.

**Preferred Form or Format:** electronic

**Type of Requester (if provided):**

Affiliated with an educational or noncommercial scientific institution, and this request is made for scholarly or scientific purpose and not for commercial use.

**Fees and Fee Waivers:**

I request a waiver or reduction of fees.

**Waiver or Reduction of Fees Factors (if provided):**

1. The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government."

the activity of the government is the scoping notice, the EIS process, and the potential funding under the CCPI program

2. The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities.

there is currently no information available

3. The contribution to an understanding by the general public of the subject likely to result from disclosure, taking into account your ability and intent to disseminate the information to the public in a form that can further understanding of the subject matter.

we work with organizer staff in Mississippi that can disseminate the information

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FOIA-2008-000615

Shah

4. The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities.

there is currently no information available

5. The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure, and, if so

we are a nonprofit organization

6. 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."

we have no commercial interest

Expedited Processing:

I believe a compelling need exists to warrant expedited processing because there is:

an urgency to inform the public concerning actual or alleged Federal Government activity exists (this option available ONLY for requesters primarily engaged in disseminating information)

Specific Justification for Expedited Processing:

In order for the public to provide comments in the scoping and EIS process, they need further information about the proposed facility and mine. The scoping meeting is being held on October 14, 2008.

**Morris, Alexander**

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**From:** FOIA-Central@hq.doe.gov  
**Sent:** Tuesday, October 14, 2008 10:18 AM  
**To:** FOIA-Central  
**Subject:** DOE Headquarters FOIA Request

Name: Mrs. Rajitha Uppalli

Organization: fed

Address:

8400 Westpark Dr., 4th floor, McLean, VA 22102

Phone: 703-610-8745

FAX:

Email: uppallir@fedsources.com

Record Description:

Please provide all clearly releasable copy of basic contract # DEAC0608RL14728, which was awarded to Mission Support Alliance, LLC on September 3, 2008 including statement of work.

The CO Alan Hopko can be reached at (509) 376-2031 or Alan\_E\_Hopko@RL.gov.

Preferred Form or Format: Electronic Format

Type of Requester (if provided):

Affiliated with a private corporation and seeking information for the use in the company's business.

Fees and Fee Waivers:

I agree to pay up to a specified amount for fees. Enter amount \$ 75.00

Waiver or Reduction of Fees Factors (if provided):

Expedited Processing:

Specific Justification for Expedited Processing:

FOIA-2008-000606

*Break*

# Westech International, Inc.

2500 Louisiana Blvd., NE, Suite 325  
Albuquerque, NM 87110  
TEL: (505) 888-6666  
FAX: (505) 837-9424  
URL: <http://www.westech-intl.com/>

Letter No.: CB-095

OCT 15 2008 02

COMMERCIAL SEARCH REVIEW & REPRODUCTION

October 14, 2008

U.S. Department of Energy  
1000 Independence Avenue  
Washington, DC 20585

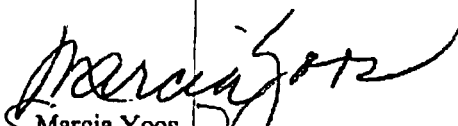
Subject: Freedom of Information Act (FOIA) Request for [Contract No. DE-AC52-05NA68600] for  
Safeguards and Security Program Services at NNSA / Albuquerque

Dear FOIA Officer:

Westech International, Inc. (WESTECH) requests a copy of the subject contract per the Freedom of Information Act. I am affiliated with WESTECH, a private company, and am seeking this information for the company's use. If possible, please transmit the contract and its modifications electronically to [myoos@westech-intl.com](mailto:myoos@westech-intl.com). Otherwise, please mail the document(s) to the address above to my attention. I agree to pay up to \$250 for fees in conjunction with this request. If fees are higher, please let me know so I may evaluate whether to go forward with this request.

If you need further information, you may contact me at 505-888-6666 x116.

Sincerely,

  
Marcia Yoos  
Director of Business Administration

FOIA-2008-000607





10/14/2008



11720 Plaza America Drive, 12<sup>th</sup> Floor  
Reston, VA 20190  
Tel: (703) 707-3500  
Fax: (703) 707-6201  
www.input.com

**Freedom of Information Act (FOIA) ID# 16293**

FEE AGREEMENT \$100

COMMERCIAL\* SEARCH REVIEW & REPRODUCTION  
OCT 15 2008 33

October 14, 2008

Dear FOIA Officer,

Under the Freedom of Information Act, 5 U.S.C. § 552, as amended I am requesting documents regarding contract #DEAC0799ID13727 awarded to BECHTEL BWXT IDAHO, LLC under the **ADVANCED MIXED WASTE TREATMENT PROJECT** requirement. Specifically, I am requesting copies of the following information/documents:

- Award fee history and basis

**Whenever possible, please refer to FOIA ID 16293 in any response letter, email, fax, or invoice.**

If possible, I would prefer to receive the documents in electronic format. If not, hard copies of responsive documents will be more than adequate. If your office does not maintain these public records, please let me know who does and include the proper custodian's name and address.

