




Department of Energy
Washington, DC 20585

4
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January 31, 2001

MEMORANDUM FOR Deputy General Counsel
Assistant General Counsel
Field Chief Counsel

FROM:

Samuel M. Bradley 
Assistant General Counsel
for International and National Security Programs

SUBJECT: Unlawful Intelligence Activities

Executive Order No. 1263 (copy attached) requires the Department of Energy General Counsel to file a report "on a quarterly basis ...concerning intelligence activities that [she has] reason to believe may be unlawful or contrary to Executive Order or Presidential Directive." If you have not already done so, please provide a written response concerning any information of which you are aware that is required to be reported under Executive Order No. 12863 for the period October 1, 2000 through December 31, 2000. Your input is due by February 16, 2001.

If you are not aware of anything that needs to be reported under the Executive Order, please complete and return the negative response provided with this memorandum.

Please direct your reports to Jacqueline McKissick, Office of International and National Security Programs. Any questions you have on this matter should be directed to John Gurney at (202) 586-8269. Thank you for your attention to this matter.

Attachment(s)



Department of Energy
Washington, DC 20585

5
12

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: _____

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Fourth Quarter FY 2000

I am unaware of any DOE intelligence activities during the period from October 1, 2000 to December 31, 2000 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-53
Room 6A-141, Forrestal Building

Fax (202) 586-3055

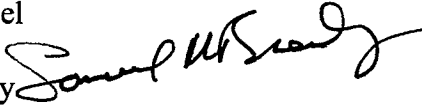


Department of Energy
Washington, DC 20585

6
R

July 24, 2001

MEMORANDUM FOR: Deputy General Counsel
Assistant General Counsel
Field Chief Counsel

FROM: Samuel M. Bradley 
Assistant General Counsel
for International and National Security Programs

SUBJECT: Unlawful Intelligence Activities

Executive Order No. 1263 (copy attached) requires the Department of Energy General Counsel to file a report "on a quarterly basis ...concerning intelligence activities that [she has] reason to believe may be unlawful or contrary to Executive Order or Presidential Directive." If you have not already done so, please provide a written response concerning any information of which you are aware that is required to be reported under Executive Order No. 12863 for the period April 1, 2001 through June 30, 2001. Your input is due by August 20, 2001.

If you are not aware of anything that needs to be reported under the Executive Order, please complete and return the negative response provided with this memorandum.

Please direct your reports to Jacqueline McKissick, Office of International and National Security Programs. Any questions you have on this matter should be directed to John Gurney at (202) 586-8269. Thank you for your attention to this matter.

Attachment(s)

7
2

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: _____

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

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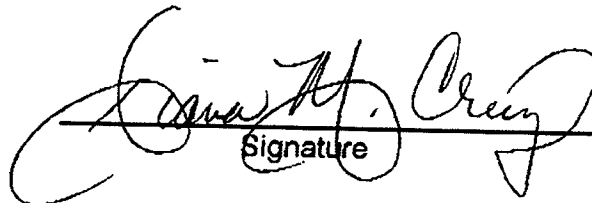
August 16, 2001

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Diana M. Cruz, Legal Staff Assistant,
LGLAFRS/OCC/AL

SUBJECT: Executive Order No. 12863 Unlawful Intelligence
Activities Report for Second Quarter FY 2001

"To the best of my knowledge, information and belief, I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that may be unlawful or contrary to Executive Order or Presidential Directive. This certification is made in the ordinary course of administrative and contractual oversight to fulfill a reporting requirement only and shall not be deemed evidence of the management, approval or oversight of any intelligence activity by the undersigned or the Albuquerque Operations Office."


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-53
Room 6A-141, Forrestal Building

Fax (202) 586-3055

United States GovernmentDepartment of Energy

Oak Ridge Operations Office

memorandum

92

DATE: August 6, 2001

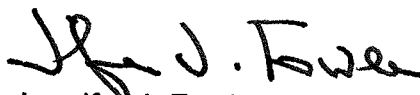
REPLY TO:

ATTN OF: CC-10:Thress

SUBJECT: **EXECUTIVE ORDER NO. 12863, UNLAWFUL INTELLIGENCE ACTIVITIES
REPORT FOR THIRD QUARTER, FY 2001**

TO: Samuel M. Bradley, Assistant General Counsel for International and National
Security Programs, GC-53, Headquarters, FORSTL

I am unaware of any DOE intelligence activities during the period April 1, 2001 through June 30, 2001, that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.



Jennifer J. Fowler
Chief Counsel

United States Government

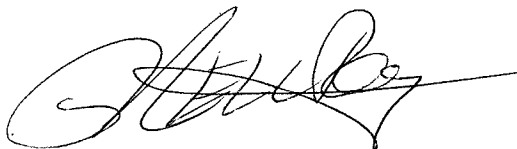
10
2
Department of Energy

memorandum

Rocky Flats Field Office

DATE: August 6, 2001
REPLY TO:
ATTN OF: OCC-01-0739
SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report for Third Quarter FY 2001
TO: Samuel M. Bradley, Assistant General Counsel for International and National Security Programs

I am unaware of any DOE intelligence activities during the period from April 1, 2001, to June 30, 2001, that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive



Mell Roy
Chief Counsel

cc:
Henry F. Dalton, Assistant Manager
Facilities Disposition

United States Government

Department of Energy

memorandum

①
②


DATE: **AUG 2 2001**
REPLY TO: Oakland Operations Office (OCC)
ATTN OF:
SUBJECT: Unlawful Intelligence Activities Report

TO: Samuel M. Bradley, Assistant General Counsel for International and
National Security Programs (GC-3)

This memorandum is in response to the Assistant General Counsel's request of
July 24, 2001.

The DOE Oakland Operations Office has reviewed its intelligence activities and the
intelligence activities of its contractors during the period April 1, 2001 through
June 30, 2001, and has no reportable activities. Our negative certification is
attached.

Please feel free to contact me at (510) 637-1662 if you have further questions.


Peter A. Bernard
Chief Counsel

Attachments: Negative Report dated August 2, 2001

cc: Michael Hooper, AMFNS w/attachment
Jacqueline McKissick, GC-3 w/attachment

August 2, 2001

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM:

Peter A. Bernard, Chief Counsel, DOE/NNSA

SUBJECT:

Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

United States Government

Department of Energy

memorandum

12
2

DATE: **AUG 2 2001**
REPLY TO: Oakland Operations Office (OCC)
ATTN OF:
SUBJECT: Unlawful Intelligence Activities Report

TO: Samuel M. Bradley, Assistant General Counsel for International and
National Security Programs (GC-3)

This memorandum is in response to the Assistant General Counsel's request of
July 24, 2001.

The DOE Oakland Operations Office has reviewed its intelligence activities and the
intelligence activities of its contractors during the period April 1, 2001 through
June 30, 2001, and has no reportable activities. Our negative certification is
attached.

Please feel free to contact me at (510) 637-1662 if you have further questions.


Peter A. Bernard
Chief Counsel

Attachments: Negative Report dated August 2, 2001

cc: Michael Hooper, AMFNS w/attachment
✓ Jacqueline McKissick, GC-3 w/attachment

August 2, 2001

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM:

Peter A. Bernard, Chief Counsel, DOE/NNSA

SUBJECT:

Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

United States Government

Department of Energy

Oak Ridge Operations Office

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memorandum

DATE: August 6, 2001

REPLY TO

ATTN OF: CC-10:Thress

SUBJECT: EXECUTIVE ORDER NO. 12863, UNLAWFUL INTELLIGENCE ACTIVITIES
REPORT FOR THIRD QUARTER, FY 2001

TO: Samuel M. Bradley, Assistant General Counsel for International and National
Security Programs, GC-53, Headquarters, FORSTL

I am unaware of any DOE intelligence activities during the period April 1, 2001 through June 30, 2001, that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.



Jennifer J. Fowler
Chief Counsel

United States Government

Department of Energy

memorandum

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DATE: August 2, 2001


REPLY TO
ATTN OF: EH-71:Gasperow:3-5577

SUBJECT: Report to the Intelligence Oversight Board (3rd Quarter, FY 2001)

TO: Gregory H. Friedman
Inspector General, IG-1

The Office of Environment, Safety and Health has not had any intelligence activities which we are aware of that may be unlawful or contrary to Executive order, Presidential directive, or Department of Energy guidelines or implementing procedures during the period April 1, 2001 through June 30, 2001.

If you have any questions or comments, please contact me (6-9024) or Lesley Gasperow (3-5577) of my staff.


Geoffrey Judge
Deputy Assistant Secretary
Planning and Administration
Environment, Safety and Health

cc:
General Counsel
B. Minihan, IG-40



Printed on recycled paper

NO. 334 P. 1/1
(15)
(2)

AUG 03 2001

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Budd B. Bornhoft, Jr., Chief Counsel, NNSA/NV

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building
Fax (202) 586-3055

Post-it® Fax Note	7671	Date	8/3/01	# of Pages	1
To	Jacqueline McKissick	From	Budd Bornhoft		
cc/ded.	GC-3	Co.	NNSA/NV		
Phone #	(202) 586-0806	Phone #	(702) 295-3581		
Fax #	(202) 586-3055	Fax #	(702) 295-1067		

AUG 03 2001

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM:

Budd B. Bornhoft, Jr., Chief Counsel, NNSA/NV

SUBJECT:

Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building
Fax (202) 586-3055

Post-it® Fax Note	7671	Date	8/3/01	# of pages	1
To	Jacqueline McKissick	From	Budd Bornhoft		
Off/Dept	GC-3	Co.	NNSA/NV		
Phone #	(202) 586-0806	Phone #	(702) 295-3581		
Fax #	(202) 586-3055	Fax #	(702) 295-1067		

United States Government

Department of Energy
Richland Operations Office

memorandum

17 2

DATE: ~~JUL~~ 30 2001
REPLY TO:
ATTN OF: OCC:AE/01-OCC-252
SUBJECT: EXECUTIVE ORDER NO. 1263 UNLAWFUL INTELLIGENCE ACTIVITIES
REPORT FOR THIRD QUARTER FY 2001

TO: Samuel M. Bradley
Assistant General Counsel
for International and National
Security Programs, GC-53, HQ

I am unaware of any DOE intelligence activities during the period from
April 1, 2001, through June 30, 2001, that I have reason to believe may be unlawful or
contrary to Executive Order of Presidential Directive.

