



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

April 19, 2012

CERTIFIED MAIL

Mr. Thomas Carpenter
Hanford Challenge
219 1st Avenue South, Suite 120
Seattle, Washington 98104

Dear Mr. Carpenter:

FREEDOM OF INFORMATION ACT REQUEST (FOI 2012-00870)

You requested, pursuant to the Freedom of Information Act (FOIA), the following records generated in connection with a surveillance report entitled, "Review of the 100 K Infrastructure Utilities Upgrade Project:"

1. "A copy of the Surveillance report."
2. "Any and all attachments and/or exhibits associated with the report."
3. "Any and all correspondence and/or memoranda related to or generated in connection with the Surveillance report."

This is a partial response and enclosed is a copy of a letter entitled, "Contract No. DE-AC06-08RL14788 – Transmittal of Review of the 100 K Infrastructure Utilities Upgrade Project Surveillance S-11-EMD-PRO-001," dated December 9, 2011. This document is responsive to items 1 and 2 of your request. Within this document, this office has made certain deletions pursuant to Exemptions 5 and 6 of the FOIA.

Exemption 5 shields from mandatory disclosure documents which are "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." There are three traditional privileges that fall under this definition of exclusion: the attorney-client privilege, the attorney work-product privilege, and the executive "deliberative process" or "pre-decisional" privilege.

For portions of Exhibit 28, we have deleted confidential communications between an attorney and his/her client relating to a legal matter for which the client sought professional advice. The withheld information summarized communications between attorneys and their clients and was based upon expressed opinions on legal and policy matters. We have determined the information is protected from disclosure pursuant to the attorney-client and deliberative process privileges.

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Material determined to be exempt from mandatory disclosure may be released if disclosure is determined to be in the public interest. We have determined the public interest is best served by non-disclosure because disclosure of this information would inhibit pre-decisional discussion of policy issues as well as candid attorney-client discussion of legal matters.

In addition, we have deleted personal cell phone numbers located in Exhibits 7, 13, 28, 53 and 56 pursuant to Exemption 6 of the FOIA. Exemption 6 provides that an agency may protect from disclosure all personal information if its disclosure would constitute a clearly unwarranted invasion of privacy by subjecting the individuals to unwanted communications, harassment, intimidation, retaliation, or other substantial privacy invasions by interested parties.

In invoking Exemption 6 we considered 1) whether a significant privacy interest would be invaded by disclosure of information, 2) whether release of the information would further the public interest by shedding light on the operations or activities of the government, and 3) whether in balancing the private interest against the public interest, disclosure would constitute a clearly unwarranted invasion of privacy. We have determined that the public interest does not outweigh the individuals' privacy interests.

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. 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.

This letter completes our response to items 1 and 2 of your request. We continue to search and review documents responsive to item 3 of your request and will notify you when it is complete. 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

OCE:DCR

Enclosure