

FOIA/PA REQUEST

Case No.: 2011-0002A
Date Rec'd: 11-29-10
Specialist: Raphael
Related Case: 2011-0018

November 28, 2010

(b)(6)

FOIA/PA Officer
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJ: FOIA/PA Appeal for FOIA/PA #2011-0018

Dear Sir or Madam:

I am writing this letter to appeal the response I received to my Freedom of Information Act request #2011-0018. This letter is a FOIA/PA Appeal.

On October 26, 2010 I requested that I be provided an Ameren Corporation document that was mentioned in a letter to me from Region IV. In Region IV's letter to me, they stated:

The inspectors noted that the crew had completed a shutdown margin verification just prior to tripping the main turbine, as required by the shutdown procedure. The shutdown margin verification ensured that had a design basis accident occurred at that time, adequate negative reactivity was available to maintain the plant shutdown.

I do not agree with the above italicized statement. Specifically, I do not believe that on October 21, 2003 there was a shutdown margin verification performed which "*ensured that had a design basis accident occurred at that time* [during the time period on October 21, 2003 that the control rods were at their latest critical rod heights with the reactor operating in the source range], *adequate negative reactivity was available to maintain the plant shutdown*".

I understand that the NRC cannot provide me a document which does not exist; and I do not believe the document which I am requesting exists. However, Region IV claims that it does. If the shutdown margin verification does exist, I would like to be shown a copy of it. If no calculation exists or if the NRC inspectors mistook the Xenon Predict calculation for the Shutdown Margin surveillance, I would like a letter from the NRC affirming that:

On October 21, 2003 the crew at Callaway Plant had not completed a shutdown margin verification just prior to tripping the main turbine, although it was required by the shutdown procedure. Without a shutdown margin verification the operators could not be sure that had a design basis accident occurred at that time, adequate negative reactivity would have been available to maintain the plant shutdown.

Again, I understand that the NRC cannot provide me a document that it does not have, but merely claiming that "*No agency records subject to the request have been located*" is inadequate. Region IV supposedly had these records in their possession at one time. I am not an expert on the NRC's policy for document retention, but I assume that documents used to refute an allegation would be in some form retained by the agency. I do not believe that the "*shutdown margin verification*" mentioned in Region IV's February 26, 2010 letter to me exists, and I would like the NRC to either produce the document or admit that no shutdown margin verification was performed.

Respectfully,

Lawrence S. Criscione, PE

(b)(6)

Cc:

(b)(6)

FOIA/PA REQUEST

Case No.: 2011-0003A
Date Rec'd: 1-5-11
Specialist: Dennis
Related Case: 2011-0007

JOURNALIST RUSSELL CAROLLO

THRU: 1947 Newton Road Extension
Red Creek Ranch, Pueblo, CO 81005

Phone: (719) 485-3909
Fax: Call first
Email: russellcarollo@gmail.com

Dec. 30, 2010

FOIA/PA Officer
NRC

This is an appeal under the Freedom of Information Act, 5 U.S.C. 552. On Oct. 14, 2010, I filed the attached request.

I authorize Robert S. Hart, the attorney for BailoutSleuth.com Foundation, to represent me for any further appeals/court actions.

Nothing in this appeal is intended to change the scope of the request.

The response was not correct for the following reasons:

1) The response claims NRC cannot produce a copy of the E2 travel database "in the format requested."

My request stated:

"I can accept this computer data in a variety of formats (Access, Excel, FoxPro and Paradox and many others), and I ask that you contact me first if you have any technical questions so we can work those out beforehand."

Clearly no format was specified, and I received no communication regarding available formats.

The format was never an issue. NRC previously provided records in an acceptable format; the problem was NRC did not release all requested fields or offer exemptions for denied fields.

2) On Oct. 14, 2010, I spoke with Ray Mcinterney, chief FOIA officer for the Department Of Interior's Office of the Secretary. Mr. Mcinterney said he had a number of meetings on my requests with NBC, and he determined that individual agencies, not NBC, are responsible for their releasing data.

He said: "They're definitely the client agencies' (records)...They are the records of our client agencies."

3) Please note the fact that an outside entity maintains the records does not mean the records are no longer an "agency record." These are records of how taxpayer funds were spent by employees in your agency, and the public interest is intense. In addition, taxpayer funds were used to create and maintain the records. They are agency records. They are public records. Nothing under FOIA allows agencies to deny agency records simply by sending them to an outside entity. The outside entity has your records and is paid by taxpayer funds. You have the authority to command your contractor to produce the records.