Betty L. Hollowell
Betty L. Hollowell
Chief Counsel

To: PETER BERNARD

80

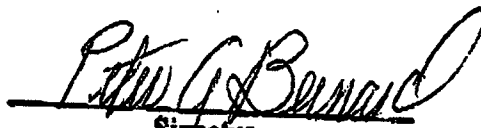
August 2, 2001

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Peter A. Bernard, Chief Counsel, DOE/NNSA

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKinnick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

United States Government

Department of Energy

memorandum

DATE: **AUG 2 2001**
REPLY TO: **Oakland Operations Office (OCC)**
ATTN OF:
SUBJECT: **Unlawful Intelligence Activities Report**

TO: **Samuel M. Bradley, Assistant General Counsel for International and
National Security Programs (GC-3)**

This memorandum is in response to the Assistant General Counsel's request of
July 24, 2001.

The DOE Oakland Operations Office has reviewed its intelligence activities and the
intelligence activities of its contractors during the period April 1, 2001 through
June 30, 2001, and has no reportable activities. Our negative certification is
attached.

Please feel free to contact me at (510) 637-1662 if you have further questions.


Peter A. Bernard
Chief Counsel

Attachments: Negative Report dated August 2, 2001

cc: Michael Hooper, AMFNS w/attachment
Jacqueline McKissick, GC-3 w/attachment

UNCLASSIFIED FAX MESSAGE

**U.S. Department of Energy
Oakland Operations Office
1301 Clay Street, Room 700N
Oakland, CA 94612-5208**

OFFICE OF CHIEF COUNSEL



DATE: August 2, 2001

TO: Jacqueline McKissick, Office of Assistant General
Counsel for International and National Security Programs, GC-3

FAX NO.: 202 586-3055

PHONE NO.: _____

FROM: Peter A. Bernard, Chief Counsel

FAX NO.: 510 637-2014

PHONE NO.: 510 637-1662

NO. OF PAGES TO FOLLOW: 2

MESSAGE: -----

**THIS MESSAGE CONTAINS ONLY UNCLASSIFIED INFORMATION
Fax Number 510 637-2014
Verify 510 637-1664/1677**

FAX TRANSMISSION



U.S. DEPARTMENT OF ENERGY
YUCCA MOUNTAIN SITE CHARACTERIZATION OFFICE
P.O. Box 30307
N. LAS VEGAS, NEVADA 89036-0307

DIANE C. QUENELL, MANAGEMENT ANALYST
OFFICE OF CHIEF COUNSEL
TELEPHONE (702) 794-5004
FAX: (702) 794-5000

TO: *Jacqueline McKissick*

DATE: *July 31, 2001*

FAX #: *202/586-3055*

PAGES: *2* (INCLUDING COVER SHEET)

SUBJECT: *Intelligence Activities*

*See attached response to
Mr Bradley's July 24, 2001 memorandum.*

Diane

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.

If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone and return the original message to me at the above address via the U.S. Postal Service. Thank you.

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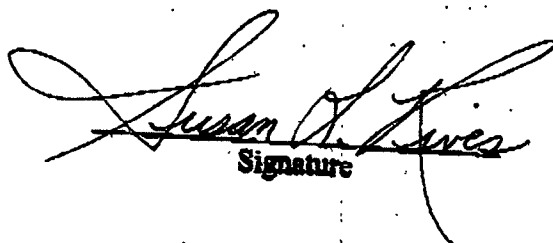
MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM:

SUBJECT:

Yucca Mountain Site Characterization Office
Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

21

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: David G. Darugh, Chief Counsel, DOE-SR

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

David G. Darugh
Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

220

United States Government

Department of Energy

memorandum

Idaho Operations Office

Date: July 30, 2001

Subject: Executive Order No. 12863 Unlawful Intelligence Activities Report for Third Quarter FY 2001
(OCC-01-105)

To: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs
GC-3, 6A-141/FORS

(VIA FACSIMILE to Jacqueline McKissick, (202) 586-3055)

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.



Eva M. Auman, Counsel
Office of Chief Counsel

(3) 2

July 30, 2001

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM:

J.S. Carey, Jr., Chief Counsel, Pittsburgh Naval Reactors Office

SUBJECT:

Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

To: Jacqueline McKissick		From: J.S. Carey Jr.	
DEPT/AGENCY: DOE GC-53		Phone #: (412) 476-7202	
Fax #: (202) 586-3055		Fax #: (412) 476-7310	
NSN 7540-01-317-7368		5089-101	
GENERAL SERVICES ADMINISTRATION			



Department of Energy
National Nuclear Security Administration
Washington, DC 20585

July 16, 2001

MEMORANDUM FOR INSPECTOR GENERAL
GENERAL COUNSEL

FROM: *K. Baker* KENNETH E. BAKER
ACTING DEPUTY ADMINISTRATOR FOR
DEFENSE NUCLEAR NONPROLIFERATION

SUBJECT: REPORT TO THE INTELLIGENCE OVERSIGHT BOARD
3RD QUARTER, FY 2001

The Office of Defense Nuclear Nonproliferation is unaware of any intelligence activities conducted by this organization during the period from April 1, 2001, through June 30, 2001, that may be unlawful or contrary to Executive Order, Presidential Directive, or Department of Energy guidelines or implementing procedures.

cc: Executive Staff Director, Immediate Office of the Administrator
National Nuclear Security Administration
General Counsel, Office of NNSA General Counsel
Director, Office of Intelligence
MA-75





Department of Energy
Washington, DC 20585

27A (2)

June 12, 2001

The Honorable Warren B. Rudman
Acting Chairman
Intelligence Oversight Board
The White House
Room 340, Old Executive Office Building
Washington, D.C. 20500

Dear Chairman Rudman:

This letter is my report pursuant to Executive Order No. 12863, entitled "President's Foreign Intelligence Advisory Board."

After conferring with the Department's Deputy and Assistant General Counsel and Field Counsel, I am unaware of any Department of Energy intelligence activities that were, or may have been, unlawful or contrary to Executive Order or Presidential Directive during the period January 1, 2001, through March 31, 2001.

I understand that, in accordance with a December 11, 1992, memorandum from the Intelligence Oversight Board, the Board intends to exercise control over all copies of this report, including copies maintained in agency files, and does not consider this report to be an agency record.

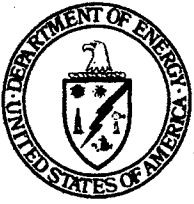
If this office can provide further assistance, please contact me at 586-5281.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lee Liberman Otis", is written above the typed name.

Lee Liberman Otis
General Counsel





Department of Energy

Washington, DC 20585

June 8, 2001

MEMORANDUM FOR: Lee Liberman Otis
General Counsel

THRU: William J. Dennison *WJD*
Acting Deputy General Counsel for Environment and
Nuclear Programs

FROM: Samuel M. Bradley *Samuel M Bradley*
Assistant General Counsel for International and National Security
Programs

SUBJECT: Quarterly Intelligence Activities Report

Attached is a draft quarterly report to the Intelligence Oversight Board (IOB) for activities occurring during the period January 1, 2001 through March 31, 2001. Based upon my personal knowledge, my consultation with the Department's Deputy General Counsel, and the quarterly reports received from Assistant General Counsel and Field Counsel, I am not aware of any Department of Energy intelligence activities, including activities performed for other agencies, that are, or may have been, unlawful or contrary to Executive Order or Presidential Directive that occurred during this period.

Attachment




11 June 01

TRANSMITTAL

TO: Lee Otis, GC-1 

THROUGH: Bill Dennison, GC-50 

James Tibbs, GC-1 

FROM: Sam Bradley, GC-53 

SUBJECT: Quarterly Report (2Q) to White House Intelligence Oversight Board on Unlawful Intelligence Activities

Attached for your signature is a memorandum from me requesting you sign a letter to the Acting Chairman of the Intelligence Oversight Board (IOB) reporting, pursuant to section 2.4 of Executive Order 12863 ("President's Foreign Intelligence Advisory Board") (9/13/93) (copy attached) that you are unaware of any DOE "intelligence activities that were, or may have been, unlawful or contrary to Executive Order or Presidential Directive" during the period January 1, 2001 through March 31, 2001. The proposed report is based on negative reports from Deputy General Counsel, Assistant General Counsel and Field Counsel, in response to my 4/13/01 memorandum to them (copy attached). DOE's historically reports no unlawful activities. The following provides background information on the quarterly reports required by the Executive Order.¹

The IOB is a standing committee of the President's Foreign Intelligence Advisory Board ("PFIAB"), both of which were established by Executive Order 12863). PFIAB is comprised of 16 members from outside the government. Its principal function is to assess the quality, quantity, and adequacy of intelligence collection, intelligence analysis and estimates, and counterintelligence and other intelligence activities. The IOB consists of four members appointed from among the membership of the PFIAB. The IOB's principal functions are to:

- (1) prepare for the President reports of intelligence activities that the IOB believes may be unlawful or contrary to Executive Order or Presidential directive (focus is on unlawful intelligence gathering on U.S. citizens);
- (2) forward to the Attorney General reports received concerning unlawful intelligence activities;
- (3) review the internal guidelines of each agency within the Intelligence Community –

¹I'm attaching the report for the same period last year.

including DOE – that concern the lawfulness of intelligence activities; and

(4) review the practices and procedures of Inspectors General and General Counsel of the Intelligence Community for discovering and reporting intelligence activities that may be unlawful or contrary to Executive Order or Presidential directive.