Your response is respectfully requested within 20 working days of your receipt of this letter. §552(a)(6)(A)(1). If all or any part of this request is denied, please cite each specific exemption that justifies your withholding of information

**I hereby agree to assume all the search, duplication, and review fees in the amount of \$100. Please notify me if the cost of fulfilling my request will exceed that amount.**

Thank you for your assistance,

  
Monica Jones  
mjones@input.com

FOIA-2008-000668



**Morris, Alexander**

**From:** Brown Shute, Theresa  
**Sent:** Wednesday, October 15, 2008 11:46 AM  
**To:** Morris, Alexander  
**Subject:** FW: Mr. Whitendon and Ms. Brown Shute:

**Attachments:** Maureen Leary.vcf; Brown Shute, Theresa.vcf



Maureen Leary.vcf (886 B)    Brown Shute, Theresa.vcf (5 KB...)  
Chris-

OCT 15 2008 04  
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I apologize for not sending this sooner. I got so caught up in the question, that I missed the opening sentence stating that this is a FOIA request. I look forward to getting an edocs number.

Theresa

Theresa Brown Shute  
Office of Electricity Delivery & Energy Reliability  
Room: 8H-033  
Office: 202-586-2841  
Fax: 202-586-1472  
theresa.brownsalute@hq.doe.gov

-----Original Message-----

**From:** Maureen Leary [mailto:Maureen.Leary@oag.state.ny.us]  
**Sent:** Thursday, October 09, 2008 3:59 PM  
**To:** Whitendon, Mark; Brown Shute, Theresa  
**Subject:** Mr. Whitendon and Ms. Brown Shute:

Mr. Whitendon and Ms. Brown Shute:

Pursuant to the Freedom of Information Act, please provide (1) the September 9 and 11 emails from Mark Whitendon to the Office of Hearings and Appeals ; and (2) the September 11 email from Theresa Brown Shute to the Office of Hearings and Appeals. These emails relate to the August 8, 2008 appeal by the State of New York and are in response to an inquiry to each of you by the OHA. The emails are cited as evidence in the OHA's October 6, 2008 decision on the State's appeal. The emails apparently state that all of the recipients of Documents 8, 14, 16, 19, 22, 23(a) and (b), 47, 53, 58, 59 and 60 are all DOE subcontractors or consultants.

Time is of the essence in receiving your timely response due to pending litigation. Kindly respond to this request within the statutory time frame. Thank you. Maureen Leary

Maureen F. Leary  
Assistant Attorney General  
New York State Department of Law  
Environmental Protection Bureau  
The Capitol  
Albany, New York 12224-0341  
(518) 474-7154  
(518) 473-2534 (FAX)  
maureen.leary@oag.state.ny.us

10/15 Per Theresa. Fees will not exceed \$15.00  
FOIA-2008-000609

ACM  
Jan

**Morris, Alexander**

**From:** Hans Kristensen [hkristensen@fas.org]  
**Sent:** Wednesday, October 15, 2008 1:50 PM  
**To:** FOIA-Central  
**Subject:** FOIA Request 08-020

OCT 16 2008  
SCIENTIFIC/EDUCATIONAL/NEWS MEDIA  
100 FREE PAGES

Dear Madam/Sir,

This is a request under the federal Freedom of Information Act, 5 USC 552, as amended. I request copies of the following:

\* The most recent Stockpile Stewardship Plan, and/or "Green Book"

Through this request, I am gathering information on a subject of current and ongoing interest to the public. As a co-author to the bi-monthly Bulletin of the Atomic of the Atomic Scientists and the SIPRI Yearbook, project director at the Federation of American Scientists - a news media-type entity that collects information for analysis and distribution to the public for news and educational purposes on a non-commercial basis, and as a frequent consultant to the news media, I have both the experience and ability to analyze and disseminate the information.

I am willing to pay all reasonable fees for this request, but ask that you inform me if you expect the fees will exceed \$50. Due to my status described above, as reaffirmed by the Office of the Secretary of Defense in several appeal cases, I meet the statute's definition for a "representative of the news media" and therefore am only required to pay for the direct cost of duplication after the first 100 pages. Even so, the statute permits the waiver of fees beyond that where the information is obtained on a non-commercial basis and will contribute to the public's understanding of the operations of the government. I request therefore that any applicable fees be waived.

In the event the document requested is currently and properly classified, I ask that you release all segregable portions. As you know, an agency cannot rely simply on existing markings in a document for release determination, but must perform a specific review to determine if the information is currently and properly classified and which segregable portions can be released without causing significant damage to national security. I also ask that you identify all documents identified in the search for this request.