Please note that that subsection 5 USC 552(f)(2)(B) was added in the 2007 amendments, and defines "agency" records as:

" (B) any information described under subparagraph (A) that is maintained for an agency by an entity under Government contract, for the purposes of records management. "

I am attaching DOJ guidance regarding Subsection 5 USC 552(f)(2)(B), which, again, clearly defines as "agency records" ones held by private contractors.

I spoke to counsel for the Senate Judiciary Committee, which oversaw the legislation, and I spoke to the DOJ attorney who forwarded me the guidance.

It's quite clear that Subsection 5 USC 552(f)(2)(B), sponsored by Senate Judiciary Committee Chairman Sen. Patrick Leahy, was intended to cover precisely the type of records I've requested.

In addition, item four of the Customer Responsibilities section of your contract with NBC states that NRC will "retain ownership and control of financial data contained in the accounting system."

4) Note that the Office of Government Information Services (OGIS) is working with numerous agencies to resolve issues related to my requests. The OGIS point of contact is attorney Corinna Zarek (301) 837-3788. OGIS has advised me that its involvement in no way affects an agency's administrative process.

5) The response did not address my request for a record layout (data dictionary).

I respectfully ask that you consider that this request and appeal are made by a journalist and that the information I seek is sought under a law intended by Congress to keep our citizens informed about the activities of government – a law our government and many others feel is vital to a free nation. I also respectfully ask that you consider that this response is not in keeping with the spirit or the letter of that law or with your own policies.

In any case, I expect to receive your decision no later than by 20 business days, as the statute requires.

Thank you for your assistance.

Yours very truly,


Russell Carollo



The National Treasury Employees Union

FOIA/PA REQUEST

Case No.: 2011-0004A
Date Recd: 2-1-11
Specialist: Raphael
Related Case:

January 28, 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

U.S. Nuclear Regulatory Commission
FOIA/Privacy Officer Mailstop: T-5 F09
Washington, DC 20555-0001

Re: FOIA/PA Appeal

Dear Sir or Madam:

On November 30, 2010, NTEU requested the following information pursuant to the Freedom of Information Act ("FOIA"), Title 5 of the United States Code, section 552. The information is requested for each Nuclear Regulatory Commission ("NRC") employee for the years 2004 to 2009 ("subject years"). NTEU requested that NRC provide the following information, preferably presented in an electronic spreadsheet format:

1. Information for each NRC employee for each of the subject years:

- Position title;
- Series;
- Grade;
- Step;
- Date of last step increase;
- Base Salary;
- Base salary with locality pay;
- Overall appraisal score/rating;
- Specific appraisal score/rating;
- Gender;
- Race;
- National Origin;
- Disability Status;
- Age or DOB;
- Location of employee by city and state;
- Location of organization by city and state;
- Organizational component;
- NRC service computation date; and
- Bargaining unit status.

NTEU

The National Treasury Employees Union

2. The award amounts received in each of the subject years by each NRC employee;
3. The type of award received in each of the subject years by each NRC employee;
4. Whether the employee received a QSI in any of the subject years;
5. Whether an employee was promoted in any of the subject years;
6. The amount of any other form of other financial compensation the employee may have received in any of the subject years, including, but not limited to, retention allowances, student loan repayments, or recruitment allowances;

NTEU had, prior to receiving any response from the NRC, agreed to limit the request to years 2004-2005. On January 5, 2011, NTEU received information as to the above request for the years 2004 to 2006. However, the NRC exempted information as to gender, race, national origin, disability, age, and date of birth, relying upon Exemption 6 of the FOIA/Privacy Act. NTEU hereby appeals the denial of that information.

NTEU directs the NRC to legal authority which holds that a union is not barred by Exemption 6 of the FOIA/Privacy Act, with respect to receiving information regarding gender, race, national origin, disability, age, and date of birth. In *Veterans Administration Medical Center, Jackson, MS and NFFE, Local 589*, 32 FLRA 133 (1988), the Federal Labor Relations Authority held as follows:

The Privacy Act generally prohibits the disclosure of personal information about Federal employees without their consent. However, section (b)(2) of the Privacy Act provides that the prohibition against disclosure is not applicable if disclosure of the information is required under the FOIA. Exemption (b)(6) of the FOIA provides that information contained in personnel files may be withheld if disclosure of the information would constitute a "clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6). In order to determine whether the requested information falls within the (b)(6) exemption, a balance must be struck between an individual's right to privacy and the public interest in having the information disclosed. See Farmers Home Administration Finance Office, St. Louis, Missouri, 23 FLRA 788 (1986), enforced in part and remanded sub nom. U.S. Department of Agriculture and Farmers Home Administration Finance Office, St. Louis, Missouri v. FLRA, 836 F.2d 1139 (8th Cir. 1988). . . .