The Executive Order requires Inspectors General and General Counsel to report to the IOB at least quarterly and “from time to time as necessary” concerning intelligence activities they have reason to believe may be unlawful or contrary to Executive Order or Presidential directive. The IOB requires quarterly reports to be submitted by the end of the quarter following the quarter the report covers.

The report is expected to disclose any violation by DOE of statute, executive order or Presidential directive applicable to the intelligence community, including DOE’s intelligence activities. As noted, the focus is on unlawful intelligence gathering on United States citizens. Thus, for example, any violation or substantial deviation from Executive Order 12333, “United States Intelligence Activities,” and DOE’s implementing procedures, “Department of Energy Procedures for Intelligence Activities,” should be reported. These documents contain explicit guidelines and restrictions on collection of intelligence within the United States and they are useful guides in determining what’s to be reported.

Examples of unauthorized intelligence activities by DOE intelligence personnel or other DOE federal employee or contractor personnel might include:

(a) Collecting information on U.S. persons that is not publicly available without the consent of the person the information concerns (for example, undisclosed participation, without authorization of the Director of Intelligence, or in the absence of a request from the FBI or authorized U.S. counterintelligence agency, in a U.S. group, such as an antinuclear group, for purposes of obtaining for the intelligence community information about the groups members, activities, objectives, etc.);

(b) Collecting foreign intelligence pertaining to foreign energy matters and concerning a U.S. person in a COVERT manner and the collection is not restricted to persons reasonably believed to be employees of or acting on behalf of a foreign power; and

(c) Compromising lawful intelligence sources, methods, etc. by the U.S. intelligence community.

As noted, DOE’s Inspector General reports separately to the IOB.



Department of Energy
Washington, DC 20585

April 13, 2001

MEMORANDUM FOR Deputy General Counsel
Assistant General Counsel
Field Chief Counsel

FROM:

Samuel M. Bradley *SMB*
Assistant General Counsel
for International and National Security Programs

SUBJECT:

Unlawful Intelligence Activities

Executive Order No. 1263 (copy attached) requires the Department of Energy General Counsel to file a report "on a quarterly basis ...concerning intelligence activities that [she has] reason to believe may be unlawful or contrary to Executive Order or Presidential Directive." If you have not already done so, please provide a written response concerning any information of which you are aware that is required to be reported under Executive Order No. 12863 for the period January 1, 2001 through March 31, 2001. Your input is due by April 30, 2001.

If you are not aware of anything that needs to be reported under the Executive Order, please complete and return the negative response provided with this memorandum.

Please direct your reports to Jacqueline McKissick, Office of International and National Security Programs. Any questions you have on this matter should be directed to John Gurney at (202) 586-8269. Thank you for your attention to this matter.

Attachment(s)

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: _____

SUBJECT: **Executive Order No. 12863 Unlawful Intelligence Activities Report**
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from January 1, 2001 to March 31, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

Presidential Documents

Title 3—

Executive Order 12863 of September 13, 1993

The President

President's Foreign Intelligence Advisory Board

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to enhance the security of the United States by improving the quality and effectiveness of intelligence available to the United States, and to assure the legality of activities of the Intelligence Community, it is ordered as follows:

PART I. ASSESSMENT OF INTELLIGENCE ACTIVITIES

Section 1.1. There is hereby established within the White House Office, Executive Office of the President, the President's Foreign Intelligence Advisory Board (PFIAB). The PFIAB shall consist of not more than 16 members, who shall serve at the pleasure of the President and shall be appointed by the President from among trustworthy and distinguished citizens outside the Government who are qualified on the basis of achievement, experience and independence. The President shall establish the terms of the members upon their appointment. To the extent practicable, one-third of the PFIAB at any one time shall be comprised of members whose term of service does not exceed 2 years. The President shall designate a Chairman and Vice Chairman from among the members. The PFIAB shall utilize full-time staff and consultants as authorized by the President. Such staff shall be headed by an Executive Director, appointed by the President.

Sec. 1.2. The PFIAB shall assess the quality, quantity, and adequacy of intelligence collection, of analysis and estimates, and of counterintelligence and other intelligence activities. The PFIAB shall have the authority to review continually the performance of all agencies of the Federal Government that are engaged in the collection, evaluation, or production of intelligence or the execution of intelligence policy. The PFIAB shall further be authorized to assess the adequacy of management, personnel and organization in the intelligence agencies. The heads of departments and agencies of the Federal Government, to the extent permitted by law, shall provide the PFIAB with access to all information that the PFIAB deems necessary to carry out its responsibilities.

Sec. 1.3. The PFIAB shall report directly to the President and advise him concerning the objectives, conduct, management and coordination of the various activities of the agencies of the Intelligence Community. The PFIAB shall report periodically, but at least semiannually, concerning its findings and appraisals and shall make appropriate recommendations for the improvement and enhancement of the intelligence efforts of the United States.

Sec. 1.4. The PFIAB shall consider and recommend appropriate action with respect to matters, identified to the PFIAB by the Director of Central Intelligence, the Central Intelligence Agency, or other Government agencies engaged in intelligence or related activities, in which the advice of the PFIAB will further the effectiveness of the national intelligence effort. With respect to matters deemed appropriate by the President, the PFIAB shall advise and make recommendations to the Director of Central Intelligence, the Central Intelligence Agency, and other Government agencies engaged in intelligence and related activities, concerning ways to achieve increased effectiveness in meeting national intelligence needs.

PART II. OVERSIGHT OF INTELLIGENCE ACTIVITIES

Sec. 2.1. The Intelligence Oversight Board (IOB) is hereby established as a standing committee of the PFIAB. The IOB shall consist of no more than four members appointed from among the membership of the PFIAB by the Chairman of the PFIAB. The Chairman of the IOB shall be appointed by the Chairman of the PFIAB. The Chairman of the PFIAB may also serve as the Chairman of the IOB. The IOB shall utilize such full-time staff and consultants as authorized by the Chairman of the PFIAB.

Sec. 2.2. The IOB shall:

- (a) prepare for the President reports of intelligence activities that the IOB believes may be unlawful or contrary to Executive order or Presidential directive;
- (b) forward to the Attorney General reports received concerning intelligence activities that the IOB believes may be unlawful or contrary to Executive order or Presidential directive;
- (c) review the internal guidelines of each agency within the Intelligence Community that concern the lawfulness of intelligence activities;
- (d) review the practices and procedures of the Inspectors General and General Counsel of the Intelligence Community for discovering and reporting intelligence activities that may be unlawful or contrary to Executive order or Presidential directive; and
- (e) conduct such investigations as the IOB deems necessary to carry out its functions under this order.

Sec. 2.3. The IOB shall, when required by this order, report to the President through the Chairman of the PFIAB. The IOB shall consider and take appropriate action with respect to matters identified by the Director of Central Intelligence, the Central Intelligence Agency or other agencies of the Intelligence Community. With respect to matters deemed appropriate by the President, the IOB shall advise and make appropriate recommendations to the Director of Central Intelligence, the Central Intelligence Agency and other agencies of the Intelligence Community.

Sec. 2.4. The heads of departments and agencies of the Intelligence Community, to the extent permitted by law, shall provide the IOB with all information that the IOB deems necessary to carry out its responsibilities. Inspectors General and General Counsel of the Intelligence Community, to the extent permitted by law, shall report to the IOB, at least on a quarterly basis and from time to time as necessary or appropriate, concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive.

PART III. GENERAL PROVISIONS

Sec. 3.1. Information made available to the PFIAB, or members of the PFIAB acting in their IOB capacity, shall be given all necessary security protection in accordance with applicable laws and regulations. Each member of the PFIAB, each member of the PFIAB's staff and each of the PFIAB's consultants shall execute an agreement never to reveal any classified information obtained by virtue of his or her services with the PFIAB except to the President or to such persons as the President may designate.

Sec. 3.2. Members of the PFIAB shall serve without compensation but may receive transportation expenses and per diem allowance as authorized by law. Staff and consultants to the PFIAB shall receive pay and allowances as authorized by the President.

Sec. 3.3. Executive Order No. 12334 of December 4, 1981, as amended, and Executive Order No. 12537 of October 28, 1985, as amended, are revoked.

William Clinton

THE WHITE HOUSE,
September 13, 1993.

