



Department of Energy
Washington, DC 20585

Ms. Marcia Hofmann
Staff Attorney
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110

December 12, 2008

Re: 2008-000156

Dear Ms. Hofmann:

This is in response to the request for information that you sent to the United States Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as implemented by DOE in 10 C.F.R. Part 1004. You have requested the following information:

- (1) Copies of all reports submitted since January 1, 2001 by the Department of Energy to the Intelligence Oversight Board ("IOB") pursuant to Section 2.4 of Executive Order 12863.

The FOIA generally requires that documents held by federal agencies be released to the public on request. However, Congress has provided nine exemptions to the FOIA that set forth the types of information that agencies are not required to release. Your request was sent to the Office of the General Counsel because that is where the responsive documents were located and a subsequent search was conducted. We have determined that there are 624 documents responsive to your request. Copies of the 624 documents are being provided to you in their entirety, without redactions. The documents are identified on the list enclosed with this letter.

The FOIA also provides for the assessment of fees for the processing of requests of documents. 5 U.S.C. 552(a)(4)(A)(i); *see also* 10 C.F.R. 1004.9(a). In your correspondence, you asked for a waiver of fees for this request because the Electronic Frontier Foundation qualifies as a representative of the news media pursuant to the FOIA. For purposes of assessment of fees, you have been categorized under the DOE regulation that implements the FOIA at 10 C.F.R. 1004.9(b)(1) as a "news media" requester. Your request for a fee waiver has been granted by Joan Ogbazghi of the FOIA office.

You may challenge the adequacy of the search by submitting a written appeal to the Director, Office of Hearings and Appeals, United States Department of Energy, 1000 Independence Avenue, SW, Washington DC 20585-0107. You should submit the appeal within thirty (30) calendar days of receipt of this determination.

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 C.F.R. § 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 you have your principal place of business, or (4) in the district where the DOE records are located.

I appreciate the opportunity to assist you. If you have any questions, please contact Hirsh Kravitz, at (202) 586-8499.

Sincerely,

A handwritten signature in cursive script that reads "Susan Beard".

Susan Beard
Assistant General Counsel for General Law
Office of the General Counsel

Enclosure

cc: Kevin T. Hagerty
Director
Office of Information Resources