I appreciate very much your help in obtaining this information and look forward to hearing from you within 20 days, as the statute requires. If you have any questions regarding this request, please feel free to call me at 202-454-4695, fax me at 202-675-1010, or communicate via e-mail to hkristensen@fas.org. Thank you in advance for your assistance.

Sincerely,

/signed

Hans M. Kristensen

---

Hans M. Kristensen  
Director, Nuclear Information Project  
Federation of American Scientists  
1725 DeSales St., NW, 6th Floor  
Washington, DC 20036  
Phone: (202) 454-4695  
Fax: (202) 675-1010  
Email: hkristensen@fas.org  
Web: <http://www.fas.org>

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by email and immediately delete the message and any attachments without copying or disclosing the content. Thank you.

FOIA-2008-000611

Shilo

**Morris, Alexander**

---

**From:** FOIA-Central@hq.doe.gov  
**Sent:** Thursday, October 16, 2008 4:43 PM  
**To:** FOIA-Central  
**Subject:** DOE Headquarters FOIA Request

Name (Michelle Mialkowski)  
Organization: Centilla Corp

**Address:**

37 Industrial Dr  
Exeter NH 03833

Phone: 603-658-3881

FAX: 603-658-3882

Email: michelle@centilla.net

**Record Description:**

I am looking to get request the FOIA for (releasable GPC holders)

**Preferred Form or Format:**

**Type of Requester (if provided):**

Affiliated with a private corporation and seeking information for the use in the company's business.

**Fees and Fee Waivers:**

I agree to pay up to a specified amount for fees. Enter amount \$ 5.00

**Waiver or Reduction of Fees Factors (if provided):**

**Expedited Processing:**

**Specific Justification for Expedited Processing:**

FOIA-2008-000619

OCT 20 2008 02  
"COMMERCIAL" SEARCH REVIEW & REPRODUCTION

Stein

LAMBERT & NELSON  
A PROFESSIONAL LAW CORPORATION  
701 MAGAZINE STREET  
NEW ORLEANS, LA. 70130-3629

HUGH P. LAMBERT  
LINDA J. NELSON

(504) 581-1750  
FAX: (504) 529-2931

October 9, 2008

U.S. Department of Energy  
ATTN: Freedom of Information Officer  
1000 Independence Avenue, SW  
Washington, DC 20585

OCT 20 2008 3  
OTHER - 2 HOURS SEARCH FREE, 100 FREE PAGES

RE: Freedom of Information Act  
Lawrence Berkeley National Laboratory

---

Dear Sir and/or Madam:

Pursuant to the federal Freedom of Information Act, 5 U.S. C. § 552, I request access to and copies of any and all documents relative to the testing for formaldehyde emissions in Temporary Housing Units and/or from component parts taken from said units supplied by FEMA, or any other government agency, in response to Hurricanes Katrina and Rita and/or any other federally declared natural disaster, please see Attachment "A."

I understand that there may be a charge assessed for the retrieval and reproduction of these records. Because this law firm represents individuals that reside in the community, we would further request that you consider waiving and/or reducing the fees associated with the processing of this Freedom of Information Act request as it is being made to further the "public interest". We believe that this information will help the residents of this community participate in a more meaningful fashion.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I reserve the right to appeal your decision to withhold any information.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance in this matter.

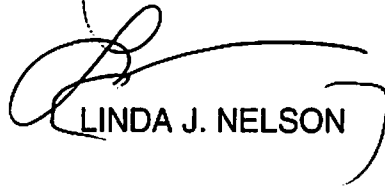
FOIA-2008-000620

*J. Neale*

If you have any questions regarding the scope of this information request or our request for a waiver or reduction in the research/reproduction fees incurred in its processing, please feel free to contact me at my office. We appreciate your attention to this request and look forward to hearing from you promptly on its processing.

With best regards, I remain

Very truly yours,



LINDA J. NELSON

LJN/mae

cc: Gerald E. Meunier, Esq. (Via Email Only)  
Justin I. Woods, Esq. (Via Email Only)  
Andrew D. Weinstock, Esq. (Via Email Only)  
Henry T. Miller, Esq. (Via Email Only)

W E I T Z  
&  
L U X E N B E R G  
A PROFESSIONAL CORPORATION  
• LAW OFFICES •

210 LAKE DRIVE EAST  
SUITE 101  
WOODLAND HILLS CORPORATE PARK  
CHERRY HILL, NJ 08002  
TEL. 856-755-1115 FAX 856-755-1995  
WWW.WEITZLUX.COM

COMMERCIAL SEARCH REVIEW & REPRODUCTION  
OCT 21 2008

ROBERT J. GORDON •  
ELLEN REIKIN \*A  
JERRY KRISTAL AA  
MARIE IANNIELLO ††  
GARY KLEIN †  
JAMES THOMPSON †  
FRANKLIN P. SOLOMON †  
PATTI BURSHTYN †  
JAMES LONG •  
THOMAS COMBERFORD †  
JOHN H. BROADDUS •  
EDWARD BRANIFF †