[FR Doc. 93-22743

Filed 9-14-93; 10:58 am]

Billing code 3195-01-P



Department of Energy
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

75
12

July 27, 2001

Samuel M. Bradley
Assistant General Counsel for
International and National Security Programs, HQ
GC-53 FORS

SUBJECT: EXECUTIVE ORDER NO. 12863, UNLAWFUL INTELLIGENCE ACTIVITIES
REPORT FOR THIRD QUARTER, FISCAL YEAR 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001, that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

Steven A. Silbergeld
Steven A. Silbergeld
Chief Counsel

cc: Marvin E. Gunn, Jr., OM

75A (P)

United States Government

Department of Energy

Rocky Flats Field Office

Memorandum

DATE: May 10, 2001


REPLY TO:

ATTN OF: OCC: MR: 01-0509

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report For The Period January 1, 2001 through March 31, 2001

TO: Jacqueline McKissick
Assistant General Counsel for
International and National Security Programs, GC-53

I am not aware of any intelligence activity that has been conducted at the Rocky Flats Environmental Technology Site that may be unlawful or contrary to Executive Order, Presidential Directive, or DOE guidelines or implement procedures during the period January 1, 2001 through March 31, 2001. However, there was a counterintelligence concern reported to the DOE Office of Counterintelligence as outlined in the attached memorandum.


for Mell Roy
Chief Counsel

Attachment

P.S. We regret the tardy submission. We were laboring under the misapprehension that a timely submission had been made

United States Government

Department of Energy
Rocky Flats Field Office

memorandum

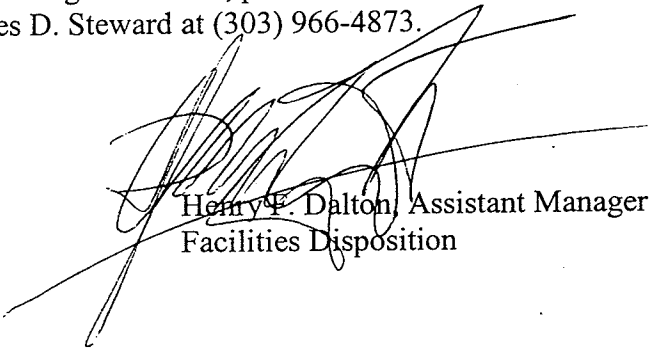
DATE: **APR 18 2001**
REPLY TO
ATTN OF: AMFD:SSD:DLV:01-00738
SUBJECT: Report to the Intelligence Oversight Board (2nd Quarter, Fiscal Year 2001)
TO: Bill Dwyer, Office of Inspections, IG-40, HQ

RECEIVED**APR 19 2001****BY OCC**

Reference: Memo from Gregory H. Friedman to Distribution, dated 4/3/01, subject as above.

No known intelligence activity was conducted at the Rocky Flats Environmental Technology Site that may be unlawful or contrary to Executive Order, Presidential Directive, or Department of Energy guidelines or implementing procedures during the period from January 1, 2001, through March 31, 2001, inclusive.

If you have any questions concerning this matter, please call David L. Vaughan of my staff at (303) 966-3216 or James D. Steward at (303) 966-4873.



Henry F. Dalton, Assistant Manager
Facilities Disposition

cc:
M. Roy, OCC, RFFO
R. Anzures, PA, RFFO

(76) (2)

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM:

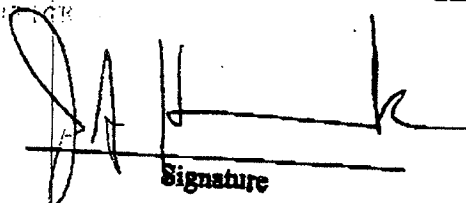
John Herrick, Chief Counsel

Golden Field Office

SUBJECT:

Executive Order No. 12863 Unlawful Intelligence Activities Report
for ~~Second~~ Quarter FY 2001
Third

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

U.S. DEPARTMENT OF ENERGY
GOLDEN FIELD OFFICE

1617 COLE BOULEVARD
GOLDEN, COLORADO 80401
TELEPHONE: (303) 275-4700
FACSIMILE: (303) 275-4788

FAX COVER SHEET

June 11, 2001

TO: *Jacqueline McKissick*
Office of Assistant General Counsel for International
and National Security Programs, GC-3

FAX NO: *(202) 586-3055*

FROM: *John Herrick, Chief Counsel*
Golden Field Office

DIRECT NO: *(303) 275-4768*

SUBJECT: *Executive Order No. 12863 Unlawful Intelligence Activities Report for*
Third Quarter FY 2001

NUMBER OF PAGES: 2 (INCLUDING COVER SHEET)

PLEASE CONTACT TERI HAMMACK AT (303) 275-4710
IF THIS TRANSMISSION IS INCOMPLETE.

MESSAGE:

This facsimile transmission may contain confidential information which is protected by attorney-client privilege. The information is intended only for the use of recipient. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone.

United States Government

Sam
Department of Energy

memorandum

26 R

DATE: May 4, 2001

REPLY TO
ATTN OF: EH-71:Gasperow:3-5577

SUBJECT: Report to the Intelligence Oversight Board (2nd Quarter, FY 2001)

TO: Gregory H. Friedman
Inspector General, IG-1

The Office of Environment, Safety and Health has not had any intelligence activities which we are aware of that may be unlawful or contrary to Executive order, Presidential directive, or Department of Energy guidelines or implementing procedures during the period January 1, 2001 through March 31, 2001.

If you have any questions or comments, please contact me (6-9024) or Lesley Gasperow (3-5577) of my staff.

Geoffrey Judge
for Geoffrey Judge
Deputy Assistant Secretary
Planning and Administration
Environment, Safety and Health

cc:
General Counsel
B. Minihan, IG-40



271

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: CURTIS W. McBRIDE CHIEF COUNSEL

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

United States Government

Department of Energy

Oak Ridge Operations Office

memorandum




DATE: April 25, 2001

REPLY TO

ATTN OF: CC-10:Thress

SUBJECT: **EXECUTIVE ORDER NO. 12863, UNLAWFUL INTELLIGENCE ACTIVITIES
REPORT FOR SECOND QUARTER, FY 2001**TO: Samuel M. Bradley, Assistant General Counsel for International and National
Security Programs, GC-53, Headquarters, FORSTL

I am unaware of any DOE intelligence activities during the period January 1, 2001 to March 31, 2001, that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.



Jennifer J. Fowler
Chief Counsel

76 (R)

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: David G. Darugh, Chief Counsel, DOE-SR

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

David G. Darugh
Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

memorandum

Idaho Operations Office



Date: May 1, 2001

Subject: Executive Order No. 12863 Unlawful Intelligence Activities Report for Second Quarter FY 2001 (OCC-01-067)

To: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs
GC-3, 6A-141/FORS

(VIA FACSIMILE to Jacqueline McKissick, (202) 586-3055)

I am unaware of any DOE intelligence activities during the period from January 1, 2001 to March 31, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

Eva M. Auman, Counsel
Office of Chief Counsel

29 12
July 26, 2001

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: SCHENECTADY NAVAL REACTORS

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.



Signature

Henry J. Van Dyke
Chief Counsel

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages 1

To	J. McKissick	From	NJ VAN DYKE
Dept./Agency	DOE-NA GC-53	Phone #	518-395-4227
Fax #	202-586-3055	Fax #	518-395-6390

NSN 7540-01-317-7388

9099-101

GENERAL SERVICES ADMINISTRATION

TOTAL P.01

APR 19 2001


25A 2

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Diana M. Cruz, Legal Assistant, ESH&ND/OCC/AL

SUBJECT: Executive Order No. 12863 Unlawful Intelligence
Activities Report for Second Quarter FY 2001

"To the best of my knowledge, information and belief, I am unaware of any DOE intelligence activities during the period from January 1, 2001 to March 31, 2001 that may be unlawful or contrary to Executive Order or Presidential Directive. This certification is made in the ordinary course of administrative and contractual oversight to fulfill a reporting requirement only and shall not be deemed evidence of the management, approval or oversight of any intelligence activity by the undersigned or the Albuquerque Operations Office."


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-53
Room 6A-141, Forrestal Building

Fax (202) 586-3055

30 1

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM:

Anthony C. Eitrem, Chief Counsel

SUBJECT:

Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

Anthony C. Eitrem
Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055



Department of Energy
Washington, DC 20585

Sam
3002

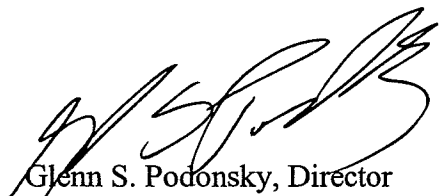
April 23, 2001

MEMORANDUM FOR: Gregory H. Friedman
Inspector General

FROM: Glenn S. Podonsky, OA-1

SUBJECT: Re: Report to the Intelligence Oversight Board
(2nd Quarter, FY 2001)

This responds to your request for reporting information on intelligence activities that occurred during the period January 1, 2001, through March 31, 2001. The Office of Independent Oversight and Performance Assurance (OA) did not conduct any intelligence activities, nor did we become aware of any intelligence activities that may be unlawful or contrary to Executive Order, Presidential Directive, or DOE guidelines or implementing procedures.


