



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

MAY 18 2009

Mr. Phil Repp, Jr

Dear Mr. Repp:

FREEDOM OF INFORMATION ACT REQUEST (FOI 2009-0047)

Your undated Freedom of Information Act (FOIA) request was received in this office on May 18, 2009. In that letter you requested six historical Hanford Site contracts and subcontracts.

In addition, you requested a waiver of fees. The FOIA provides that "[d]ocuments shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." See 5 U.S.C. 552(a)(4)(A)(iii). The DOE has implemented this statutory standard for fee waivers or reduced fees in its FOIA regulation at Title 10, Code of Federal Regulations (CFR), Section 1004.9(a)(8).

Although you have requested a waiver of fees, you have not addressed the criteria established in that section. 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 understanding of the subject matter; and
- (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.

Mr. Phil Repp

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MAY 18 2009

If you would like your request for a fee waiver to be considered, please provide additional information that addresses all the above factors to me by May 26, 2009. A decision about a waiver of fees or reduced fees will be made after receipt of the information. If additional information is not received from you by that date, we will consider your request for a waiver withdrawn.

For purposes of assessment of fees, you have been categorized under 10 CFR 1004.9(b)(4), as an "other" requester. In this category, you are entitled to two free hours of search time and 100 pages of duplication at no cost.

The request has been sent to the Records Holding Area to conduct a search of its files for responsive documents. Upon completion of the search and the review of any documents located, you will be provided a response in accordance with the category to which you have been designated for purposes of assessment of fees.

A search for more than two hours will be conducted and more than 100 pages will be duplicated after (1) we have reviewed any additional information that you provide and have made a determination on your fee waiver request; or (2) you have provided us an assurance to pay any estimated processing fees.

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

Sincerely,



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

OCE:DCR



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

Certified Mail

June 4, 2009

Mr. Phil Repp, Jr.

Dear Mr. Repp:

FREEDOM OF INFORMATION ACT REQUEST (FOI 2009-0047)

Your updated Freedom of Information Act (FOIA) request was received in this office on May 18, 2009. In that letter you requested the following historical Hanford Site contracts and subcontracts:

1. AT (45-1)-769 – General Machinery.
2. AT (45-1)-779 – General Machinery.
3. AT (45-1)-1455 SC-68 – Allied Sheet Metal Fabricators.
4. DE-AC06-82RL-10298 – Stanley Consultants.
5. JAJ-1692 – William Lewis Construction Company
6. JAJ-1669 – William Lewis Construction Company
7. C-136-R – Subcontract with Warren Little & Lund, Urban Engineering, and James Smyth Plumbing & Heating Co.

We have conducted a thorough search and were unable to locate any contracts for items 1, 2, 3 or 7. This search was conducted by those of the agency who are most familiar with the subject matter of your request, in locations where documents would most likely be found.

As provided by the FOIA, you fall under a fee category which entitles you to two hours of search time at no charge. All search time has been exhausted. To conduct a search for the remaining items of your request, we anticipate approximately 1 to 2 hours @ \$37.80/hour. Duplication is \$.10/per page for any documents located. You will be responsible for any search time whether documents are located or not. Before we proceed, we need an expression of your willingness to pay fees. If we do not hear from you within seven days from the date of this letter, this office will consider your request withdrawn. In addition, it should be noted that our records indicate items 4, 5 and 6 were not GE or DuPont contracts and may not be of interest 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 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.

Mr. Phil Repp

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June 4, 2009

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

Sincerely,

A handwritten signature in black ink, appearing to read "Dorothy Riehle". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

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

OCE:DCR



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

Certified Mail

June 17, 2009

Mr. Phil Repp, Jr.

Dear Mr. Repp:

FREEDOM OF INFORMATION ACT REQUEST (FOI 2009-0047)

Your undated Freedom of Information Act (FOIA) request was received in this office on May 18, 2009. In that letter you requested the following historical Hanford Site contracts and subcontracts:

1. AT (45-1)-769 – General Machinery.
2. AT (45-1)-779 – General Machinery.
3. AT (45-1)-1455 SC-68 – Allied Sheet Metal Fabricators.
4. DE-AC06-82RL-10298 – Stanley Consultants.
5. JAJ-1692 – William Lewis Construction Company
6. JAJ-1669 – William Lewis Construction Company
7. C-136-R – Subcontract with Warren Little & Lund, Urban Engineering, and James Smyth Plumbing & Heating Co.

We responded to your request on June 4, 2009. Since that time this office received your letter dated May 27, 2009, requesting a waiver of fees. In that letter you stated you would be posting the information on a website for which survivors from the Hanford facility will be able to look to see if their loved ones' employment at Hanford appears on the list.

According to the Department of Justice fee waiver policy guidance, fee waiver requests must satisfy a four prong test to qualify as being in "public interest." Prong three states, "the disclosure must contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons."

It does not appear that disclosure of the requested records will add to the public understanding of the agency and its operations or primarily benefit the public. Any benefit which the general public might derive from the disclosure of the records and the waiver of fees would be, at best, indirect and speculative. National Treasury Employees Union v. Griffin, 811 F2d 644 (D.C. Cir. 1987). Therefore, your request for a fee waiver is denied.

Mr. Phil Repp

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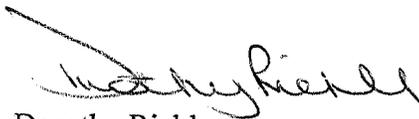
June 17, 2009

As previously stated in our letter to you dated June 4, 2009, as provided by the FOIA, you fall under a fee category which entitles you to two hours of search time at no charge. All search time has been exhausted. To conduct a search for the remaining items of your request (items 4, 5 and 6), we anticipate approximately 1 to 2 hours @ \$37.80/hour. Duplication is \$.10/per page for any documents located. You will be responsible for any search time whether documents are located or not. Before we proceed, we need an expression of your willingness to pay fees. If we do not receive an expression to pay fees from you within 10 days from the date of this letter, this office will consider your request withdrawn.

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 the fee waiver determination. 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.

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

Sincerely,



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

OCE:DCR