• Of Counsel  
• Also admitted in PA and NY  
• Also admitted in NY and DC  
† Also admitted in NY  
†† Also admitted in NY and CT  
AA Also admitted in PA, NY and DC  
‡ Also admitted in Pa.  
• Admitted only in DC, MD, Pa and VA

Writer's Direct Dial:

October 20, 2008

Department of Energy  
Director, FOIA/PA Division, MA-90  
1000 Independence Avenue, SW  
Washington, DC 20585

Attention: Alexander Morris

Re: FOIA Request

Dear Mr. Morris:

Pursuant to the Federal Freedom of Information Act, 5 U.S.C. Sec. 552, I request access to and copies of any and all purchasing records for laboratory supplies, products, and equipment, including but not limited to, asbestos materials, such as gloves, rope, tape, gaskets, cloth, cement, insulation, valve packing and firebrick, at the Pittsburgh Coal Research Center for the United States Bureau of Mines from 1955 to 1967. Also, any and all records of the supply companies where said laboratory supplies, products, and equipment were purchased for the Pittsburgh Coal Research Center for the United States Bureau of Mines from 1955 to 1967.

I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$500. However, please notify me prior to your incurring any expenses in excess of this amount.

If my request is denied in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

FOIA-2008-000623

180 Maiden Lane, 17th Floor  
New York, NY 10038  
(800) 438-9786

215 South Monarch Street, Suite 202  
Aspen, CO 81611  
(970) 925-6101

76 South Orange Avenue, Suite 305  
South Orange, NJ 07079  
(973) 761-8995

100 E. 15th Street, Suite 400  
Fort Worth, Texas 76102  
(817) 885-7815

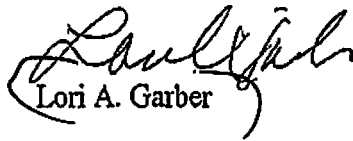
Sheela

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Very truly yours,

WEITZ & LUXENBERG



Lori A. Garber

LAG:ag



**Morris, Alexander**

---

**From:** FOIA-Central@hq.doe.gov  
**Sent:** Tuesday, October 21, 2008 10:07 AM  
**To:** FOIA-Central  
**Subject:** DOE Headquarters FOIA Request

Name: [Michael T. Metcalf]

Organization: Performance Contracting

Address:

16400 College Boulevard  
Lenexa, KS 66219

Phone: 913-310-3356

FAX: 913-905-0306

Email: mike.metcalf@pcg.com

Record Description:

1. All documents concerning Washington Closure Hanford's incorporation of an Integrated Work Control Program ("IWCP") into subcontracts for work on the Hanford Reactor Interim Safe Storage Closure Project (the "Project").
2. All documents concerning DOE's incorporation of 10 CFR 851 into its contract with Washington Closure Hanford for the Project.
3. All change order requests or claims for additional compensation or time submitted to DOE by Washington Closure Hanford related to the IWCP or the incorporation of 10 CFR 851 into Washington Closure Hanford's contract for the Project.
4. All documents or correspondence pertaining to any claim by Washington Closure Hanford that it was impacted by or entitled to additional time or money due to the IWCP or the incorporation of 10 CFR 851 into its contract for the Project.

Preferred Form or Format: electronic or hard copies

Type of Requester (if provided):

Affiliated with a private corporation and seeking information for the use in the company's business.

Fees and Fee Waivers:

I agree to pay all applicable fees.

Expedited Processing:

Specific Justification for Expedited Processing:

OCT 21 2008 05  
COMMERCIAL SEARCH REVIEW & REPRODUCTION

FOIA 2008-000627 *Sheil*

October 13, 2008

OCT 22 2008 02  
"OTHER" 2 HOURS SEARCH FREE, 100 FREE PAGES

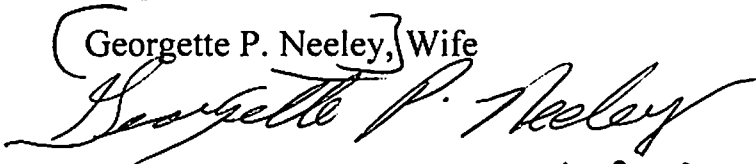
Department of Energy  
Office of Freedom of Information Act.  
1000 Independence Ave. SW  
Washington, DC 20585

Sir/Madam:

I am writing on behalf of my deceased \_\_\_\_\_ File  
\_\_\_\_\_ was an employee at the Fernald Production Plant  
beginning October 27, 1953. \_\_\_\_\_ worked in plant #4 the Green Salt  
factory. My deceased husband was a part of the class action suit a few years  
ago and would have been entitled to participate in the Medical monitoring  
program had he were still living. \_\_\_\_\_ died in October 10, 2000 and I am  
gathering information and have filed a claim for benefits on his behalf. I am  
requesting all information [Medical and] otherwise that pertain to him. I need  
[employment records] 'ALL RECORDS'. Please send all information to:  
Georgette P. Neeley \_\_\_\_\_ . Enclosed  
are a copy of \_\_\_\_\_ Death Certificate, and a copy of our Marriage  
Record. If you need any other information from me you may contact me by  
phone at \_\_\_\_\_. I would appreciate your response as soon as  
possible. I have already filed a claim but am missing some important  
information that will come from your office. Your attention is appreciated.

