



**Department of Energy**  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

April 5, 2012

CERTIFIED MAIL

Mr. Evan Kaufman  
Robbins, Geller, Rudman LLP  
58 South Service Road, Suite 200  
Melville, New York 11747

Dear Mr. Kaufman:

FREEDOM OF INFORMATION ACT REQUEST (FOI 2012-00869)

You requested, pursuant to the Freedom of Information Act (FOIA), the following information:

1. "All contracts concerning programs with Lockheed Martin Corporation in effect during the period of January 1, 2009 to December 31, 2009 (the "Relevant Time Period")."
2. "All documents, including correspondence, concerning Lockheed Martin's performance on any contracts during the Relevant Time Period. All documents, including correspondence, concerning Lockheed Martin's failure to perform adequately on any contracts during the Relevant Time Period."
3. "All documents, including correspondence, concerning award fees potentially payable to Lockheed Martin for any contracts, including the criteria for award fees, the amount of award fees earned, any reductions in award fees or the elimination of award fees during the Relevant Time Period."
4. "All documents, including correspondence, concerning a protest to any Lockheed Martin contract in effect during the Relevant Time Period by L-3 Communications, including, without limitation, the protest, the opinion on the protest, and any delays in the project and payments for the project due to the protest."

We have interpreted your request for documents pertaining to Lockheed Martin Services, Inc. According to the U.S. Department of Energy's (DOE) contract with Mission Support Alliance (MSA), records relating to any procurement action by the Contractor are the property of the Contractor, with the exception of records that under 48 CFR 970.5232-3, Accounts, Records, and Inspections, are described as the property of the Government. The documents you have requested relate to a subcontract awarded by MSA to Lockheed Martin Services, Inc. Accordingly, the documents do not fall under 48 CFR 970.5232-3 and are not subject to the provisions of the FOIA.

We have conducted a thorough search for any records in the possession of the Government and the predecessor prime contractor, Fluor Hanford Inc., and were unable to locate any. This search was conducted by those within the agency who are most familiar with the subject matter of your request, in locations where documents would most likely be found.

