

EF0IA Request

From: Randy Menuey [REDACTED]
Sent: Thursday, October 01, 2009 8:52 PM
To: Warren-Briggs, Sharon - CTAC
Subject: EF0IA Request

I am requesting the transportation contracts i am willing to pay \$25.00 for this information.

Please send to

[REDACTED]
Carlsbad, New Mexico 88220



Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221
October 6, 2009

CERTIFIED MAIL-RETURN RECEIPT

Mr. Randy Menuey
[REDACTED]

Carlsbad, NM 88220

Subject: Freedom of Information Act (FOIA) 09-010

Dear Mr. Menuey:

The Carlsbad Field Office has received your October 1, 2009 Freedom of Information Act (FOIA) request, asking for the transportation contracts.

Your request has been assigned control number FOIA 09-010 for tracking purposes. We expect to be able to respond to your request within the 20 days as mandated by law. We estimate we can provide our response by 26th of October, 2009.

If you have any questions or need additional assistance regarding this FOIA request please contact Ms. Sharon Warren-Briggs, contact person, at (575) 234-7406 or sharon.warren.briggs@wipp.ws. Please refer to FOIA 09-010 in any correspondence regarding this request.

Sincerely,



Arthur L. Welton
Alternate Freedom of Information Act Public Liaison

Enclosure

CBFO M&RC
File: FOIA 09-010



Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221
October 29, 2009

CERTIFIED MAIL-RETURN RECEIPT

Mr. Randy Menuey

Carlsbad, NM 88220

Subject: Freedom of Information Act 09-010

Dear Mr. Menuey:

This is a final release of documents in response to your October 1, 2009, Freedom of Information Act (FOIA) request. You requested the following: The Waste Isolation Pilot Plant (WIPP) transportation contracts.

We have completed a thorough search of the Department of Energy (DOE) Carlsbad Field Office (CBFO) records and have located the pertinent documents responsive to your request. Copies are enclosed, along with a list of redactions pursuant to 5 U.S.C. Section 552(b)(4) and (b)(6) (Exemptions 4 and 6 of the FOIA) and withheld personally identifiable information.

When reviewing the Visionary Solutions, LLC, and CAST Specialty Transportation Incorporated contracts, 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 is intended to protect the interest of both the government and submitters of information. The 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. Visionary Solutions, LLC, and CAST Specialty Transportation 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 Visionary Solutions, LLC, and CAST Specialty Transportation Incorporated, as release could allow a competitor to more easily predict how Visionary Solutions, LLC, and CAST Specialty Transportation 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 by Visionary Solutions, LLC, and CAST Specialty Transportation Incorporated and not customarily released to the general public.

DOE regulations provide that document exemption from disclosure under FOIA shall not be released unless the DOE determines that this disclosure is in the public interest. However, we

Mr. Randy Menuey

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October 29, 2009

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 Secret Act.

The release of information that has been redacted pursuant to Exemption 6 would constitute a clearly unwarranted invasion of personal privacy. In making this determination, the public interest in disclosure must be balanced against the privacy interest that would be invaded by disclosure of the record. Since the substance of the document remains and the release of the redacted information would not reveal anything of significance to the public, the interest in protecting the individual against the invasion of privacy far outweighs the public interest in such disclosure.

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 Hearing 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 are no costs for processing your FOIA request, as fees are not charged where they would amount to \$15.00 or less.

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 09-010 in any correspondence regarding this request.

Sincerely,



Vernon Daub
Freedom of Information Act Public Liaison
Denying Official

Enclosures

cc: w/o enclosures
FOIA File 09-010
CBFO M&RC