

Warren-Briggs, Sharon - CTAC

From: Randy Menuey [REDACTED]
Sent: Monday, August 31, 2009 7:43 PM
To: FoiaLiaison
Subject: Re: EFOIA Request

I have tried 2 different times to get a FIOA request and the electronic system will not send the attachment for the request. I have been trying to get the Navarro contract and RFP and also any pretaining documents to Navarro. Please send this as soon as possible, I am willing to pay \$25.00 for this information. I have also tried to send the webmaster at wipp an email to report problems and that email was sent back to me as spam or a firewall issue. Please see if the issue of the email being rejected can be resolved.

On Aug 31, 2009, at 6:47 AM, FoiaLiaison wrote:

- > Mr. Menuey,
- > The Carlsbad Field Office received your Freedom of Information Act
- > (FOIA) request today but, there was no request attached to your e-
- > mail. Would you please, re-submit your FOIA request again.
- > Thank you
- >
- > Sharon Warren-Briggs
- > CTAC Environmental & Regulatory Program Navarro Research and
- > Engineering, Inc.
- > 4021 National Parks Highway, Mail Stop: GSA-215 Carlsbad, NM 88220
- > Work phone: 575-234-7406
- >
- > -----Original Message-----
- > From: Randy Menuey [REDACTED]
- > Sent: Thursday, August 27, 2009 7:36 PM
- > To: FoiaLiaison
- > Subject: EFOIA Request
- >
- >
- >



Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221
September 3, 2009

CERTIFIED MAIL-RETURN RECEIPT

Mr. Randy Menuey

████████████████████
Carlsbad, NM 88220

Subject: Freedom of Information Act (FOIA) 09-005

Dear Mr. Menuey:

This is a partial response from the Carlsbad Field Office (CBFO), regarding your September 1, 2009, Freedom of Information Act (FOIA) request for copies of the Navarro contract and RFP and other pertinent documents.

We have completed a thorough search of the Department of Energy (DOE) CBFO records and have located the pertinent documents responsive to your request. Copies are enclosed, along with a list of redactions pursuant 5 U.S.C. Section 552(b)(4) (FOIA Exemption 4) and withheld personally identifiable information.

When reviewing the Navarro Research and Engineering, Incorporated contract, you will find that some of the page numbers are not consistent. This is the result of pages being incorporated from other sources.

Exemption 4 of the FOIA protects "trade secrets and commercial or financial information obtained from a person (that is) privileged or confidential." This Exemption also affords protection to those submitters who are required to furnish commercial or financial information to the government by safeguarding them from the competitive disadvantages that could result from disclosure. The Exemption covers two broad categories of information in federal agency records: (1) trade secrets and (2) information which is (a) commercial or financial (b) obtained from a person, and (c) privileged or confidential.

DOE regulations require that we contact any firm submitting this type of information and give them the opportunity to identify proprietary financial or commercial information contained therein. Navarro Research and Engineering, Incorporated identified the redacted information as being proprietary information subject to withholding under Exemption 4. Thus, release of the information would likely cause substantial harm to the competitive position of Navarro Research and Engineering, Incorporated, as release could allow a competitor to more easily predict how Navarro Research and Engineering, Incorporated might bid in similar future solicitations and to adjust its future competitive bids accordingly. In addition, this type of information is held in the strictest confidence

Mr. Randy Menuey

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September 3, 2009

by Navarro Research and Engineering, Incorporated and not customarily released to the general public. DOE regulations provide that documents exempt from disclosure under the FOIA shall not be released unless the DOE determines that this disclosure is in the public interest. However, we do not make the usual public interest inquiry in Exemption 4 cases because disclosure of confidential or proprietary data under this Exemption is prohibited under 18 U.S.C. Section 1905 of the Trade Secrets Act.

Signatures have been deleted under Office of Management Budget (OMB) M-06-15, "Safeguarding Personally Identifiable Information".

Pursuant to 10 CFR 1004.7(b)(2), I am the denying official responsible for approval of the above redactions. Any appeal must be made in writing within 30 calendar days after receipt of this letter. The appeal should be addressed to the Director, Office of Hearings and Appeals, HG-1, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, D.C. 20585. The appeal must contain a concise statement of the grounds for the appeal and a description of the relief sought. Please submit a copy of this letter with the appeal and clearly mark both the envelope and letter "Freedom of Information Appeal". Thereafter, judicial review will be available to you in the District of Columbia, or in the district where you reside; where you have your principal place of business; or where the Department's records are situated.

We have determined that there is no cost for processing this partial FOIA request.

If you have any questions or need additional assistance regarding this FOIA request, please contact Ms. Sharon Warren-Briggs, FOIA contact person, at (505) 234-7406 or sharon.warren.briggs@wipp.ws. Please refer to FOIA 09-005 in any correspondence regarding your request.

Sincerely,



Vernon Daub
Freedom of Information Public Liaison
Denying Official

Enclosures

cc w/o enclosures:
FOIA File 09-005
CBFO M&RC



Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221
September 30, 2009

CERTIFIED MAIL-RETURN RECEIPT

Mr. Randy Menuey
[REDACTED]

Carlsbad, NM 88220

Subject: Freedom of Information Act (FOIA) 09-005

Dear Mr. Menuey:

This is a final response from the Carlsbad Field Office (CBFO), regarding your September 1, 2009, Freedom of Information Act (FOIA) asking for copies of the Navarro contract, the RFQ and any pertaining documents.

The enclosure includes redactions and the reasons for those redactions pursuant to 5 U.S.C. Section 552(b)(4) (FOIA Exemption 4).

Exemption 4 of the FOIA protects "trade secrets and commercial or financial information obtained from a person (that is) privileged or confidential." The exemption affords protection to those submitters who are required to furnish commercial or financial information to the government by safeguarding them from the competitive disadvantages that could result from disclosure. The redacted information shown in the enclosure, if released, would likely cause substantial harm to the competitive and financial position of Navarro Research and Engineering, Inc. For example, release of the information could allow a competitor to more easily predict how Navarro Research and Engineering, Inc., might bid in similar future solicitations and to adjust its future competitive bids accordingly.

Pursuant to 10 CFR 1004.7(b)(2), I am the denying official responsible for approval of the above redactions. You may appeal my withholding of information under Exemption 4 and 6 pursuant to 10 CFR 1004.8. Any appeal must be made in writing within 30 calendar days after receipt of this letter. The appeal should be addressed to the Director, Office of Hearings and Appeals, HG-1, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, D.C. 20585. Your appeal must contain a concise statement of the grounds for the appeal and a description of the relief sought. Please submit a copy of this letter with the appeal and clearly mark both the envelope and the letter "Freedom of Information Appeal." Thereafter, judicial review will be available to you in either the District of Columbia, or the district where you reside or where you have your principal place of business or where the Department's records are situated.

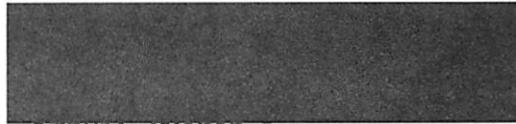
No fees will be charged to you in association with the processing of this FOIA request.

Mr. Randy Menuey

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If you have any questions or need additional assistance regarding this FOIA request, please contact Ms. Sharon Warren-Briggs, FOIA contact person, at (575) 234-7406 or sharon.warren.briggs@wipp.ws. Please refer to FOIA 09-005 in any correspondence regarding your request.

Sincerely,



Arthur L. Welton
Alternate Freedom of Information Public
Liaison
Denying Official

Enclosures

cc:
CBFO M&RC
File: FOIA 09-005