In this case, we find that the balance of interests favors the disclosure sought by the Union. We conclude that the information requested by the Union is necessary

NTEU

The National Treasury Employees Union

and relevant to its representational functions under the Statute. We note the Union's expressed intent in requesting the information was to "make judgments concerning the filing of a grievance," Opposition at 1, and to determine "whether there is a statistical pattern of discrimination on a basis prohibited by the Civil Rights Act of 1964." Opposition at 7. In order to perform these functions, the Union must know the position title, race, sex, grade and service of the Center's employees. The exclusive representative has the right to identify the minority status of individual employees in order to pursue its representational duties under the Statute. See U.S. Army Corps of Engineers, Kansas City District, Kansas City, Missouri, 22 FLRA 667, 669 (1986). The Union has requested the information in order to perform its representational functions as an exclusive representative. These functions are in the public interest and also safeguard the public interest.

The Agency has not established that disclosure of the position title, race and service concerning employees who encumber unique positions constitutes a clearly unwarranted invasion of privacy. The Agency submitted no support for its claim that there are any employees in such positions whose race is not obvious. Even if such evidence had been submitted, however, the Agency's argument that the disclosure of information concerning the position title, race, sex, grade and service of that employee would cause embarrassment and discrimination is speculative. Such speculative harm to a hypothetical employee is outweighed by the Union's need for the information to determine whether an impermissible pattern of discrimination against minorities exists within the Center.

In sum, we conclude that the public interest in disclosure of the information sought by the Union outweighs the invasion of privacy resulting from the disclosure. The invasion of privacy is not clearly unwarranted within the meaning of exemption (b)(6) of FOIA, and disclosure is not prohibited by the Privacy Act. *Id.*, available at: <http://www.flra.gov/decisions/v32/32-019.html>

Based, in part, on the above, NTEU hereby reasserts its right to the information the NRC exempted from its disclosure. NTEU would also like to stress the fact that it is not requesting any names or personally identification numbers of employees such that any potential infringement on an employee's privacy is minimal, if at all.

According to 5 U.S.C. § 552, a waiver of fees based on service in the public interest is requested because the aforementioned information will likely assist NTEU in better serving the interests of its numerous bargaining unit members by further contributing to their overall understanding of government operations. Additionally, NTEU needs this information to perform its representational functions, and ensure the NRC is not discriminating against its employees.

NTEU

The National Treasury Employees Union

Furthermore, a waiver should be granted due to the fact that this request is not in NTEU's commercial interest.

NTEU is a non-commercial category III requester and is therefore entitled to waiver of fees for the first two hours of research and the first 100 pages of documentation. If research time is estimated to exceed \$300.00, please contact Luke Chesek at (202) 572-5528 or the address below regarding the estimated cost of responding to this request. Thank you for taking the time to hear NTEU's appeal in this matter.

Sincerely,

Luke Chesek
Negotiations Legal Specialist
NTEU National Office
1750 H Street, NW
Washington, DC 20006
Luke.chesek@nteu.org
202.572.5528

Case No.: 2011-000571
Date Rec'd: 2-8-11
Specialist: Raphael
Related Case: 2011-0053

January 31, 2011

FOIA/Privacy Act Officer
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Sir or Madam,

The purpose of this letter is to appeal the decision to exempt the information requested under FOIA/PA 2011-0053, from release, as documented on NRC Form 464, Part II, Exemption 7(A), as the stated exemption is invalid for this FOIA request circumstance.

Exemption 7(A) found in the NRC Form 464, Part II states: "Disclosure could reasonably be expected to interfere with an enforcement proceeding (e.g., it would reveal the scope, direction, and focus of enforcement efforts and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators)" (see attachment 1.) I will explain why the stated exemption is not valid for this circumstance.

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The allegation I made was that

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Therefore, any disclosure could not interfere with an enforcement proceeding.

