



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

Ms. Julia Longenecker
Confederated Tribes of the
Umatilla Indian Reservation
3100 George Washington Way
Richland, Washington 99352

FEB 02 2009

Dear Ms. Longenecker:

FREEDOM OF INFORMATION ACT REQUEST (FOI 2009-0017)

You requested, pursuant to the Freedom of Information Act, information regarding the Cultural Resource Review of the Wautoma Fire Re-seeding Project, HCRC#2007-600-0034 and the impacts to the archaeological sites HT-2008-013 and HT-2008-005 from November 10, 2007, through December 30, 2008.

In telephone conversations with me on January 29 and January 30, 2009, you modified your request to include the following documents regarding the Cultural Resource Review of the Wautoma Fire Re-seeding Project HCRC #2007-600-0034 dated January 2008 through November 2008:

- 1) Documents prepared by the U.S. Department of Energy, Richland Operations Office (RL) or Fluor Hanford, Inc., (FHI) in response to the Pacific Northwest National Laboratory (PNNL) report entitled "Preliminary Impact Assessment Trip Report" regarding the impacts to the archaeological sites HT-2008-013 and HT-2008-005.
- 2) Documents that describe the criteria or reasons for hiring Entrix Inc., for conducting the damage/impacts of the above archaeological sites, including any correspondence between RL and FHI regarding Entrix, Inc.
- 3) Awarded contract/agreement that authorizes Entrix to perform work for the damage assessment of the above archaeological sites, including the scope of work.
- 4) Documents that indicate who initiated the request for work that is currently being performed by Entrix for the above archaeological sites.

In addition, you requested a search of the records maintained by Mr. John Perry of Fluor Hanford, Inc.

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With respect to your request for a waiver of fees, the FOIA provides, at 10 CFR 1004.9(a)(8), that "the DOE will furnish documents without charge or at reduced charges if disclosure of the information is in the public interest because (1) it is likely to contribute significantly to public understanding of the operations or activities of the government, and (2) disclosure is not primarily in the commercial interest of the requester."

The DOE has implemented this statutory standard for fee waivers or reduced fees in its FOIA regulation at 10 CFR 1004.9(a)(8). The regulation sets forth the following pertinent factors that are considered by the agency in applying the criteria:

- (1) The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government;"
- (2) The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;
- (3) The contribution to an understanding by the general public of the subject likely to result from disclosure, taking into account your ability and intent to disseminate the information to the public in a form that can further the understanding of the subject matter;
- (4) The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities;
- (5) The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so
- (6) The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester."

Although, you have requested a waiver of fees, your request did not meet the criteria established in that section (items 2 and 3 above). If you would like your request for a waiver to be considered, please provide additional information that addresses these factors to me by February 9, 2009. If we do not hear from you by this date, we will consider your request for a waiver withdrawn.

Your request has been logged in and a search has been started for the information you have requested. In your request you indicated a willingness to pay fees up to \$250.00. Should search, review and reproduction expenses exceed \$250.00, this office will notify you.

Ms. Julia Longenecker

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If you have any questions regarding your request, please contact me at our address above or on (509) 376-6288.

Sincerely,



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

OEC:DCR