



Department of Energy

Washington, DC 20585

May 1, 2001

Ms. Sharon Buccino
Senior Attorney
Natural Resources Defense Council
1200 New York Avenue, N.W. Suite 400
Washington, DC 20005

Re: Freedom of Information Act Request F2001-00252

Dear Ms. Buccino:

This is in further response to the request for information that you sent the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. 552. You asked for records that relate to the DOE's participation in the Energy Task Force (Task Force) chaired by Vice President Cheney.

At this time, the request has been sent to several programs offices at DOE to determine if they have responsive documents. The Office of Policy (PO) has informed us that they have documents responsive to the request. They also have informed us that since this is a new endeavor for the DOE, the bulk of the documents in PO consist of drafts. These documents are considered to be pre-decisional in nature and would most likely be exempt from disclosure pursuant to the FOIA.

In your letter you requested a waiver of the fees associated with the processing of the request. For purposes of assessment of fees, you have been categorized under the DOE regulation implementing the FOIA at Title 10, Code of Federal Regulations, Section 1004.9(b)(4), as an "other" requester. In this category, you are entitled to two free hours of search time and 100 free pages of duplication at no cost.

In evaluating your request for a waiver of fees, we have determined that there is a public interest in the information you have requested and that you are able to disseminate and interpret information in a way that the public would benefit. However, a waiver of fees is appropriate only for the costs to process information that may be released and therefore of some public benefit.

The PO has stated that only a small number of documents may be released at this time. The remainder of the responsive document are considered to be pre-decisional in nature and exempt from disclosure. Thus, only minimal information with any informative value that can contribute



to a greater public understanding of the issues in question will be made available. For this reason, it is not in the public's interest to waive the costs incurred by the agency to process this part of the request. The processing of this portion will not result in an enhanced public understanding because exempt information will not be made available.

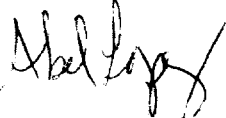
For your information, it is likely that responsive documents from other offices that may exist also will be pre-decisional documents that are exempt from disclosure. If you would like the Department to proceed with the search for records that may be exempt from disclosure, you should provide an assurance to pay any fees associated with the processing of these documents by the various offices at the Department.

Please provide to Ms. Adrienne Martin of my staff your assurance to pay fees by May 16, 2001. If we do not hear by that date, no action will be taken on your request.

The above-referenced number has been assigned to your request and you should refer to it in correspondence with the DOE about this matter. If you have any questions regarding the processing of the request or if you would like to reformulate the request, please contact Ms. Martin on (202) 586-1653.

I appreciate the opportunity to assist you.

Sincerely,

A handwritten signature in black ink, appearing to read "Abel Lopez", with a stylized flourish at the end.

Abel Lopez, Director
FOIA/Privacy Act Division
Office of the Executive Secretariat



Department of Energy

Washington, DC 20585

April 30, 2001

F2001-00252

Sharon Buccino
Natural Resources Defense Counsel
1200 New York Ave., NW, Suite 400
Washington, DC 20005

Re: Records relating to DOE's participation in the Energy Task Force chaired by Vice President Cheney

Dear Ms. Buccino:

Thank you for the request for information that you made to the Department of Energy under the Freedom of Information Act (FOIA), 5 U.S.C. 552. Your letter was received in this office today, and has been assigned a controlled number, F2001-00252. Since we receive several hundred requests a year, please use this number in any correspondence with the Department concerning your request.

We are reviewing your letter to determine if it addresses all of the criteria of a proper request under the FOIA and the Department's regulation that implements the FOIA at Title 10, Code of Federal Regulations, Part 1004. We will send you a subsequent letter informing you if we need additional information or stating where the request has been assigned to conduct a search for responsive documents.

I appreciate the opportunity to assist you with this matter. If you have any questions about this letter, please contact this office on (202) 586-6025.

Sincerely,

A handwritten signature in black ink that reads "Abel Lopez".

Abel Lopez
FOIA/Privacy Act Division
Office of the Executive Secretariat

