



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

April 17, 2012

CERTIFIED MAIL

Mr. Bill Green
(home address has been deleted)

Dear Mr. Green:

FREEDOM OF INFORMATION ACT REQUEST (FOI 2012-00888)

This office is in receipt of your electronic Freedom of Information Act (FOIA) request. In your request you asked for the following documents:

1. Records from July 1, 2011, through Feb 22, 2012, between the Washington State Department of Ecology and the U. S. Department of Energy (DOE) summarizing discussions from any meetings between Ecology where renewal of the Hanford Site Air Operating Permit (AOP) was discussed.
2. Copy of the most recent schedule regarding issuance of the draft Hanford Site AOP renewal.
3. Reports (weekly reports, bi-weekly reports, monthly reports) from July 1, 2011, through February 22, 2012, sent from RL staff to management in which renewal of the Hanford Site AOP was referenced.

In response to item 1, documents are enclosed as Enclosure I. In response to item 2, a document entitled, "Emission Unit and NOC Closure Documentation – Status/Schedule," has been deemed responsive and is being provided as Enclosure II. Both Enclosure I and Enclosure II are being provided without deletions.

In response to item 3, weekly reports are enclosed with deletions pursuant to Exemption 5 of the FOIA. Certain deletions have been made in the documents pursuant to Exemption 5 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. In this case, we are invoking the deliberative process privilege. The deliberative process privilege permits the government to withhold documents that reflect advisory opinions, recommendations, and deliberations comprising part of the process by which government formulates decisions and policies.

The purpose of the deliberative process privilege is to promote high-quality agency decisions by fostering frank and independent discussion among individuals involved in the decision-making process. To qualify under the deliberative process privilege, the information must be both predecisional and deliberative. Information is predecisional if it is prepared or gathered in order to assist an agency decision maker in arriving at a decision. Predecisional information is also deliberative if it reflects the give-and take of the consultative process so that disclosure would reveal the thought process of the writer. 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 the predecisional, deliberative material could adversely affect DOE's ability to obtain straightforward and frank recommendations and opinions in the future. This would stifle the free exchange of ideas and opinions which is essential to the sound functioning of DOE programs. In addition, we do not believe that a discretionary release of the withheld material would be in the public interest.

Additionally, we have deleted information from the documents that is not responsive to your request as it does not pertain to the requested information.

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.

As provided by the FOIA, you fall under a fee category which entitles you to two hours of search time and 100 pages of photocopies at no charge. Two hours of search time was spent on this request, therefore, there will be no charge for this response.

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

Enclosures