



Department of Energy

Oak Ridge Office
P.O. Box 2001
Oak Ridge, Tennessee 37831 —

June 30, 2008

Gary S. Vander Boegh
7660 Old Hinkleville Road
West Paducah, KY 42086

Dear Mr. Vander Boegh:

FREEDOM OF INFORMATION ACT (FOIA) REQUEST 08-211; F2008-000370

This letter completes our response to your request for “copies of all employee grievances filed against Union Carbide by former employee Mr. Alford Puckett, during his employment at the Paducah Gaseous Diffusion Plant.” Your request was made to the Department of Energy (DOE) FOIA-Central@hq.doe.gov under the FOIA at 5 U.S.C. § 552 and transferred to the Oak Ridge Office (ORO) for further processing. We received your request June 24, 2008, and assigned a controlled number 08-211. For easy reference, a copy of your request is enclosed.

A search was completed of the files of the Oak Ridge Office for any information on Mr. Puckett. However, no agency record could be located in the database or paper files regarding grievances filed by Mr. Puckett against Union Carbide. Our search did not extend to files which are the property of our contractors. According to the ownership of records clauses in DOE contracts with these companies during the time period that Union Carbide managed and operated the Paducah Gaseous Diffusion Plant 1977 through 1984, and its successors Martin Marietta and Lockheed Martin from 1984 until 1993, employee complaints, grievances and other internal employee matters are the property of the contractor and not DOE. Therefore any records of grievances against Union Carbide by Alford Puckett are not agency records subject to FOIA. DOE does not have possession of the information you are seeking.

DOE regulations at 10 CFR 1004.8 provide that the adequacy of the search may be appealed by writing to the Director, Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585, within thirty (30) days of your receipt of this letter. Please include a copy of your original request and this determination letter. Both the envelope and the letter must be clearly marked “Freedom of Information Appeal.” Thereafter, judicial review will be available to you in the federal district court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where the Department’s records are situated, or (4) in the District of Columbia.

Sincerely,

A handwritten signature in cursive script that reads "Amy L. Rothrock".

Amy L. Rothrock
Authorizing Official

Enclosure

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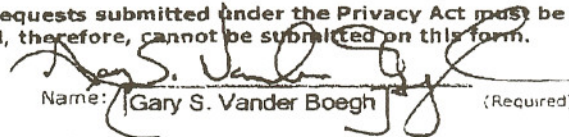
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DOE Headquarters FOIA Request Form*

To make an Electronic FOIA (E-FOIA) request, please provide the information below. Failure to enter accurate and complete information may render your FOIA request impossible to fulfill.

*** Requests submitted under the Privacy Act must be signed and, therefore, cannot be submitted on this form.**



Name: Gary S. Vander Boegh (Required)

Organization: CES, LLC

Address: 7660 Old Hinkleville Road
West Paducah, Kentucky 42086

(Required)

Phone: (270) 744-3684

FAX: (270) 908-0194

Email: gvandy@comcast.net

Reasonably Describe Records

Describe the specific record (s) you seek with sufficient detail that a knowledgeable official of the activity may locate the record with a reasonable amount of effort. Such detail should include: dates, titles, file designations, and offices to be searched.

Since most DOE records are not retained permanently, the more information that you provide, the better the opportunity there is to determine if the records involved still exist and where. The FOIA clearly states that records must exist at the time the request is submitted.

Enter description:

6/21/08

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