Glenn S. Podonsky, Director
Office of Independent Oversight
and Performance Assurance

cc:
J. Gordon, NA-1
General Counsel
B. Dwyer, IG-40

302

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

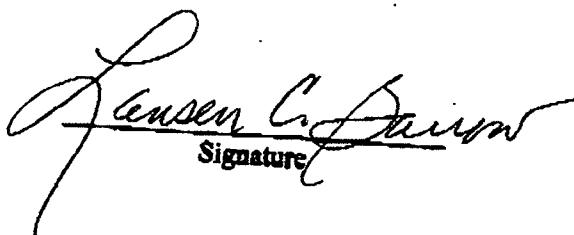
FROM:

SPRPMO-NOLX

SUBJECT:

Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from April 1, 2001 to June 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

United States GovernmentDepartment of Energy

Oak Ridge Operations Office

memorandum



DATE: April 25, 2001

REPLY TO

ATTN OF: CC-10:Thress

SUBJECT: **EXECUTIVE ORDER NO. 12863, UNLAWFUL INTELLIGENCE ACTIVITIES
REPORT FOR SECOND QUARTER, FY 2001**TO: Samuel M. Bradley, Assistant General Counsel for International and National
Security Programs, GC-53, Headquarters, FORSTL

I am unaware of any DOE intelligence activities during the period January 1, 2001 to March 31, 2001, that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Jennifer J. Fowler
Chief Counsel



Department of Energy
Washington, DC 20585

32 (R)

March 21, 2001

Honorable Warren B. Rudman
Chairman
Intelligence Oversight Board
The White House
Room 340, Old Executive Office Building
Washington, D.C. 20500

Dear Mr. Rudman:

This provides you a report pursuant to Executive Order No. 12863, "President's Foreign Intelligence Advisory Board."

After conferring with the Department's Deputy and Assistant General Counsel and Field Counsel, I am unaware of any Department of Energy intelligence activities that were, or may have been, unlawful or contrary to Executive Order or Presidential Directive that occurred during the period October 1, 2000 through December 31, 2000.

I understand that, in accordance with a December 11, 1992 memorandum from the Intelligence Oversight Board, the Board intends to exercise control over all copies of this report, including copies maintained in agency files, and does not consider this report to be an agency record.

If this office can provide further assistance, please contact me at 586-5284.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric J. Fygi", is written over a large, horizontal, oval-shaped scribble.

Eric J. Fygi
Acting General Counsel

FACSIMILE FROM
OFFICE OF CHIEF COUNSEL

(32A) (P)

FACSIMILE NO.: 865-576-1556

VERIFICATION NO.: 865-576-1906

URGENT: _____
PRIORITY: _____
ROUTINE: _____

DATE: 4/26/01

TO: Sam Bradley/Jacqueline McKissick TELEPHONE NO.: 202-586-6738

LOCATION: _____

FACSIMILE NO.: 202-586-3055 VERIFICATION NO.: _____

FROM: Jennifer Fowler TELEPHONE NO.: 865-576-1200

THIS TRANSMITTAL CONSISTS OF 1 UNCLASSIFIED PAGE(S). EXCLUDING THIS COVER SHEET.

SPECIAL NOTE TO RECIPIENT:

FOR DOE-OCC USE
VERIFICATION TIME: _____

UNCLASSIFIED USE ONLY



Department of Energy
Washington, DC 20585

330

June 12, 2001

**The Honorable Warren B. Rudman
Acting Chairman
Intelligence Oversight Board
The White House
Room 340, Old Executive Office Building
Washington, D.C. 20500**

Dear Chairman Rudman:

This letter is my report pursuant to Executive Order No. 12863, entitled "President's Foreign Intelligence Advisory Board."

After conferring with the Department's Deputy and Assistant General Counsel and Field Counsel, I am unaware of any Department of Energy intelligence activities that were, or may have been, unlawful or contrary to Executive Order or Presidential Directive during the period January 1, 2001, through March 31, 2001.

I understand that, in accordance with a December 11, 1992, memorandum from the Intelligence Oversight Board, the Board intends to exercise control over all copies of this report, including copies maintained in agency files, and does not consider this report to be an agency record.

If this office can provide further assistance, please contact me at 586-5281.

Sincerely,

**Lee Liberman Otis
General Counsel**





Department of Energy
Washington, DC 20585

September 14, 2001

MEMORANDUM FOR: Lee Liberman Otis *LL*
General Counsel

THRU: William J. Dennison *WD*
Acting Deputy General Counsel for Environment and
Nuclear Programs

FROM: Samuel M. Bradley *SM Bradley*
Assistant General Counsel for International and National Security
Programs

SUBJECT: Quarterly Intelligence Activities Report Required by Executive
Order No. 12863

Attached is a draft quarterly report to the Intelligence Oversight Board (IOB) for activities occurring during the period April 1, 2001, through June 30, 2001. Based upon my personal knowledge and the quarterly reports received from Assistant General Counsel and Field Counsel, I am not aware of any Department of Energy intelligence activities, including activities performed for other agencies, that are, or may have been, unlawful or contrary to Executive Order or Presidential Directive that occurred during this period.

The IOB requires submission of this report by September 30, 2001, the end of the quarter following the quarter the report covers. Also attached is a copy of your report for the period January 1, 2001, through March 31, 2001.

Attachments

The Honorable Warren B. Rudman
Acting Chairman
Intelligence Oversight Board
The White House
Room 340, Old Executive Office Building
Washington, D.C. 20500

Dear Chairman Rudman:

This letter is my report pursuant to Executive Order No. 12863, entitled "President's Foreign Intelligence Advisory Board."

After conferring with the Department's Deputy and Assistant General Counsel and Field Counsel, I am unaware of any Department of Energy intelligence activities that were, or may have been, unlawful or contrary to Executive Order or Presidential Directive during the period April 1, 2001, through June 30, 2001.

I understand that, in accordance with a December 11, 1992, memorandum from the Intelligence Oversight Board, the Board intends to exercise control over all copies of this report, including copies maintained in agency files, and does not consider this report to be an agency record.

If this office can provide further assistance, please contact me at 586-5281.

Sincerely,

Lee Liberman Otis
General Counsel

CONCURRENCES

RTG SYMBOL

INITIALS/SIG

DATE

RTG SYMBOL

INITIALS/SIG

DATE

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INITIALS/SIG

DATE



Department of Energy
Washington, DC 20585

September 17, 2001

The Honorable Warren B. Rudman
Acting Chairman
Intelligence Oversight Board
The White House
Room 340, Old Executive Office Building
Washington, D.C. 20500

Dear Chairman Rudman:

This letter is my report pursuant to Executive Order No. 12863, entitled "President's Foreign Intelligence Advisory Board."

After conferring with the Department's Deputy and Assistant General Counsel and Field Counsel, I am unaware of any Department of Energy intelligence activities that were, or may have been, unlawful or contrary to Executive Order or Presidential Directive during the period April 1, 2001, through June 30, 2001.

I understand that, in accordance with a December 11, 1992, memorandum from the Intelligence Oversight Board, the Board intends to exercise control over all copies of this report, including copies maintained in agency files, and does not consider this report to be an agency record.

If this office can provide further assistance, please contact me at 586-5281.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee Liberman Otis".

Lee Liberman Otis
General Counsel

United States Government

Department of Energy (DOE)

Memorandum

Savannah River Operations Office (SR)

33A R

DATE: April 17, 2001


REPLY TO:

ATTN OF: OCC (Darugh/5-1813)

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report for the Second Quarter FY 2001

TO: Samuel M. Bradley, Assistant General Counsel for International and National Security Programs

I am unaware of any DOE intelligence activities during the period from January 1, 2001, to March 31, 2001, that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


David G. Darugh
Chief Counsel

Mail to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building
Fax: (202) 586-3055

(34) (2)

APR 20 2001

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Budd B. Bornhoft, Jr., Chief Counsel, NNSA/NV

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from January 1, 2001 to March 31, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

Post-it® Fax Note	7671	Date	4/20/01	# of pages	1
To	Jacqueline McKissick	From	Budd Bornhoft		
cc/Dept.	DOE/HA GC-3	Co.	CC, NNSA/NV		
Phone #	(202) 586 - 0806	Phone #	(702) 295 - 2581		
Fax #	(202) 586 - 3055	Fax #	(702) 295 - 1067		

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Budd B. Bornhoft, Jr., Chief Counsel, NNSA/NV

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from January 1, 2001 to March 31, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

Post-it® Fax Note	7671	Date	4/20/01	# of pages	1
To	Jacqueline McKissick	From	Budd Bornhoft		
Co/Dept	DOE/HQ GC-3	Co.	CC, NNSA/NV		
Phone #	(202) 586 - 0806	Phone #	(702) 295 - 3581		
Fax #	(202) 586 - 3055	Fax #	(702) 295 - 1067		

35 2

April 13, 2001

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Peter A. Bernard, Chief Counsel, DOE OAK

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from January 1, 2001 to March 31, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

United States Government

Department of Energy

memorandum

DATE: APR 13 2001
REPLY TO: Oakland Operations Office (OCC)
ATTN OF:
SUBJECT: Unlawful Intelligence Activities Report

TO: Samuel M. Bradley, Assistant General Counsel for International and
National Security Programs (GC-3)

This memorandum is in response to the Assistant General Counsel's request of April 13, 2001.

The DOE Oakland Operations Office has reviewed its intelligence activities and the intelligence activities of its contractors during the period January 1, 2001 through March 31, 2001, and has no reportable activities. Our negative certification is attached.

Please feel free to contact me at (510) 637-1662 if you have further questions.