Respectfully Yours,

(Georgette P. Neeley, Wife



FOIA-2008-000629



**Morris, Alexander**

---

**From:** FOIA-Central@hq.doe.gov  
**Sent:** Wednesday, October 22, 2008 12:03 PM  
**To:** FOIA-Central  
**Subject:** DOE Headquarters FOIA Request

Name: Mrs. [Rajitha Uppalli]

Organization: FedSources, Inc.

Address:

8400 Westpark Dr, 4th floor, McLean, VA 22102

Phone: 703-610-8745

FAX:

Email: uppallir@fedsources.com

Record Description:

Please provide all clearly releasable copy of any basic contract awarded from [solicitation # 001PPJM08] including statement of work.

This is related to RETIREMENT BENEFIT PROGRAM. The CO is Jeanette Matthews. She can be reached at 702-295-2700 or matthejl@nv.doe.gov.

Preferred Form or Format: Electronic Format

Type of Requester (if provided):

Affiliated with a private corporation and seeking information for the use in the company's business.

Fees and Fee Waivers:

I agree to pay up to a specified amount for fees. Enter amount \$ 75.00

Waiver or Reduction of Fees Factors (if provided):

Expedited Processing:

Specific Justification for Expedited Processing:

OCT 23 2008 02  
COMMERCIAL SEARCH REVIEW & REPRODUCTION

N/A

FOIA 2008-000631  
1

Brenda

**Morris, Alexander**

---

**From:** FOIA-Central@hq.doe.gov  
**Sent:** Wednesday, October 22, 2008 11:54 AM  
**To:** FOIA-Central  
**Subject:** DOE Headquarters FOIA Request

Name: Mrs. Rajitha Uppalli

Organization: FedSources, Inc.

Address:

8400 Westpark Dr, 4th floor, McLean, VA 22102

Phone: 703-610-8745

FAX:

Email: uppallir@fedsources.com

Record Description:

Please provide all clearly releasable copy of any contract awarded from Solicitation # 002WPJM08 including statement of work.

This is related to WELFARE BENEFITS PROGRAM. The CO for this program is Jeanette Matthews. She can be reached at 702-295-2700 or matthejl@nv.doe.gov.

Preferred Form or Format: Electronic Format

Type of Requester (if provided):

Affiliated with a private corporation and seeking information for the use in the company's business.

Fees and Fee Waivers:

I agree to pay up to a specified amount for fees. Enter amount \$ 75.00

Waiver or Reduction of Fees Factors (if provided):

Expedited Processing:

Specific Justification for Expedited Processing:

OCT 23 2008 03  
COMMERCIAL SEARCH REVIEW & REPRODUCTION

FOIA-2008-000632

N/A

Brember

**Morris, Alexander**

---

**From:** FOIA-Central@hq.doe.gov  
**Sent:** Tuesday, October 21, 2008 3:25 PM  
**To:** FOIA-Central  
**Subject:** DOE Headquarters FOIA Request

Name: (Richard C. Johnston)  
Organization: SRI International

Address:

333 Ravenswood Avenue  
Menlo Park, CA 94025

Phone: 650-859-2651

FAX: 650-859-3834

Email: richard.johnston@sri.com

Record Description:

Pursuant to the federal Freedom of Information Act (the "Act"), 5 U.S.C. § 552, SRI requests access to and copies of Contract #DE-AC36-99G010337 awarded to Midwest Research Institute, any attachments or exhibits thereto, and all contract modifications to the contract. We agree to pay reasonable duplication fees for the processing of this request. If this request is denied in whole or part, we ask that you justify all deletions by reference to specific exemptions of the Act. We will also expect release of all segregable portions of otherwise exempt material. SRI reserves the right to appeal your decision to withhold any information or to deny a waiver of fees. We look forward to your reply within twenty (20) business days, as the statute requires.

Preferred Form or Format: pdf

Type of Requester (if provided):

Affiliated with a private corporation and seeking information for the use in the company's business.

Fees and Fee Waivers:

I agree to pay all applicable fees.

Expedited Processing:

Specific Justification for Expedited Processing:

OCT 23 2008 04  
"COMMERCIAL" SEARCH REVIEW & REPRODUCTION

FOIA-2008-000633

N/A

Shuck

**Morris, Alexander**

---

**From:** FOIA-Central@hq.doe.gov  
**Sent:** Wednesday, October 22, 2008 7:14 PM  
**To:** FOIA-Central  
**Subject:** DOE Headquarters FOIA Request

Name: Brian S. Pearson ]  
Organization: IHC Financial Group, Inc  
Address:  
3508 Far West Blvd  
Suite 360  
Austin, Texas 78731  
Phone: 512-346-4610 x 2802  
FAX:  
Email: bsp@madisonlife.com

OCT 23 2008 05  
"COMMERCIAL" SEARCH REVIEW & REPRODUCTION

**Record Description:**

Listing of all names and work addresses of all non mission critical personnel currently assigned to the DOE.

