

7/30/2010

Carolyn Becknell
DEPARTMENT OF ENERGY (FOIA)
Albuquerque Operations Office
PO Box 5400
Albuquerque, NM 87185-5400

Reference: Solicitation #DEAC0401AL66444M0146, awarded to Washington TRU Solutions (WTS), LLC

Dear Ms. Becknell:

In accordance with the Freedom of Information Act (FOIA), I would like to request documents related to the above referenced item. Specifically, please provide:

- A clearly releasable copy of the basic awarded contract, including the statement of work

The Contracting CO is Tamara Miles at [REDACTED]

It is my desire to have you provide copies with the understanding that I will pay reasonable reproduction, search and review costs. Please contact me first for approval if fees exceed \$100. I would prefer to receive the documents electronically if they are available in that format.

Thank you for your assistance. If you have any questions, please call me at [REDACTED] or e-mail me at johnsone@fedsources.com. I can also be reached by FAX at [REDACTED]

Sincerely,

[REDACTED]

Cheyenne Johnson
FOIA Analyst



Department of Energy

Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221
September 8, 2010

CERTIFIED MAIL-RETURN RECEIPT

Fed Sources
A Washington Management Group Company
Attention: Ms. Cheyenne Johnson
8400 Westpark Drive
4th Floor
McLean, VA 22102

Subject: Freedom of Information Act (10-011)

Dear Ms. Johnson:

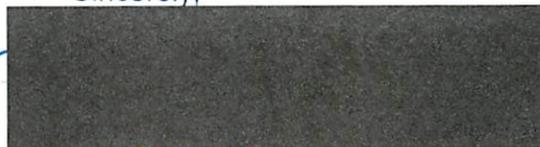
This office has received your July 30, 2010, Freedom of Information Act (FOIA) request transferred from the Department of Energy National Nuclear Security Administration (NNSA) to the Department of Energy Carlsbad Field Office (CBFO) on September 7, 2010, requesting a clearly releasable copy of the Washington TRU Solutions (WTS) LLC #DE-AC04-AL66444 basic awarded contract, including the statement of work.

We are now in the process of identifying records in our custody which contain information covered by your request. We are affording the submitter(s) of the records the opportunity to object to disclosure. If any objections are made, we will consider them in making our independent determination on release of the request.

For tracking purposes, we have assigned the control number FOIA 10-011 to your request. Since the CBFO receives numerous requests each year, please use this number in any future correspondence with the CBFO concerning your request.

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

Sincerely,



David Garcia
Alternate Freedom of Information Act Public Liaison

cc: w/enclosure
FOIA File 10-011
CBFO M&RC



Department of Energy

Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221
September 14, 2010

CERTIFIED MAIL-RETURN RECEIPT

Fed Sources
A Washington Management Group Company
Attention: Ms. Cheyenne Johnson
8400 Westpark Drive
4th Floor
McLean, VA 22102

RE: Freedom of Information Act 010-011

Dear Ms. Johnson:

This is a final response from the Carlsbad Field Office (CBFO), regarding your July 30, 2010, Freedom of Information Act (FOIA) request (FOIA 10-00276) which was transferred from U.S. Department of Energy National Nuclear Security Administration to CBFO on September 7, 2010, and was assigned control number FOIA 10-011 for tracking purposes. You are requesting clearly releasable copy of the Washington TRU Solutions (WTS) LLC #DE-AC04-AL66444 basic awarded contract, including the statement of work.

The Carlsbad Field Office has located the pertinent document responsive to your request which is located on our web site at <http://www.wipp.energy.gov/library/foia/Contracts.htm>, and has been redacted pursuant to 5 U.S.C. Section 552(b)(4) (Exemption 4 of the FOIA).

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 interests 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. Washington TRU Solutions, LLC has identified the redacted information as being proprietary information subject to withholding under Exemption 4.

The redacted information shown in the enclosure, if released, would likely cause substantial harm to the competitive and financial position of Washington TRU Solutions, LLC. Release could allow a competitor to more easily predict how Washington TRU Solutions, LLC, 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 Washington TRU Solutions, LLC and is 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 such 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. In this case, because the redacted information falls under Exemption 4, we are prohibited by the Trade Secrets Act from considering whether it is nonetheless in the public interest to disclose the information.

The detailed description of the redactions is attached to this letter.

Pursuant to 10 CFR §1004.7(b)(2), I am the Denying Officer responsible for approval of the redactions. You may appeal my withholding of information under Exemption 4 pursuant to 10 CFR Part 1004.8 in writing within 30 calendar days after receipt of this letter. Any 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. A copy of this letter must be submitted with the appeal. The envelope and the letter must be marked "Freedom of Information Appeal." Thereafter, a judicial review will be made 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 pertinent records are maintained.

There are no charges to you for processing your FOIA request.

If you have any questions or need additional assistance regarding this FOIA request, please contact Ms. Sharon Warren-Briggs, FOA contact person, at (575) 234-7406 or sharon.warren.briggs@wipp.wsi

Sincerely,



George W. Hellstrom
Freedom of Information Act Public Liaison
Denying Official

cc: w/enclosure
FOIA File 10-011
CBFO M&RC