Department of Energy
Washington, DC 20585

June 8, 2009

Mr. Reginald Harris

Subject: Freedom of Information Act Request from Reginald Harris, F2009-000045

Dear Mr. Harris:

This is in response to your request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. §552. You asked for copies of the following documents:

1. Copy of off-duty incident report prepared by Keith Chase, that involved Special Agent (SA) Shawn Tupper removing his duty firearm from his holster, the estimated 20 day report including DOE Law Enforcement authority;
2. Copy of Inquiry letter appointing Keith Chase as the inquiry official; and
3. Statement from SA Shawn Tupper regarding the incident.

This request was sent to the Office of Health, Safety and Security (HSS) which was deemed the office most reasonably calculated to have responsive documents.

We can neither confirm nor deny the existence of the records you requested. If such records did exist, they would be considered law enforcement records pursuant to Exemption 7(C) of the FOIA, 5 U.S.C. §552(b)(7)(C).

Pursuant to 10 CFR 1004.7(b)(2), I am the individual responsible for the determination to apply a *Glomar* response to this request.

You may appeal my decision by following the process specified in 10 CFR Part 1004.8. The appeal must be made within 30 days after your receipt of this letter. The appeal must be sent to the Director, Office of Hearings and Appeals, HG-1/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 FOIA appeal is being made. The appeal must contain all the elements required by 10 CFR Part 1004.8. Judicial review will thereafter be available (1) in the district where you reside; (2) in the district where you have your principal place of business; (3) in the district where the DOE records are located; or (4) in the District of Columbia.

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The above number has been assigned to your request and should be referred to in all correspondence regarding this request. I appreciate the opportunity to assist you. If you have any questions, please contact Ms. Geralyn Praskievicz at (202) 586-4451.

Sincerely,

Barbara R. Stone

Barbara R. Stone
Director
Office of Communications and Congressional Affairs
Office of Health, Safety and Security

cc: Sheila Jeter, MA-90
Geralyn Praskievicz, HS-1.3
Robyne Johnston, HS-1