As I am the individual who made the allegation, receiving the information requested in my FOIA/PA request could not possibly "allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators" as I am the one who is alleging the wrongdoing and the investigation is no longer proceeding.

As I have described, there is no valid stated exception for the FOIA/PA 2011-0053 requested information. Please grant this appeal and have the requested information forwarded to me without delay.

Regards,

(b)(6)

U.S. Nuclear Regulatory Commission
3014-415

(b)(6)

Residing at:

(b)(6)



Robert L. Stephens, Jr.
Attorney
Licensed in Montana and Washington

FOIA/PA REQUEST
Case No.: 2011-0009A
Date Rec'd: 2-16-11
Specialist: Raphael
Related Case:

An Association of
Independent Legal Professionals

February 9, 2011

FOIA/PA Officer
US Nuclear Regulatory Commission
Washington, DC 20555-001

RE: FOIA/PA 2011-0057
Notice of Appeal for Denial of Information

Gentlemen:

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(b)(6)

(b)(6) Enclosed please find the determination that all records relating to my client, (b)(6) in connection with (b)(6) whistle blower lawsuit are being withheld based upon an investigative exemption. Please provide us with the necessary appeals procedure and/or process by which we may have this determination reviewed as expeditiously as possible.

Thank you for your courtesy in this matter.

Sincerely,


Robert L. Stephens, Jr.
Attorney for Jesse Brown

cc:

(b)(6)

19 North 25th Street, Suite E • P.O. Box 1438 • Billings, MT 59103-1438
Phone: (406) 245-6182 • Fax: (406) 259-9475
Email: rstephens@southsidelaw.net

RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) / PRIVACY
ACT (PA) REQUEST

2011-0057

1

RESPONSE
TYPE

FINAL



PARTIAL

REQUESTER

Robert Stephens

DATE

JAN 21 2011

PART I. -- INFORMATION RELEASED

- ☐ No additional agency records subject to the request have been located.
- ☐ Requested records are available through another public distribution program. See Comments section.
- ☐ **APPENDICES** Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- ☐ **APPENDICES** Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- ☐ Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD 20852-2738.
- ☐ **APPENDICES** Agency records subject to the request are enclosed.
- ☐ Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- ☐ We are continuing to process your request.
- ☐ See Comments.

PART I.A -- FEES

AMOUNT *

\$

* See comments
for details

You will be billed by NRC for the amount listed.



You will receive a refund for the amount listed.



None. Minimum fee threshold not met.



Fees waived.

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- ☐ No agency records subject to the request have been located.
- ☒ Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- ☒ This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

PART I.C COMMENTS (Use attached Comments continuation page if required)

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing

**RESPONSE TO FREEDOM OF INFORMATION
ACT (FOIA) / PRIVACY ACT (PA) REQUEST**

2011-0057

JAN 31 2011

PART II.A -- APPLICABLE EXEMPTIONSAPPENDICES
A

Records subject to the request that are described in the enclosed Appendices are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)).

- ☐ Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958.
- ☐ Exemption 2: The withheld information relates solely to the internal personnel rules and procedures of NRC.
- ☐ Low 2 Internal matters of a relatively trivial nature.
- ☐ High 2 Disclosure would risk circumvention of a legal requirement.
- ☐ Exemption 3: The withheld information is specifically exempted from public disclosure by statute indicated.
- ☐ Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
- ☐ Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
- ☐ 41 U.S.C., Section 253b, subsection (m)(1), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), except when incorporated into the contract between the agency and the submitter of the proposal.
- ☐ Exemption 4: The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated.
- ☐ The information is considered to be confidential business (proprietary) information.
- ☐ The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.390(d)(1).
- ☐ The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
- ☐ Disclosure will harm an identifiable private or governmental interest.
- ☐ Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Applicable privileges:
- ☐ Deliberative process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
- ☐ Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation)
- ☐ Attorney-client privilege. (Confidential communications between an attorney and his/her client)
- ☐ Exemption 6: The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- ☒ Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
- ☒ (A) Disclosure could reasonably be expected to interfere with an enforcement proceeding (e.g., it would reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators).
- ☐ (C) Disclosure would constitute an unwarranted invasion of personal privacy.
- ☐ (D) The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
- ☐ (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
- ☐ (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- ☐ OTHER (Specify)

PART II.B -- DENYING OFFICIALS

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

| DENYING OFFICIAL | TITLE/OFFICE | RECORDS DENIED | APPELLATE OFFICIAL | | |
|------------------|---------------------------------|----------------|--------------------|------|----|
| | | | EDO | SECY | IG |
| Elmo E. Collins | Regional Administrator, RIV | Appendix A/1 | ✓ | | |
| Roy P. Zimmerman | Director, Office of Enforcement | Appendix A/2 | ✓ | | |
| | | | | | |

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."

