FOIA-2009-000629
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Morris, Alexander

From: FOIA-Central@hq.doe.gov
Sent: Friday, July 31, 2009 3:57 PM
To: FOIA-Central
Subject: DOE Headquarters FOIA Request

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Record Description:

Custodian of Records/Records Access FOIA Officer July 31, 2009
DOE Headquarters (HQ)
1000 Independence Avenue, SW
Washington, DC 20585

BY MAIL AND WEBSITE (< http://management.energy.gov/FOIA/foia_request_form.htm>)

FREEDOM OF INFORMATION ACT REQUEST

Dear Sir or Madam:

Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552 et seq ("FOIA"), I request copies of (or access to) the following material:

1) Any and all Inspector General (IG) investigations relating to the National Energy Technology Laboratory (NETL) in Pittsburgh, PA, from Feb. 1, 2009, to the present including but not limited to the Inspector General referral memo issued in late February/early March 2009 to Fossil Energy (FE) and then the response from on or about April 3, 2009, and the IG's Hotline Executive Brief.

2) Any and all other Hotline emails and NETL emails regarding contact with U.S. Representatives John Murtha of Pennsylvania and Rick Boucher of Virginia about legislative activity relating to NETL.

3) Any and all other IG Hotline emails and NETL emails regarding Representative Murtha regarding "inherently governmental" functions of NETL employees and study of possible nuclear waste handling programs, and/or the study thereof, that NETL might undertake; and email traffic regarding these matters between and among AFGE 1916 President Ron Demicheli, Carl Bauer, Dan Doyle, Ralph Carabetta, Thomas Russial and/or any other NETL General Counsel staff.

4) Any and all other IG Hotline emails and NETL emails regarding Hatch Act violations and emails on this same topic between and among AFGE 1916 President Ron Demicheli, Carl Bauer, Dan Doyle, Ralph Carabetta, Thomas Russial, Cathy Fear, Thomas Torkos, and Thomas Wilson.

5) Any and all email between and among Carl Bauer, Ralph Carabetta, Thomas Russial, Thomas Wilson, Thomas Torkos, Cathy Fear and Ed Kilroy regarding any and all IG complaints and or IG investigations and/or interviews and/or testimony in IG proceedings.

6) ATTAPS and/or any other payroll, time or attendance sheets for Dan Doyle for 2005 and 2006.

7) Any and all other IG Hotline emails and NETL emails regarding NETL Director Carl Bauer traveling to China in May 2009 (a trip which on which Bauer met on or about May 13 with Cao Jianlin, China's vice-minister of science and technology) accompanied by Bauer's

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spouse, Maria Vargas, and about Ms. Vargas running the Great Wall of China marathon while there on or about May 16, 2009.
8) Any and all ATTAPS and/or other payroll/vacation records for Bauer and Vargas for May 2009, as well as any IG Hotline emails and NETL emails regarding their leave or work status during this time.
9) Any and all other IG Hotline emails and NETL emails between and among Bauer, Vargas and any others regarding this May 2009 trip to China and its planning, scheduling justification, financing, and any apportionment of travel expenses among Government and/or other payment sources.
10) Any and all other IG Hotline emails and NETL emails regarding nepotism and hiring of relatives of NETL and/or NETL employee union officials to any permanent or non-permanent jobs or contract work.
11) Any and all other IG Hotline emails and NETL emails regarding a video endorsement of then-Senator Barack Obama for President filmed by Ron Demicheli, the AFGE 1916 President, in an NETL office prior to 2009.
12) Any and all other IG Hotline emails and NETL emails regarding No. 11, above, and any alleged internal security practices violation resulting from having one or more cameras in NETL facilities.
13) Any and all other IG Hotline emails and NETL emails regarding AFGE 1916 President Ron Demicheli meeting with then-Senator Barack Obama and being on a select committee that escorted Obama from the holding room to the stage at the Pennsylvania AFL-CIO Convention April 3, 2008.
14) ATTAPS and/or any other pay and leave records for AFGE 1916 President Ron Demicheli from April 1 through April 10, 2008.
15) Any and all other IG Hotline emails and NETL emails regarding cash awards, organizational performance and justrification for NETL employees John Clark, Robert James, Dn Martello, AFGE 1916 President Ron Demicheli, Donna Tamalia from 2001 to present.

I am a reporter for Bloomberg News, an accredited and recognized newsgathering organization. I request the Records to inform the public about matters of public concern.

FOIA requires that the your agency respond to this request within 20 business days. This request is segregable, and your agency may not withhold entire records because of one section that you believe is exempt from disclosure. Under federal law, if you choose to withhold any such parts of the records from disclosure, you must specify in a written response the factual and legal basis for withholding any part of the Records.

In responding to FOIA requests, the agency must operate with a presumption in favor of disclosure. As stated in a January 21, 2009 Presidential Memorandum: "All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government."

I agree to pay reasonable fees for the Records, including actual costs up to $250. If you estimate that actual costs will exceed this amount, please contact me so that I may make the appropriate arrangements for payment. Please contact me if I may assist in your office's response to this request.

Sincerely,

Timothy J. Burger
Bloomberg News
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Wash. DC 20005
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Email: Tburger2@bloomberg.net / timburg@gmail.com

cc: Mike Tackett, Bureau Chief
Charles Glasser, Esq., Global Media Counsel

Preferred Form or Format:

Type of Requester (if provided):

A representative of the news media affiliated with Bloomberg News and the request is made as part of news gathering and not for commercial use.

Type of Media (if provided):

Other: news wire service

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."

It concerns the operations of Government and possible misconduct and misuse of US taxpayer funds.

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.

It would inform readers, ie US taxpayers, of how their goverent is potentially misusing their taxpayer funds.

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.

I am an investigative reporter with long experience producing stories of this nature that inform the reader and the taxpayer about the operations and alleged misuse of Government powers and money.

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.

This story, dealing with employees from medium to the top levels of government, would greatly inform taxpayers about the operations of their government.

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

My interest, and that of our news organization, is in informing the public.

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 are a journalism organization motivated by informing the public.

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:

Please see the above; in addition, the plain language of the request shows that it entails allegations of possible misuse of Government power and resources, including possible political use of taxpayer money to help the now-President of the United States (when he was running for that office) and also of people allegedly making personal or other political use of taxpayer resources.