Preferred Form or Format: xls

Type of Requester (if provided):

Affiliated with a private corporation and seeking information for the use in the company's business.

Fees and Fee Waivers:

I agree to pay up to a specified amount for fees. Enter amount \$ 200.00

Waiver or Reduction of Fees Factors (if provided):

Expedited Processing:

Specific Justification for Expedited Processing:

FOIA-2008-000634

Jean

**Morris, Alexander**

---

**From:** FOIA-Central@hq.doe.gov  
**Sent:** Wednesday, October 22, 2008 6:09 PM  
**To:** FOIA-Central  
**Subject:** DOE Headquarters FOIA Request

Name: James H. Ramey III

Organization:

Address:

Phone:

FAX:

Email:

**Record Description:**

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and Copies of funding amounts and brief descriptions for all grants awarded under the authority of the Special Projects, State Energy Program (SEP), Office of Energy Efficiency and Renewable Energy (EERE), in fiscal year 2006 and 2007 for the following states: Colorado, New York, and Ohio. The State Energy Programs, Special Projects grants project was first signed into law in December 22, 1975 as the Energy Policy and Conservation Act (Public Law 94-163, 42 U.S.C. 6321-6326).

I would like to receive the information in electronic format.

Please waive any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities. If all the requested records cannot be e-mailed to me, please inform me by e-mail the portions that can be e-mailed and advise me of the actual cost for reproducing the remainder of the records requested.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a scholar and this information is of timely value, I would appreciate your communicating with me by telephone, rather than by mail, if you have questions regarding this request.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Preferred Form or Format: email

Type of Requester (if provided):

Affiliated with an educational or noncommercial scientific institution, and this request is made for scholarly or scientific purpose and not for commercial use.

Fees and Fee Waivers:

I request a waiver or reduction of fees.

FOIA-2008-000635

*Sheela*

OCT 23 2008 06  
SCIENTIFIC/EDUCATIONAL/NEWS MEDIA  
-100 FREE PAGES

Waiver or Reduction of Fees Factors (if provided):

1. The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government."

Yes

2. The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities.

Yes

3. The contribution to an understanding by the general public of the subject likely to result from disclosure, taking into account your ability and intent to disseminate the information to the public in a form that can further understanding of the subject matter.

No

4. The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities.

No

5. The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure, and, if so

No

6. 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."

N/A

Expedited Processing:

Specific Justification for Expedited Processing:



# Greenberg Traurig

Gregory R. Tan  
Tel. 303.572.6513  
Fax 720.904.7613  
tangr@gtlaw.com

October 17, 2008

## FIRST-CLASS MAIL

FOIA Officer  
United States Department of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585

Re: Freedom of Information Request

Dear FOIA Officer:

This is a request on behalf of Greenberg Traurig, LLP pursuant to the provisions of the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the Department of Energy's ("DOE") implementing regulations at 10 C.F.R. part 1004. Please provide the agency records described below. For the purpose of this request, the phrase "correspondence or communications" includes but is not limited to letters, memoranda, electronic mail messages, and other electronically generated or stored messages.

1. All correspondence and communications, including attachments or enclosures, from [May 14, 2007 to present] regarding or relating to the [Tuba City Uranium Mill near Tuba City, Arizona] (the "Mill"), the historic landfill near Tuba City, Arizona known as the Tuba City Landfill, or a dump site located immediately adjacent to and north-northwest of the Mill and on the north side of Highway 160, known as the Highway 160 Dump Site. Responsive records shall include, but not be limited to, correspondence and communications between DOE and a member of Congress or his or her staff; between DOE and Congressional Committee member(s) or staff; between DOE and any other executive agency or office; between DOE and any tribal agency or office; and internal to DOE.
2. All agency records created from May 14, 2007 to the present regarding or relating to the Tuba City Uranium Mill near Tuba City, Arizona, the historic landfill near Tuba City, Arizona known as the Tuba City Landfill, or a dump site located immediately adjacent to and north-northwest of the Mill and on the north side of Highway 160, known as the Highway 160 Dump Site. Responsive records shall include, but not be limited to, reports, plans, briefing papers, Q & A's, presentations, slide shows, hearing transcripts, meeting minutes, white papers, draft or proposed legislation, legislative summaries or reports, draft or proposed budgets, and notes, whether handwritten, electronic, or in any other form.

