FOIA-2009-000298

Department of Energy
Washington, DC 20585

May 22, 2009

Dr. Joseph L. Alvarez

Re: Freedom of Information Act Request FOIA-2009-000298

Dear Dr. Alvarez:

This is in response to the request for information that you submitted to the Department of Energy (DOE) pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552, in which you asked for the DOE response to Mayor Gayle McLaughlin of the city of Richmond, CA concerning Zeneca-Stauffer property.

The Office of Legacy Management (LM) performed a search of all available records but was unable to locate any documents responsive to your request. Our communications with the DOE LM Office of Site Operations determined that a response to Mayor McLaughlin's letter dated March 12, 2008 has not been executed.

The FOIA provides for the assessment of fees for the processing of requests of documents. See 5 U.S.C. § 552(a)(4)(A)(i); *see also* 10 C.F.R. § 1004.9(a). According to allowable FOIA processing fees, and in accordance with Alexander C. Morris' April 29, 2009 letter, there will be no charge for our search.

You may challenge the adequacy of this search for responsive documents by submitting a written appeal to the Director, Office of Hearings and Appeals, HG-l/L'Enfant Plaza Building, U.S. Department of Energy, 1000 Independence Avenue. SW, Washington, DC 20585-1615. You should submit the appeal within 30 calendar days of receipt of this determination.

The written appeal, including the envelope, must clearly indicate that a Freedom of Information Act appeal is being made. The appeal must contain all the elements required by 10 C.F.R. § 1004.8 to the extent applicable. Judicial review will thereafter be available to you (1) in the District of Columbia, (2) in the district where you reside, (3) in the district where you have your principal place of business, or (4) in the district where the DOE records are located.

We sincerely regret the delay in this response and any inconvenience that this delay has caused.
I appreciate the opportunity to assist you. If you have any questions, please contact me at (304) 285-0937.

Sincerely,

John V. Montgomery
Freedom of Information Officer
Office of Legacy Management

cc: Kevin T. Hagerty, Director
Office of Information Resources

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