**APPENDIX A
RECORDS WITHHELD IN THEIR ENTIRETY**

| <u>NO.</u> | <u>DATE</u> | <u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u> |
|-------------------|--------------------|--|
| 1. | Various | Allegation File RIV-2009-A-0107 (approximately 104 pages) Ex. 7A |
| 2. | Various | Office of Investigation Report and Transcripts of Interviews, Case 4-2009-059 (approximately 836 pages) Ex. 7A |

The National Security Archive

The George Washington University
Gelman Library, Suite 701
2130 H Street, N.W.
Washington, D.C. 20037

Phone: 202/994-7000
Fax: 202/994-7005
nsarchive@gwu.edu
www.nsarchive.org

September 13, 2004

Margaret P. Grafeld
Director, Office of IRM Programs and Services, SA-2
Department of State
5th Floor
Washington, D.C. 20522-6001

FOIA/PA REQUEST

Case No.: CON-2011-0002
Date Rec'd: 12-6-10
Specialist: Christina
Related Case: _____

Re: Request under the FOIA, in reply refer to Archive #FOIA Sequence Number 20041014DOS375

Dear Name:

Pursuant to the Freedom of Information Act (FOIA), I hereby request disclosure of the following documents for inspection and possible copying:

The documents found in the following records, as identified by accession number, collection title, box number and folder title -

59-97-0164: Lot 93D465. 1990-92 Country and Subject Files Program Files of Ambassador at Large Richard T. Kennedy

Box 2 -

North Korea ✓

South Korea

Box 7 -

North Korea - July-Dec [1991]

North Korea - Jan-June [1991] ✓

South Korea - July-Dec [1991]

South Korea - Jan-June [1991]

Box 12 -

North Korea [1992] ✓

South Korea [1992]

59-97-0163: Lot 93D332. 1981-92 Program Files on Non-Proliferation Policy and Nuclear Energy for Ambassador at Large Richard T. Kennedy

Box 17 [1985 Country and Subject Files] ✓

Korea

Box 26 [1986 Subject and Country Files]

Korea

Box 34 [1987 Subject and Country Files]

Korea

North Korea

Box 43 [1988 Subject and Country Files]

Korea

Box 51 [1989 Subject and Country Files]

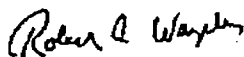
Korea

If you regard any of these documents as potentially exempt from the FOIA's disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. As the FOIA requires, please release all reasonably segregable nonexempt portions of documents. To permit me to reach an intelligent and informed decision whether or not to file an administrative appeal of any denied material, please describe any withheld records (or portions thereof) and explain the basis for your exemption claims.

As you know, the National Security Archive qualifies for waiver of search and review fees as a representative of the news media. This request is made as part of a scholarly and news research project and not for commercial use. For details on the Archive's research and publication activities, please see our Web site at the address above. Please notify me before incurring photocopying costs over \$100.

To expedite the release of the requested documents, please disclose them on an interim basis as they become available to you, without waiting until all the documents have been processed. If you have any questions regarding the identity of the records, their location, the scope of the request or any other matters, please call me at (202) 994-7000. I look forward to receiving your response within the twenty-day statutory time period.

Sincerely Yours,



Robert A. Wampler
Research Fellow

BEST AVAILABLE COPY

FOI/PA REQUEST

Case No.: CON-2011-0003
Date Rec'd: 12-16-10
Specialist: Raphael
Related Case: _____

Morris, Alexander

From: FOIA-Central@hq.doe.gov
Sent: Wednesday, September 22, 2010 2:43 PM
To: FOIA-Central
Subject: DOE Headquarters FOIA Request

Name: Richard Bennett

Organization:

Address:

819 7th Street, NW
Suite 400
Washington, DC 20001

Phone: 2023338940

FAX: 2023338945

Email: rhshin@gmail.com

Record Description:

ERC-DOE Memorandum of Understanding on Next Generation Nuclear Plants (NGNP); finalized somewhere between Apr 2005 and Sep 2008

Preferred Form or Format: email

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 \$ 50

Waiver or Reduction of Fees Factors (if provided):