Peter A. Bernard
Chief Counsel

Attachments: Negative Report dated April 13, 2001

cc: Michael Hooper, AMFNS w/attachment
Jacqueline McKissick, GC-53 w/attachment

36 2

April 13, 2001

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Peter A. Bernard, Chief Counsel, DOE OAK

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from January 1, 2001 to March 31, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

United States Government

Department of Energy

memorandum

DATE: APR 13 2001
REPLY TO: Oakland Operations Office (OCC)
ATTN OF:
SUBJECT: Unlawful Intelligence Activities Report

TO: Samuel M. Bradley, Assistant General Counsel for International and
National Security Programs (GC-3)

This memorandum is in response to the Assistant General Counsel's request of
April 13, 2001.

The DOE Oakland Operations Office has reviewed its intelligence activities and the
intelligence activities of its contractors during the period January 1, 2001 through
March 31, 2001, and has no reportable activities. Our negative certification is
attached.

Please feel free to contact me at (510) 637-1662 if you have further questions.


Peter A. Bernard
Chief Counsel

Attachments: Negative Report dated April 13, 2001

cc: Michael Hooper, AMFNS w/attachment
✓ Jacqueline McKissick, GC-53 w/attachment

(37) (R)



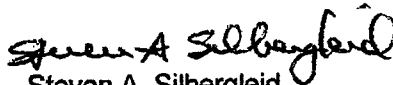
Department of Energy
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

April 19, 2001

Samuel M. Bradley
Assistant General Counsel for
International and National Security Programs, HQ
GC-53 FORS

SUBJECT: EXECUTIVE ORDER NO. 12863, UNLAWFUL INTELLIGENCE ACTIVITIES
REPORT FOR SECOND QUARTER, FISCAL YEAR 2001

I am unaware of any DOE intelligence activities during the period from January 1, 2001
to March 31, 2001, that I have reason to believe may be unlawful or contrary to Executive Order
or Presidential Directive.


Steven A. Silbergeld
Chief Counsel

cc: Marvin E. Gunn, Jr., OM

RL-F-1325.6 (02/98)

United States Government

Department of Energy

Richland Operations Office


memorandum

38 12

DATE: APR 18 2001
REPLY TO: OCC:RMC/01-OCC-165
ATTN OF:
SUBJECT: EXECUTIVE ORDER NO. 1263 UNLAWFUL INTELLIGENCE ACTIVITIES
REPORT FOR SECOND QUARTER FY 2001

TO: Samuel M. Bradley
Assistant General Counsel
for International and National
Security Programs, GC-53, HQ

I am unaware of any DOE intelligence activities during the period from
January 1, 2001, to March 31, 2001, that I have reason to believe may be unlawful or
contrary to Executive Order of Presidential Directive.


Betty L. Hollowell
Chief Counsel

(39) (P)

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Anthony C. Eitrem, DOE-OH/Chief Counsel

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from January 1, 2001 to March 31, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

**Department of Energy**

Strategic Petroleum Reserve Project Management Office
900 Commerce Road East
New Orleans, Louisiana 70123

40 2

FAX TRANSMITTAL**DATE:**4/16/2001**TO:**J. MCKISSICK - 202-586-3055GC -3, RM 6A-141**FROM:**Linda Loucans**FAX NUMBER (504) 734 - 4030****VERIFY (504) 734 - 4315****SUBJECT:**Unlawful Activities1**PAGES (EXCLUDING COVER SHEET)**

④ ②

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

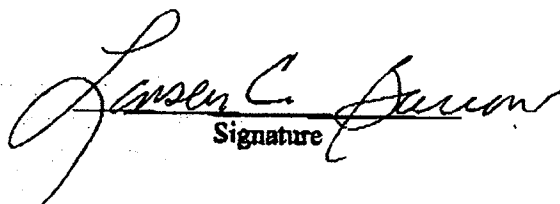
FROM:

SPRPMO

SUBJECT:

Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from January 1, 2001 to March 31, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055



(41A) (K)

April 17, 2001

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM:

J.S. Carey, Jr., Chief Counsel, Pittsburgh Naval Reactors Office

SUBJECT:

Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from January 1, 2001 to March 31, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages > 1

To <u>Jacqueline McKissick</u>	From <u>J.S. Carey JR</u>
Dept./Agency <u>DOE GC-53</u>	Phone # <u>(412) 476-7202</u>
Fax # <u>(202) 586-3055</u>	Fax # <u>(412) 476-7310</u>

NSN 7540-01-317-7300 5099-101 GENERAL SERVICES ADMINISTRATION

42 12

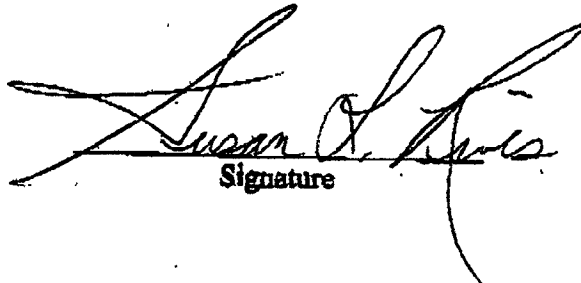
MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs
Susan L. Rives, Chief Counsel
Yucca Mountain Site Characterization Office

FROM:

SUBJECT:

Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from January 1, 2001 to March 31, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

43 2

UNCLASSIFIED FAX MESSAGE

**U.S. Department of Energy
Oakland Operations Office
1301 Clay Street, Room 700N
Oakland, CA 94612-5208**



OFFICE OF CHIEF COUNSEL

DATE: April 13, 2001

TO: Jacqueline McKissick, QC-3

FAX NO.: 202-586-3055

PHONE NO.: _____

FROM: Peter A. Bernard, Chief Counsel

FAX NO.: 510 637-2014

PHONE NO.: 510 637-1662

NO. OF PAGES TO FOLLOW: 2

MESSAGE:

THIS MESSAGE CONTAINS ONLY UNCLASSIFIED INFORMATION

Fax Number 510 637-2014

Verify 510 637-1664/1677

United States Government

Department of Energy

memorandum

44 2

DATE: APR 13 2001
REPLY TO: Oakland Operations Office (OCC)
ATTN OF:
SUBJECT: Unlawful Intelligence Activities Report

TO: Samuel M. Bradley, Assistant General Counsel for International and
National Security Programs (GC-3)

This memorandum is in response to the Assistant General Counsel's request of
April 13, 2001.

The DOE Oakland Operations Office has reviewed its intelligence activities and the
intelligence activities of its contractors during the period January 1, 2001 through
March 31, 2001, and has no reportable activities. Our negative certification is
attached.

Please feel free to contact me at (510) 637-1662 if you have further questions.


Peter A. Bernard
Chief Counsel

Attachments: Negative Report dated April 13, 2001

cc: Michael Hooper, AMFNS w/attachment
Jacqueline McKissick, GC-53 w/attachment

45 2

April 13, 2001

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Peter A. Bernard, Chief Counsel, DOE OAK

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from January 1, 2001 to March 31, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

(96) (2)

April 16, 2001

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: SCHENECTADY NAVAL REACTORS OFFICE

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from January 1, 2001 to March 31, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.



Signature Henry J. Van Dyke
Chief Counsel

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

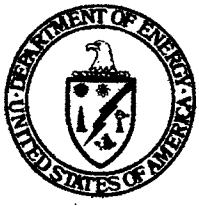
of pages = 1

To <u>J. McKissick</u>	From <u>HJ VAN DYKE</u>
Dept./Agency <u>DOE-NR GC-53</u>	Phone # <u>518-395-4237</u>
Fax # <u>202-586-3055</u>	Fax # <u>518-395-6390</u>

NSN 7540-01-317-7368

5099-101

GENERAL SERVICES ADMINISTRATION



Department of Energy
Washington, DC 20585

47 (2)

April 13, 2001

MEMORANDUM FOR Deputy General Counsel
Assistant General Counsel
Field Chief Counsel

FROM: Samuel M. Bradley *SMB*
Assistant General Counsel
for International and National Security Programs

SUBJECT: Unlawful Intelligence Activities

Executive Order No. 1263 (copy attached) requires the Department of Energy General Counsel to file a report "on a quarterly basis ...concerning intelligence activities that [she has] reason to believe may be unlawful or contrary to Executive Order or Presidential Directive." If you have not already done so, please provide a written response concerning any information of which you are aware that is required to be reported under Executive Order No. 12863 for the period January 1, 2001 through March 31, 2001. Your input is due by April 30, 2001.

If you are not aware of anything that needs to be reported under the Executive Order, please complete and return the negative response provided with this memorandum.

Please direct your reports to Jacqueline McKissick, Office of International and National Security Programs. Any questions you have on this matter should be directed to John Gurney at (202) 586-8269. Thank you for your attention to this matter.

Attachment(s)

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: _____

SUBJECT: **Executive Order No. 12863 Unlawful Intelligence Activities Report**
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from January 1, 2001 to March 31, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055



U.S. DEPARTMENT OF ENERGY

GOLDEN FIELD OFFICE

1617 COLE BOULEVARD
GOLDEN, COLORADO 80401
TELEPHONE: (303) 275-4700
FACSIMILE: (303) 275-4788

FAX COVER SHEET

April 17, 2001

TO: *Jacqueline McKissick*
Office of Assistant General Counsel for
International and National Security Programs

FAX NO: (202) 586-3055

FROM: *John A. Herrick, Chief Counsel*

DIRECT NO: (303) 275-4768

SUBJECT:

NUMBER OF PAGES: 2 (INCLUDING COVER SHEET)

**PLEASE CONTACT TERI HAMMACK AT (303) 275-4710
IF THIS TRANSMISSION IS INCOMPLETE.**

MESSAGE:

This facsimile transmission may contain confidential information which is protected by attorney-client privilege. The information is intended only for the use of recipient. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone.

