



Department of Energy

Idaho Operations Office
1955 Fremont Avenue
Idaho Falls, ID 83415

January 26, 2010

Kevin Kamps
Radioactive Waste Watchdog
6930 Carroll Avenue, Suite 20912
Takoma Park, MD 20912

SUBJECT: HQ-2010-00573-F (Kamps) (OM-PA-10-003)

Dear Mr. Kamps:

This is in final response to the requests for information that you sent to the U.S. Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. 552. You asked for "all communication to and from Mr. William Magwood IV during his tenure at the Department of Energy (DOE) and Mr. Marvin Fertel at the Nuclear Energy Institute (NEI); all communication to and from Mr. William Magwood IV during his tenure at the Department of Energy (DOE), or other federal agencies, that reference meetings and communications with Mr. Marvin Fertel at NEI; all communication to and from Mr. William Magwood IV during his tenure as Director of the DOE Nuclear Energy Institute, including about regular breakfast meetings between Mr. Magwood and Mr. Fertel, and the contents of those meetings."

The staff at Department of Energy Office of Nuclear Energy have completed the review of our files and not found any responsive records. Mr. Magwood IV left the Department on May 17, 2005; the NE staff has indicated that email accounts and calendar items were retained for only 30 days; and correspondence is retained for only three years. This letter has been drafted by the Department of Energy Idaho Operations Office on behalf of the Department of Energy Office of Nuclear Energy.

You may appeal, pursuant to 391 F. Supp. 2d 115 (D.D.C. 2005), the adequacy of search by the Department of Energy. The appeal must be made within 30 calendar days of receipt of a letter denying any portion of the request. The appeal should be sent to the Director, Office of Hearings and Appeals, HG-I, U.S. L'Enfant Plaza Building, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC, 20585-1615.

The written appeal, including the envelope, must clearly indicate that a Freedom of Information Act Appeal is being made. The appeal must contain all the elements required by 10 CFR 1004.8 to the extent applicable. Judicial review will thereafter be available to you: (1) in the District of Columbia; (2) in the district where you reside; (3) in the district where your principal place of business is located; or (4) in the district where the DOE records are located.

I appreciate the opportunity to assist you with this matter. If you have any questions about this correspondence, please contact me at 208-526-5190.

Sincerely,

A handwritten signature in black ink, appearing to read "Clayton Ogilvie".

Clayton Ogilvie
Freedom of Information Officer, DOE-ID