



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

March 19, 2012

CERTIFIED MAIL

Mr. David Whedbee
MacDonald Hoague & Bayless
705 Second Avenue, Suite 1500
Seattle, Washington 98104-1745

Dear Mr. Whedbee:

FREEDOM OF INFORMATION ACT REQUEST (FOI 2012-00873)

Your Freedom of Information Act (FOIA) request dated February 22, 2012, was received in this office on March 8, 2012. In that letter you requested the following information as stated below:

1. Any and all documents setting forth and/or memorializing the Small Business Subcontracting Plan submitted by Washington Closure, LLC (WCH) pertaining to U.S. Department of Energy (DOE) Contract DE-AC06-05RL14655 and which identify and/or mention ELR Consulting, Inc.
2. Any and all documents presented by WCH to DOE which document and/or demonstrate compliance with Part 1, Sections H-27 and H-28 of DOE Contract DE-AC06-05RL14655 and which identify and/or mention ELR Consulting, Inc.
3. Any and all documents presented by WCH to DOE which represent that Washington Closure LLC met any or all of the subcontracting goals for each of the milestone periods set forth in Part I, Section H-28 of DOE Contract DE-AC06-05RL14655 and which identify and/or mention ELR Consulting, Inc.
4. Any and all documents which state and/or set forth and/or memorialize whether the Contracting Officer reduced the final fee amount for any failure to meet subcontracting goals at any milestone described in Part 1, Section H-28 of DOE Contract DE-AC06-05RL14655.
5. Any and all documents that set forth in summary form the amount of money paid by the United States of America and/or the DOE to WCH under and/or pursuant to DOE Contract DE-AC06-05RL 14655 in each year from 2004 to the present.

We have conducted a thorough search and the enclosed document has been deemed responsive to item 5 of your request. On page 4 of this document we have deleted the bank account number and the bank routing number pursuant to Exemption 4 of the FOIA.

Exemption 4 protects "trade secrets and commercial or financial information obtained from a person and privileged or confidential." Information that is required to be submitted by a person is "confidential" for purposes of Exemption 4 if disclosure is likely to either (1) impair the Government's ability to obtain reliable and high quality necessary information in the future; or (2) cause substantial harm to the competitive position of the person from whom the information is obtained.

The information redacted under Exemption 4 is "commercial" or "financial" information because it relates to business activities. The company, WCH, that submitted this information is considered to be a "person" for purposes of Exemption 4 and this information was required to be submitted to the government.

We have conducted a thorough search for documents responsive to the remaining items of your request 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.

All releasable information in the documents has been segregated and is being provided to you. The undersigned individual is responsible for this determination. You have the right to appeal to the Office of Hearings and Appeals, as provided in 10 CFR 1004.8, for any information denied to you in this letter or for the adequacy of our search. Any such appeal shall be made in writing to the following address: Director, Office of Hearings and Appeals (HG-1), U.S. Department of Energy, L'Enfant Plaza Building, 1000 Independence Avenue SW, Washington, D.C. 20585-1615, and shall be filed within 30 days after receipt of this letter. Should you choose to appeal, please provide this office with a copy of your letter.

Costs associated with this request are as follows:

Reproduction - 18 pages @ 0.05/page	\$.90
Search time - 1 hour @ \$39.56/hour		39.56
Search time - .5 hours @ \$41.71/hour		20.86
Review time - .5 hour @ \$41.71/hour		<u>20.86</u>
	Total \$	82.18

Your check should be made payable to the U.S. Department of Energy and forwarded to my attention at DOE, P.O. Box 550, Richland, Washington, 99352

Mr. David Whedbee

-3-

March 19, 2012

This letter completes our response to your request. If you have any questions regarding this matter, please contact me at our address above or on (509) 376-6288.

Sincerely,



Dorothy Riehl
Freedom of Information Act Officer
Office of Communications
and External Affairs

OCE:DCR

Enclosure