



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

July 26, 2016

CERTIFIED MAIL

Mr. Bill Green  
[REDACTED]  
[REDACTED]

Dear Mr. Green:

FREEDOM OF INFORMATION ACT REQUEST (FOI 2016-00932)

This letter is in reference to the electronic Freedom of Information Act (FOIA) request you submitted to this office requesting the following:

“Dating from March 12 2003, please send me a copy of any written communication from the Benton Clean Air Agency (aka Benton Clean Air Authority) regarding Notice of Correction Order 2003006.”

In an email dated May 26, 2016, you narrowed the scope of your request and stated you were requesting a copy of a letter from Dr. David A. Lauer, Director of the Benton-Franklin Counties Clean Air Authority, to Mr. J. P. Henschel of Bechtel National, Inc. (BNI) or some variant dated August 27, 2003, entitled “Contract DE-AC27-01RC14136, Agreement with Benton Clean Air Authority and Bechtel National, Inc.”

Your request was assigned to the U.S. Department of Energy, Office of River Protection (ORP) and BNI to conduct a search of records. BNI responded and provided a copy of the enclosed agreement signed by Mr. Henschel on August 20, 2003, and Dr. Lauer on August 27, 2003. According to BNI, there was not a transmittal letter from Dr. Lauer accompanying the signed agreement. ORP conducted a thorough search and was unable to locate the requested letter.

For the purposes of assessment of any fees, we have determined that your request falls within 10 CFR 1004.9(b)(4), “all other requestors” of our FOIA regulations. You are thus entitled to two (2) free hours of search time and 100 pages of duplication at no cost. As costs associated with your request fell under this amount, this response is being provided to you at no charge.

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, “Appeal of initial denials” for the adequacy of our search. Your appeal shall be filed within 90 days after receipt of this letter. You may submit your appeal by e-mail to [OHA.filings@hq.doe.gov](mailto:OHA.filings@hq.doe.gov), including the phrase “Freedom of Information Appeal” in the subject line. Alternatively, any such appeal may 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. Should you choose to appeal, please provide this office with a copy of your e-mail or letter.

Mr. Bill Green

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July 26, 2016

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

Sincerely,

-Original Signed By-

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

OCE:DCR

Enclosure

AGREEMENT

*Daf*

This Agreement is entered into by and between the BENTON COUNTY CLEAN AIR AUTHORITY and BECHTEL NATIONAL, INC. for the purpose of resolving a dispute over dust control;

*Daf*

WHEREAS, the Benton County Clean Air Authority, pursuant to its authority, cited Bechtel National, Inc. for a dust control violation on April 23, 2003; and

Whereas Bechtel National, Inc. denies liability for said violation; and

WHEREAS Bechtel National, Inc. is committed to controlling dust created by its operations;

NOW, THEREFORE, IT IS HEREBY AGREED:

- (1) That Bechtel National, Inc. shall pay, as reimbursement of administrative costs and not as a fine or penalty, the sum of TWO THOUSAND DOLLARS (\$2,000.00) to the Benton County Clean Air Authority;
- (2) That Bechtel National, Inc. shall continue to implement a dust control plan and work with the Benton County Clean Air Authority in implementation of such plan; and
- (3) That Benton County Clean Air Authority shall dismiss the Notice of Infraction and Notice of Penalty upon payment of the TWO THOUSAND DOLLAR (\$2,000.00) administrative cost.

BECHTEL NATIONAL, INC.

*J. Henschel*  
 \_\_\_\_\_  
 J. Henschel  
 Program Manager  
 Bechtel National Inc.  
 WTP Project

*8/20/03*  
 \_\_\_\_\_  
 Date

BENTON COUNTY CLEAN AIR AUTHORITY

*David A. Lauer*  
 \_\_\_\_\_  
 David A. Lauer  
 Control Officer

*27 Aug 2003*  
 \_\_\_\_\_  
 Date