FOIA-2008-000630

Joan

OCT 28 2008 01  
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ALBANY  
AMSTERDAM  
ATLANTA  
BOCA RATON  
BOSTON  
CHICAGO  
DALLAS  
DENVER  
FORT LAUDERDALE  
HOUSTON  
LAS VEGAS  
LOS ANGELES  
MIAMI  
MILAN\*  
NEW JERSEY  
NEW YORK  
ORANGE COUNTY, CA  
ORLANDO  
PHILADELPHIA  
PHOENIX  
ROME\*  
SILICON VALLEY  
TALLAHASSEE  
TOYKO\*  
TYSONS CORNER  
WASHINGTON, D.C.  
WEST PALM BEACH  
WILMINGTON  
ZURICH

\*Strategic Alliances  
Tokyo-Office/Strategic Alliance

3. All correspondence and communications, including attachments or enclosures, from May 14, 2007 to present, regarding or relating to DOE's authority to clean up or otherwise remediate one or more contaminated sites under the Uranium Mill Tailings Radiation Control Act, 42 U.S.C. 7901 *et seq.* ("UMTRCA"). Responsive records shall include, but not be limited to, correspondence and communications between DOE and a member of Congress or his or her staff; between DOE and Congressional Committee member(s) or staff; between DOE and any other executive agency or office; between DOE and any tribal agency or office; and internal to DOE.
4. All agency records created from May 14, 2007 to the present regarding or relating to DOE's authority to clean up or otherwise remediate one or more contaminated sites under UMTRCA. Responsive records shall include, but not be limited to, reports, plans, briefing papers, Q & A's, presentations, slide shows, hearing transcripts, meeting minutes, white papers, draft or proposed legislation, legislative summaries or reports, draft or proposed budgets, and notes, whether handwritten, electronic, or in any other form.

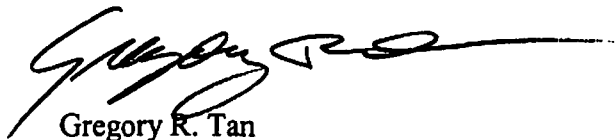
If it is determined that any portion of the requested information is exempt from disclosure, we request that, in accordance with 5 U.S.C. § 552(b), all reasonably segregable portions of such document be produced. We further request that, in accordance with 10 C.F.R. § 1004.5(b)(1), you provide an explanation of the basis for withholding, an explanation of how the asserted exemption applies to the record withheld, and a statement of why discretionary release is not appropriate.

In the event that it is determined that no document responsive to an individual request exists, written confirmation of such fact is requested. If you think that it is necessary to withhold any documents, please send a list of the withheld documents covered by the request and a description of their contents an explanation of why they are considered by you to be exempt and information regarding the available appellate procedures.

We expect DOE to respond to the above request within ten working days (excepting Saturdays, Sundays, and legal public holidays), as stated in 10 C.F.R. § 1004.5(d). We are authorizing initial expenses of up to \$2,000 and request that you contact us to obtain additional authorization.

Please contact me if you have any questions regarding this request.

Best regards,



Gregory R. Tan

cc: John Montgomery, DOE-OLM

Ind

Kendra Ann Hannan

OCT 28 2008  
02

October 20, 2008

Department of Energy  
Director, FOIA/PA Division, ME-73  
1000 Independence Avenue, SW  
Washington, DC 20585

**FOIA REQUEST**

Dear FOI Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request copies of all [correspondence from Congressman Anthony Weiner from January 1999 to 2008 and City Councilman Anthony Weiner from January 1992 to December 1998.]

I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$50. However, please notify me prior to your incurring any expenses in excess of that amount.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

Kendra Ann Hannan

FOIA-2008-000637

Brenda

**Ogbazghi, Joan**

**From:** FOIA-Central@hq.doe.gov  
**Sent:** Friday, October 24, 2008 7:21 PM  
**To:** FOIA-Central  
**Subject:** DOE Headquarters FOIA Request

**[OCT 28 2008**

07

COMMERCIAL SEARCH REVIEW & REPRODUCTION

Name: Joel Van Winkle

Organization: Whirlpool Corporation

Address:

2000 North M-63  
Benton Harbor, MI 49022

Phone: (269) 923 8284

FAX: (269) 923 6221

Email: joel\_van\_winkle@whirlpool.com

Record Description:

This is a request under the Freedom of Information Act. I request that a copy of the following document(s) be provided to me:

1. All investigative documents related to the [energy consumption of French door bottom mount refrigerators,] including any documents related to energy testing of French door bottom mount refrigerators, from January 2007 to present.
2. All documents, decision and information memoranda, electronic communications, and faxes of the DOE office of Energy Efficiency and Renewable Energy and the Office of General Counsel that relate to LG Electronics or Samsung Electronics concerning energy test procedures or energy testing of refrigerators.
3. All [correspondance] (e-mail, faxes, letters, etc.) [between LG Electronics] and [the DOE from January 2006 to present.]
4. All correspondance (e-mail, faxes, letters, etc.) [between Samsung Electronics] and the DOE from January 2007 to present.