Expedited Processing:

Specific Justification for Expedited Processing:

SEP 23 2010 02
COMMERCIAL SEARCH REVIEW & REPRODUCTION

HQ-2010-02122-F

✓ ena

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SANTA BARBARA • SANTA CRUZ

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PHONE: (510) 642-3383
FAX: (510) 643-9136

October 20, 2009

Mr. David M. Hardy
Section Chief
Federal Bureau of Investigation
Record Information/Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843

FOIA/PA REQUEST

Case No.: CON-2011-0004
Date Rec'd: 12-16-10
Specialist: Dennis
Related Case: _____

RE: PRIVACY AND FREEDOM OF INFORMATION ACT REQUEST

Dear Mr. Hardy,

I am writing to respectfully submit a request under the Freedom of Information Act, 5 USC 552 for all records relating to the late Chang-Lin Tien, former chancellor of the University of California at Berkeley, maintained by the Federal Bureau of Investigation.

Chang-Lin Tien was born July 24, 1935 in Wuhan, China and died October 29, 2002 in Redwood City, California. I have included his obituary from the San Francisco Chronicle as proof that he is deceased and to provide additional biographical information.

I am looking for all materials kept by the FBI pertaining to the years in which Mr. Tien began serving as chancellor in 1990 through his death in 2002.

During these years, Mr. Tien maintained active relationships with the governments and nationals of both Taiwan and China. This was also a period in which then-President Bill Clinton drew scrutiny for accepting illegal campaign contributions from foreign nationals. At the same time, many of these same individuals were donating money to the University of California at Berkeley, and/or maintaining communications with Chancellor Tien.

These individuals may include the following:

Mochtar Riady aka Dr. Man Tjin Lee

James Riady

Stephen Riady

Andrew Riady

John Huang

Maria Hsia

Charlie Trie

Ted Sioeng

Nina Wang

Pauline Kanchanalak

Li Ka-Shing

Robert Kuok

Colonel Liu Chaoying

Ng Lapseng

Stanley Ho

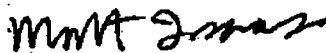
Committee of 100

This is to certify that I am a member of the news media and that I agree to pay reasonable duplication fees for the direct costs of processing of this request in an amount not to exceed \$300. This request is made for a scholarly purpose and not for commercial use.

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

If you have any questions, or need additional information or clarification, please contact me at 510-643-1233.

Sincerely,



Matt Isaacs

Phone: 510-643-1322

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SFGate.com**CHANG-LIN TIEN****1935 - 2002****Former Cal chief dies – proponent of diversity**

Eric Brazil, Tanya Schevitz, Chronicle Staff Writers

Thursday, October 31, 2002



Chang-Lin Tien, the first Asian American to head a major American research university as chancellor of UC Berkeley in the 1990s, died Tuesday at Kaiser Permanente Medical Center in Redwood City. He was 67.

Tien was diagnosed with a brain tumor in September 2000 and never fully recovered from a stroke.

Throughout his tenure at UC Berkeley, he was heralded for his unflagging enthusiasm, his stand against erosions in affirmative action and for steering the campus through a dark period of budget cuts. Acclaimed as a teacher, scientist, administrator and a powerhouse fund-raiser, he wore his love for the UC community on his sleeve and found that affection reciprocated by students and faculty.

"It is a very tragic loss. He was a person of prodigious energy, just a force of nature who represented the campus well and with distinction," said current UC Berkeley Chancellor Robert Berdahl.

Tien was a ubiquitous figure on campus, where he took daily walks, stopping to greet and chat with students and even bringing cookies to students studying late at the library. He was so enthusiastic about Cal's athletics that he was rumored to be the man inside the Oski bear costume. During football games he jumped around on the sidelines of the field, shouting "Go Bears!" a refrain he worked into almost every conversation and speech he gave.

Tien was an unlikely choice as chancellor, said Orville Schell, dean of the Graduate School of Journalism at Berkeley, but he proved beyond all doubt that he deserved it.

"When he came in, people wondered: What is this? He . . . was an engineer, not a humanist. People wondered: Would he know the right people? Would people pay attention?" Schell said. "He really got their attention."

During his 1990-1997 tenure as the university's seventh chancellor, Tien strengthened undergraduate education, fostered diversity on the Berkeley campus and revitalized its intercollegiate athletic programs.