MEMORANDUM FOR Samuel M. Bradley

Assistant General Counsel
for International and National Security Programs

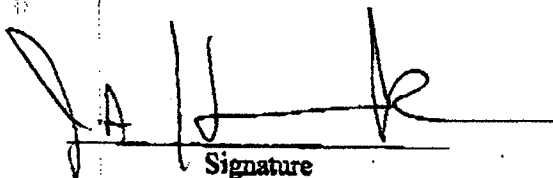
FROM:

John Herrick, Chief Counsel, Golden Field
office

SUBJECT:

Executive Order No. 12863 Unlawful Intelligence Activities Report
for Second Quarter FY 2001

I am unaware of any DOE intelligence activities during the period from January 1, 2001 to March 31, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building

Fax (202) 586-3055

49 (2)

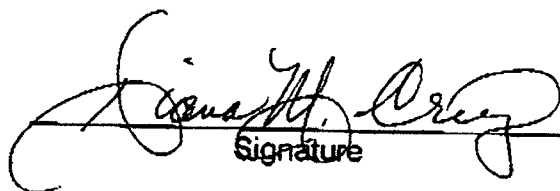
February 16, 2001

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Diana M. Cruz, Legal Assistant, ESH&ND/OCC/AL

SUBJECT: Executive Order No. 12863 Unlawful Intelligence
Activities Report for Fourth Quarter FY 2000

"To the best of my knowledge, information and belief, I am unaware of any DOE intelligence activities during the period from October 1, 2000 to December 31, 2000 that may be unlawful or contrary to Executive Order or Presidential Directive. This certification is made in the ordinary course of administrative and contractual oversight to fulfill a reporting requirement only and shall not be deemed evidence of the management, approval or oversight of any intelligence activity by the undersigned or the Albuquerque Operations Office."


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-53
Room 6A-141, Forrestal Building

Fax (202) 586-3055

(30) (P)

United States Government

Department of Energy

memorandum

Rocky Flats Field Office

DATE: 8 February 2001

REPLY TO

ATTN OF: OCC:MBR

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report for Fourth Quarter FY 2000

TO: Samuel M. Bradley
Assistant General Counsel
For International and National Security Programs

I am unaware of any DOE intelligence activities during the period from October 1, 2000 through December 31, 2000 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.



Mell Roy
Chief Counsel
Rocky Flats Field Office

memorandum

Idaho Operations Office

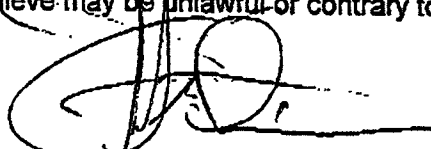
Date: February 16, 2001

Subject: Executive Order No. 12863 Unlawful Intelligence Activities Report for First Quarter FY 2001
(OCC-01-019)

To: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs
GC-3, 6A-141/FORS

(VIA FACSIMILE to Jacqueline McKissick, (202) 586-3055)

I am unaware of any DOE intelligence activities during the period from October 1, 2000 to December 31, 2000 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.



Simon S. Martin, Counsel
Office of Chief Counsel

② ②

United States Government

Department of Energy

Oak Ridge Operations Office

memorandum

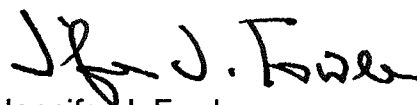
DATE: February 9, 2001

REPLY TO

ATTN OF: CC-10:Thress

SUBJECT: **EXECUTIVE ORDER NO. 12863, UNLAWFUL INTELLIGENCE ACTIVITIES
REPORT FOR FIRST QUARTER, FY 2001**TO: Samuel M. Bradley, Assistant General Counsel for International and National
Security Programs, GC-53, Headquarters, FORSTL

I am unaware of any DOE intelligence activities during the period October 1, 2000 to December 31, 2000, that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.



Jennifer J. Fowler
Chief Counsel

United States Government

Department of Energy

memorandum

53 ②

DATE: FEB - 2 2001
REPLY TO: Oakland Operations Office (OCC)
ATTN OF:
SUBJECT: Unlawful Intelligence Activities Report

TO: Samuel M. Bradley, Assistant General Counsel (GC-53)
for International and National Security Programs

This memorandum is in response to the Assistant General Counsel's request of January 31, 2001.

The DOE Oakland Operations Office has reviewed its intelligence activities and the intelligence activities of its contractors during the period October 1, 2000 through December 31, 2000, and has no reportable activities. Our negative certification is attached.

Please feel free to contact me at (510) 637-1662 if you have further questions.


Peter A. Bernard
Chief Counsel

Attachments: Negative Report dated February 2, 2001

cc: Michael Hooper, AMFNS w/attachment
✓ Jacqueline McKissick, GC-53 w/attachment



Department of Energy
Washington, DC 20585

FEB - 2 2001

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Peter A. Bernard, Chief Counsel

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Fourth Quarter FY 2000

I am unaware of any DOE intelligence activities during the period from October 1, 2000 to December 31, 2000 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-53
Room 6A-141, Forrestal Building

Fax (202) 586-3055

United States Government

Department of Energy

memorandum

SS P

DATE: FEB - 2 2001
REPLY TO: Oakland Operations Office (OCC)
ATTN OF:
SUBJECT: Unlawful Intelligence Activities Report

TO: Samuel M. Bradley, Assistant General Counsel (GC-53)
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Peter A. Bernard
Chief Counsel

Attachments: Negative Report dated February 2, 2001

cc: Michael Hooper, AMFNS w/attachment
Jacqueline McKissick, GC-53 w/attachment



Department of Energy
Washington, DC 20585

FEB - 2 2001

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Peter A. Bernard, Chief Counsel

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Fourth Quarter FY 2000

I am unaware of any DOE intelligence activities during the period from October 1, 2000 to December 31, 2000 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-53
Room 6A-141, Forrestal Building

Fax (202) 586-3055



Department of Energy
Washington, DC 20585

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Curtis W. McBride
Chief Counsel - NETL
SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Fourth Quarter FY 2000

I am unaware of any DOE intelligence activities during the period from October 1, 2000 to December 31, 2000 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

A handwritten signature in dark ink, appearing to read "Curtis W. McBride", is written over a horizontal line.

Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-53
Room 6A-141, Forrestal Building

Fax (202) 586-3055

United States Government

Department of Energy

Oak Ridge Operations Office

memorandum

(58) (2)

DATE: February 9, 2001


REPLY TO:

ATTN OF: CC-10:Thress

SUBJECT: **EXECUTIVE ORDER NO. 12863, UNLAWFUL INTELLIGENCE ACTIVITIES
REPORT FOR FIRST QUARTER, FY 2001**

TO: Samuel M. Bradley, Assistant General Counsel for International and National
Security Programs, GC-53, Headquarters, FORSTL

I am unaware of any DOE intelligence activities during the period October 1, 2000 to December 31, 2000, that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Jennifer J. Fowler
Chief Counsel



Department of Energy
Washington, DC 20585

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Clinton R. Fitts, Amarillo Area Office, Area Office Counsel

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Fourth Quarter FY 2000

I am unaware of any DOE intelligence activities during the period from October 1, 2000 to December 31, 2000 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-53
Room 6A-141, Forrestal Building

Fax (202) 586-3055

DOE

2003



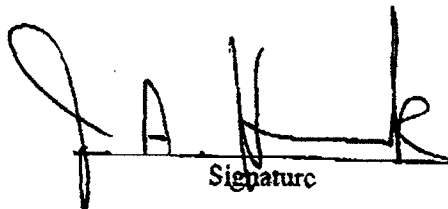
Department of Energy
Washington, DC 20585

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: John Herrick - Golden Field Office

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Fourth Quarter FY 2000

I am unaware of any DOE intelligence activities during the period from October 1, 2000 to December 31, 2000 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

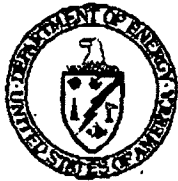
Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-53
Room 6A-141, Forrestal Building

Fax (202) 586-3055

01/31/01 WED 14:39 FAX 62235

DOE



Department of Energy
Washington, DC 20585


61 2

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: SPRPMO, NEW ORLEANS, LA

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Fourth Quarter FY 2000

I am unaware of any DOE intelligence activities during the period from October 1, 2000 to December 31, 2000 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-53
Room 6A-141, Forrestal Building

Fax (202) 586-3055



Department of Energy
Washington, DC 20585

620

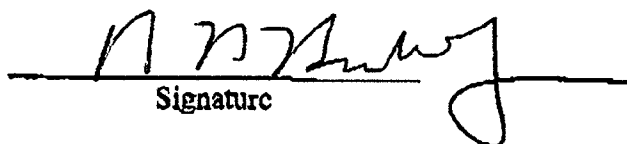
FEB - 6 2001

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Budd B. Bornhoft, Jr., Chief Counsel, DOE/NV (NNSA)

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Fourth Quarter FY 2000

I am unaware of any DOE intelligence activities during the period from October 1, 2000 to December 31, 2000 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.


Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-53
Room 6A-141, Forrestal Building

Fax (202) 586-3055

Post-it® Fax Note	7671	Date	2/6/01	# of pages	1
To	Jacqueline McKissick	From	Budd Bornhoft		
CC/Dept	DOE/HA, GC-53	Co.	CC, DOE/NV		
Phone #	(202) 586 - 0806	Phone #	(702) 295 - 3581		
Fax #	(202) 586 - 3055	Fax #	(702) 295 - 1067		

United States Government

Department of Energy (DOE)

Memorandum

Savannah River Operations Office (SR)

63 (P)

DATE: FEB 01 2001

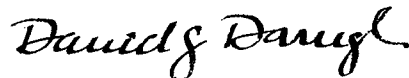
REPLY TO

ATTN OF: OCC (Darugh/5-1813)

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report for the period of July 1, 2000, through September 30, 2000

TO: Samuel M. Bradley, Assistant General Counsel for International and National Security Programs

I am unaware of any DOE intelligence activities during the period from October 1, 2000, through December 31, 2000, that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.



David G. Darugh
Chief Counsel



Department of Energy
Washington, DC 20585

69 12

2-5-01

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM:

J.S. Carey Jr., Pittsburgh Naval Reactors Office

SUBJECT:

Executive Order No. 12863 Unlawful Intelligence Activities Report
for Fourth Quarter FY 2000

I am unaware of any DOE intelligence activities during the period from October 1, 2000 to December 31, 2000 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-53
Room 6A-141, Forrestal Building

Fax (202) 586-3055

OPTIONAL FORM 39 (7-90)

FAX TRANSMITTAL

of pages 1

To <u>Jacqueline McKissick</u>	From <u>J.S. Carey Jr.</u>
Dept./Agency <u>DOE - GC-53</u>	Phone # <u>412-476-7202</u>
Fax # <u>202-586-3055</u>	Fax # <u>412-476-7310</u>

NSN 7540-01-317-7388

5099-101

GENERAL SERVICES ADMINISTRATION

TOTAL P.01

**Department of Energy**
Washington, DC 20585

February 1, 2001

MEMORANDUM FOR Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: Schenectady Naval Reactors Office

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Fourth Quarter FY 2000

I am unaware of any DOE intelligence activities during the period from October 1, 2000 to December 31, 2000 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

Signature

Henry J. Van Dyke
Chief Counsel

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-53
Room 6A-141, Forrestal Building

Fax (202) 586-3055

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

1 of 1 pages

To	J MCKISSICK	From	HJ VAN DYKE
Dept./Agency	DOE-NA GC-53	Phone #	518-395-4227
Fax #	202-586-3055	Fax #	518-395-6390
NSN 7540-01-317-7368		5099-101 GENERAL SERVICES ADMINISTRATION	



FAX TRANSMISSION

U.S. DEPARTMENT OF ENERGY
Yucca Mountain Site Characterization Office
P.O. Box 30307
N. Las Vegas, Nevada 89036-0307

SUSAN L. RIVES, CHIEF COUNSEL
Telephone (702) 794-5519
Fax: (702) 794-5000

TO: JACQUELINE MCKISSICK

DATE: FEBRUARY 2, 2001

FAX #: (202) 586-3055

PAGES: 2 (INCLUDING COVER SHEET)

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report for
Fourth Quarter FY 2000

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.

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Department of Energy
Washington, DC 20585

MEMORANDUM FOR Samuel M. Bradley

Assistant General Counsel
for International and National Security Programs

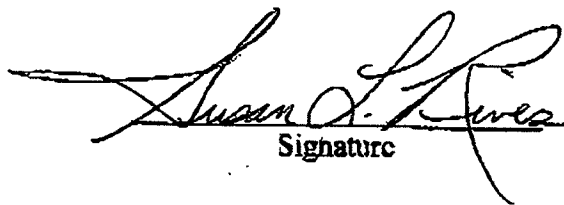
FROM:

Susan L. Rives, Chief Counsel
Yucca Mountain Site Characterization Office

SUBJECT:

Executive Order No. 12863 Unlawful Intelligence Activities Report
for Fourth Quarter FY 2000

I am unaware of any DOE intelligence activities during the period from October 1, 2000 to December 31, 2000 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.



Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-53
Room 6A-141, Forrestal Building

Fax (202) 586-3055

MEMORANDUM FOR: Samuel M. Bradley
Assistant General Counsel
for International and National Security Programs

FROM: _____

SUBJECT: Executive Order No. 12863 Unlawful Intelligence Activities Report
for Third Quarter 2001

I am unaware of any DOE intelligence activities during the period from July 1, 2001 to September 30, 2001 that I have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive.

Signature

Please return to:

Jacqueline McKissick
Office of Assistant General Counsel
for International and National Security Programs, GC-3
Room 6A-141, Forrestal Building


Fax (202) 586-3055



Department of Energy
Washington, DC 20585

October 9, 2001

MEMORANDUM FOR: Deputy General Counsel
Assistant General Counsel
Field Chief Counsel

FROM: Samuel M. Bradley 
Assistant General Counsel
for International and National Security Programs

SUBJECT: Unlawful Intelligence Activities

Executive Order No. 12863 (copy attached) requires the Department of Energy General Counsel to report to the Intelligence Oversight Board "on a quarterly basis ... concerning intelligence activities that [she has] reason to believe may be unlawful or contrary to Executive Order or Presidential Directive." If you have not already done so, please provide a written response concerning any information of which you are aware that is required to be reported under Executive Order No. 12863 for the period July 1, 2001 through September 30, 2001. Your report is due by November 9, 2001.

If you are not aware of any activity to be reported under the Executive Order, please complete and return the negative response provided with this memorandum.

Please direct your reports to Jacqueline McKissick, Office of International and National Security Programs. Any questions you have on this matter should be directed to John Gurney at (202) 586-8269. Thank you for your attention to this matter.

Attachment(s)



Department of Energy
National Nuclear Security Administration
Washington, DC 20585

May 22, 2001

Sam
② ①

MEMORANDUM FOR INSPECTOR GENERAL
 GENERAL COUNSEL

FROM: *K. Baker* KENNETH E. BAKER
 ACTING DEPUTY ADMINISTRATOR FOR
 DEFENSE NUCLEAR NONPROLIFERATION

SUBJECT: REPORT TO THE INTELLIGENCE OVERSIGHT BOARD
 2ND QUARTER, FY 2001

The Office of Defense Nuclear Nonproliferation is unaware of any intelligence activities conducted by this organization during the period from January 1, 2001, through March 31, 2001, that may be unlawful or contrary to Executive Order, Presidential Directive, or Department of Energy guidelines or implementing procedures.

cc: Executive Staff Director, Immediate Office of the Administrator
 National Nuclear Security Administration
 General Counsel, Office of NNSA General Counsel
 Director, Office of Intelligence
 MA-75





Department of Energy
Washington, DC 20585

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September 17, 2001

The Honorable Warren B. Rudman
Acting Chairman
Intelligence Oversight Board
The White House
Room 340, Old Executive Office Building
Washington, D.C. 20500

Dear Chairman Rudman:

This letter is my report pursuant to Executive Order No. 12863, entitled "President's Foreign Intelligence Advisory Board."

After conferring with the Department's Deputy and Assistant General Counsel and Field Counsel, I am unaware of any Department of Energy intelligence activities that were, or may have been, unlawful or contrary to Executive Order or Presidential Directive during the period April 1, 2001, through June 30, 2001.

I understand that, in accordance with a December 11, 1992, memorandum from the Intelligence Oversight Board, the Board intends to exercise control over all copies of this report, including copies maintained in agency files, and does not consider this report to be an agency record.

If this office can provide further assistance, please contact me at 586-5281.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee Liberman Otis", is positioned above the typed name.

Lee Liberman Otis
General Counsel

Lee Liberman Otis
General Counsel

[illegible]



Department of Energy
Washington, DC 20585

September 14, 2001

MEMORANDUM FOR: Lee Liberman Otis *LL*
General Counsel

THRU: William J. Dennison *WD*
Acting Deputy General Counsel for Environment and
Nuclear Programs

FROM: Samuel M. Bradley *SM Bradley*
Assistant General Counsel for International and National Security
Programs

SUBJECT: Quarterly Intelligence Activities Report Required by Executive
Order No. 12863

Attached is a draft quarterly report to the Intelligence Oversight Board (IOB) for activities occurring during the period April 1, 2001, through June 30, 2001. Based upon my personal knowledge and the quarterly reports received from Assistant General Counsel and Field Counsel, I am not aware of any Department of Energy intelligence activities, including activities performed for other agencies, that are, or may have been, unlawful or contrary to Executive Order or Presidential Directive that occurred during this period.

The IOB requires submission of this report by September 30, 2001, the end of the quarter following the quarter the report covers. Also attached is a copy of your report for the period January 1, 2001, through March 31, 2001.

Attachments



Department of Energy

Washington, DC 20585

June 12, 2001

The Honorable Warren B. Rudman
Acting Chairman
Intelligence Oversight Board
The White House
Room 340, Old Executive Office Building
Washington, D.C. 20500

Dear Chairman Rudman:

This letter is my report pursuant to Executive Order No. 12863, entitled "President's Foreign Intelligence Advisory Board."

After conferring with the Department's Deputy and Assistant General Counsel and Field Counsel, I am unaware of any Department of Energy intelligence activities that were, or may have been, unlawful or contrary to Executive Order or Presidential Directive during the period January 1, 2001, through March 31, 2001.

I understand that, in accordance with a December 11, 1992, memorandum from the Intelligence Oversight Board, the Board intends to exercise control over all copies of this report, including copies maintained in agency files, and does not consider this report to be an agency record.

If this office can provide further assistance, please contact me at 586-5281.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee Liberman Otis", is written above the typed name.

Lee Liberman Otis
General Counsel



Printed with soy ink on recycled paper