Pursuant to Section b of 5 U.S.C. Section 552, we request that any reasonably segregable portion of a record be provided after deletion of the portions which are exempt under section b. and that the amount of information deleted by indicated on the released portion of the record.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

Preferred Form or Format: paper copy

Type of Requester (if provided):

Affiliated with a private corporation and seeking information for the use in the company's business.

Fees and Fee Waivers:

I agree to pay up to a specified amount for fees. Enter amount \$ 1000

Waiver or Reduction of Fees Factors (if provided):

Expedited Processing:

Specific Justification for Expedited Processing:

1  
FOIA-2008-000642

Joan

I request expedited processing of this request because the violation of DOE energy test procedures by some refrigerator manufacturers is harming the reputation of ENERGY STAR and also harming companies, like Whirlpool, who meet DOE energy test requirements.

10/23/2008



11720 Plaza America Drive, 12<sup>th</sup> Floor  
Reston, VA 20190  
Tel: (703) 707-3500  
Fax: (703) 707-6201  
www.input.com

**Freedom of Information Act (FOIA) ID# 16378**

**FEE AGREEMENT \$100**

October 23, 2008

Dear FOIA Officer,

Under the Freedom of Information Act, 5 U.S.C. § 552, as amended I am requesting documents regarding contract #DEAT5208NA284303 awarded to **Systematic Management Services, Inc. (SMS)**. Specifically, I am requesting copies of the following information/documents:

OCT 29 2008  
COMMERCIAL SEARCH REVIEW & REPRODUCTION

- All task/delivery/purchase orders

**Whenever possible, please refer to FOIA ID 16378 in any response letter, email, fax, or invoice.**

If possible, I would prefer to receive the documents in electronic format. If not, hard copies of responsive documents will be more than adequate. If your office does not maintain these public records, please let me know who does and include the proper custodian's name and address.

Your response is respectfully requested within 20 working days of your receipt of this letter. §552(a)(6)(A)(1). If all or any part of this request is denied, please cite each specific exemption that justifies your withholding of information

**I hereby agree to assume all the search, duplication, and review fees in the amount of \$100. Please notify me if the cost of fulfilling my request will exceed that amount.**

Thank you for your assistance,

  
Monica Jones  
mjones@input.com

FOIA-2008-000643

*Banda*

October 20, 2008

Freedom of Information Act Office  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585

OCT 29 2008 05  
OTHER: 2 HOURS SEARCH FREE, 100 FREE PAGES

Dear Sir or Madam:

I request the following records under the provisions of the Freedom of Information Act:

1) A copy of the contents of the administrative tracking/processing file/folder associated with a prior request by another individual, **DOE FOIA Request F2006-00549**. This may include any sort of records such as emails, notes, memos, letters, correspondence, etc.

I do not request a copy of the underlying records that were being processed for the requester. Repeat, I do not ask for the two documents that were referred to DOE from the FBI.

2) Any records concerning the abovementioned request in the possession and/or control of Mr. Samuel Callahan (OSTA/OHSS), Mr. Larry D. Wilcher (Director OSTA/OHSS) or A. Chris Morris (MA-90) or Bradley Peterson (NA-90).

This is a noncommercial request for research and study purposes and I agree to pay up to \$50 for costs if necessary.

Sincerely,

  
Michael Ravnitzky

FOIA-2008-000647



**Morris, Alexander**

**From:** FOIA-Central@hq.doe.gov  
**Sent:** Tuesday, October 28, 2008 5:07 PM  
**To:** FOIA-Central  
**Subject:** DOE Headquarters FOIA Request

Name [ ]

Organization:

Address:

Phone:

FAX:

Email:

Record Description:

I requested a copy of my references. The HR dept where they were sent has told me I need to do my request through the FOIA.

I am requesting copies of my recent professional references obtained by the dept of Energy under the Freedom of Information Act.

signed,

... the following email traffic documents what generated my request....

-----Original Message-----

**From:** Heinicke, Theresa E  
**Sent:** Monday, October 27, 2008 11:33 AM  
**To:** Mack, Ann; Kennedy, Rhonda  
**Subject:** RE:

I spoke with GC on Thursday afternoon and the employee would need to request any documents via the FOIA.

Teri Heinicke  
Headquarters Employee & Labor Relations  
HC-30  
202-586-8469

-----Original Message-----

**From:** Mack, Ann  
**Sent:** Monday, October 27, 2008 10:52 AM  
**To:** Kennedy, Rhonda  
**Cc:** Heinicke, Theresa E  
**Subject:** RE:

No problem.

Ann

-----Original Message-----

**From:** Kennedy, Rhonda

OCT 30 2008 6/1  
"OTHER" - 2 HOURS SEARCH FREE, 100 FREE PAGES

*Subject*  
[Copies of the forms sent to DOE by your references.]

FOIA-2008-000649

*Sheila*