His challenges as chancellor were great. His biggest hurdle was the lagging California economy in the early 1990s, when state funding to the campus dropped \$70 million, and 27 percent of active faculty took advantage of an early retirement program.

Prodigious fund-raiser

He raised nearly \$1 billion for UC Berkeley and managed to increase financial support for research by 35 percent, even as federal contributions declined. Under his leadership, the campus built several new facilities, including the Haas School of Business. A week before telling UC regents of his plans to resign, Tien announced a \$15 million gift from Taiwanese donors toward construction of a new East Asian Library.

"He would sit next to somebody on the plane, and by the time they got to Hong Kong, he would have a donation of a couple of million dollars in his pocket," Schell said of the chancellor's powers of persuasion.

On the political level, Tien had some fractious dealings with UC regents, many of whom did not share his enthusiasm for affirmative action and his commitment to campus diversity.

Gov. Gray Davis, then lieutenant governor, lamented the surprise retirement announcement by Tien in 1996 and attributed it to "shabby" treatment by his fellow regents, saying they showed insufficient respect for Tien's views on affirmative action.

Many of Tien's admirers remain convinced that it was the regents' failure to support him on the issue of affirmative action that led to his resignation. But he refused to blame the board.

In 1995, when rumors began to circulate that Tien was thinking of resigning,

regents approved a \$20,000 raise. Tien used \$10,000 of it to start the Berkeley Pledge, a program designed to maintain campus diversity by preparing underprivileged high school students for UC.

Despite Davis' prediction, UC did not lose Tien as an educator. He returned to the classroom, where he taught thermal engineering, a field in which he had won international recognition for his research in heat transfer technology.

In 1999, the International Astronomical Union approved a request by Chinese astronomers to name an asteroid Tien Chang-Lin Star.

Refugee twice

Born in Wuhan, China, Tien was twice a refugee as a young man -- first from the Japanese, then from Mao Zedong's communists. After completing his undergraduate work in mechanical engineering at the National Taiwan University,

he came to the United States in 1956 and earned master's degrees at the University of Louisville and at Princeton, where he also earned a doctorate.

Tien joined the UC Berkeley faculty in 1959, rising through the ranks to become a full professor, chair of the engineering department and, for two years (1983-85), vice chancellor for research.

In 1962, at age 26, Tien became the youngest professor ever to win UC Berkeley's distinguished teaching award. He was one of only 20 faculty members in the nine-campus UC system to hold the title of "University Professor," a title reserved for scholars of international distinction. Last year, Berdahl awarded him the Berkeley Citation, the highest honor for a retiring faculty member.

Except for two years as executive vice chancellor at UC Irvine, Tien spent his entire professional life at the Berkeley campus.

When he left Irvine for Berkeley, about 1,000 people in the Chinese community, including Secretary of State March Fong Eu, showed up for a farewell banquet. He told the crowd that many of his values were shaped by the racism and discrimination he encountered in America.

During graduate school in the South, he boarded a bus and saw that all the black people were in the back and the whites in the front. Not sure if he was colored or not, he stood perplexed until the driver told him to sit in the front. The experience so disturbed him that he bought a bicycle and didn't take a bus again for a year.

He emerged as an energetic and tireless advocate of diversity and affirmative action. While at UC Berkeley, he raised the profile of women in leadership, appointing the first female vice chancellor and provost and the first female chief of the campus police. He also brought more ethnic diversity to the leadership.

In February 2000, Chevron Corp. named its newest tanker, launched in Korea, the Chang-Lin Tien. The vessel was christened by Tien's wife, Di-Hwa Tien, who survives him.

Tien is also survived by his son, Norman Tien, a professor of electrical and computer engineering at UC Davis; daughters Phyllis Tien, a physician at UCSF, and Christine Tien, deputy city manager of Stockton; and four grandchildren.

The university has scheduled a public memorial service for 3 p.m. Nov. 14 in Zellerbach Hall. A reception will follow.

The Tien family suggests donations to the Chang-Lin Tien Center for East Asian Studies. Checks,

payable to the UC Berkeley Foundation, may be sent to Vice Chancellor-University Relations, University Relations, 2440 Bancroft Way, Room 4200, University of California, Berkeley, CA 94720- 4200.

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<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2002/10/31/MN121089.DTL>

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May 4, 1998
Charlie Y. Talbott
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Washington, D.C. 20301-1155

FOIA/PA REQUEST

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2. Accession 330-79-027, 1976 General Files--ASD/ISA Policy Files

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