

Federal Election Commission  
999 E Street N.W.  
Washington, DC 20463

Re: Response to RFAI, Disaffiliation from Westinghouse Electric Co. PAC

Dear Commissioners:

This letter is in response to the Federal Election Commission's ("FEC") Request for Additional Information regarding an apparent excessive contribution made by EnergySolutions Political Action Committee ("PAC"), Committee ID No. C00339291, to Senator Lindsay Graham's primary campaign committee. The PAC requested a contribution refund of \$1,000 from the Lindsay Graham for Senate Committee's primary account on March 7, 2007. The PAC will mail the Commission a copy of the refund check as soon as it is received. For the following reasons, this contribution refund places the PAC within the federal contribution limits.

Energy Solutions acquired a company, BNG, whose PAC had previously been affiliated with the Westinghouse Electric Company PAC (Westinghouse PAC). Both BNG and Westinghouse Electric Co. were owned by the same parent organization; thus requiring their PACs to be affiliated. EnergySolutions acquired BNG on January 27, 2006. From that date forward, BNG was no longer owned by the same parent organization as Westinghouse Electric. Since the two companies were not commonly maintained, financed or controlled, their PACs were no longer affiliated. See AOs 2000-36, 2000-28, 1999-39, 1996-50, 1996-42 and 1996-23. EnergySolutions PAC and Westinghouse PAC were never affiliated with one another.

However, when corporate PACs become disaffiliated, they must take into account the contributions made prior to disaffiliation. According to FEC guidelines, to determine the amount that each PAC may contribute to a candidate after disaffiliation, the PACs must add the amounts given by both PACs before disaffiliation and attribute that sum to the individual PACs per-election contribution limit for that same candidate. Therefore, when Westinghouse PAC and BNG PAC became disaffiliated on January 27, 2006, they were required to add all previous contributions made by each PAC to Senator Graham's campaign and subtract that from their per-election contribution limits to the campaign. According to FEC records, Westinghouse PAC contributed \$1,000 to Senator Graham's primary election campaign account on 10/24/2003. Although other contributions were made to Senator Graham's campaign by BNG PAC and Westinghouse PAC before their disaffiliation in 2006, all of these contributions were refunded by the campaign and therefore do not count against the contribution limits for the PACs.

Therefore, as of the date of their disaffiliation, January 27, 2006, BNG PAC and Westinghouse PAC were both required to subtract the \$1,000 contribution made to Senator Graham in 2003 from their overall limits for the Senator's 2008 primary election. This mean as of the date of their disaffiliation, both BNG PAC and Westinghouse PAC could each contribute up to \$4,000 more to Senator Graham's primary 2008 election account.

When EnergySolutions acquired BNG, the companies' PACs became affiliated. According to FEC guidelines, newly affiliated PACs must take into account the contribution history of all of their formerly affiliated and newly affiliated PACs. See AO 1997-25. Therefore, EnergySolutions PAC was required to subtract the \$1,000 contribution made to Senator Graham by Westinghouse PAC in 2003 from the PAC's overall contribution limit to the Senator's 2008 primary election campaign. Unfortunately, EnergySolutions was unaware of this 2003 contribution, and made a \$5,000 contribution to Senator Graham's primary election account on 12/7/2006. Because of the 2003 contribution by Westinghouse PAC, this \$1,000 contribution equaled a cumulative \$6,000 for the primary election. Accordingly, EnergySolutions PAC has requested and received a \$1,000 refund from Senator Graham's primary election campaign. This refund confirms that EnergySolutions PAC is within the permissible campaign contribution limits to Senator Graham's campaign.

The contributions made by Westinghouse PAC after January 27, 2006 do not affect EnergySolutions PAC because neither BNG

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**ETEXT ATTACHMENT**

PAC nor EnergySolutions PAC was affiliated with Westinghouse PAC after that date. Although Westinghouse PAC did not file an amended statement of organization removing BNG PAC (formerly BNFL Inc. PAC) as an affiliated organization until 1/22/2007, these two PACs were not affiliated from January 27, 2006 forward because of EnergySolutions' purchase of BNG and the complete separation of Westinghouse Electric Co. and BNG.

Respectfully,

Timothy L. Barney  
EnergySolutions, LLC PAC Treasurer

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