



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

September 18, 2014

CERTIFIED MAIL

Ms. Anna Clark
Torres Consulting and Law Group, LLC
2239 East Baseline Road
Tempe, Arizona 85283

Dear Ms. Clark:

FREEDOM OF INFORMATION ACT REQUEST (FOI 2014-01731)

This letter is in response to both of your Freedom of Information Act (FOIA) requests dated August 13, 2014, requesting certified payroll records for RAM Mechanical covering when the contractor started work on this project to current and certified payroll records for Real Centric Solutions, LLC., covering the time period from June 30, 2014, to current for work performed under Contract #53553, Release 001, Field Route Injection and Extraction Well Equipment.

As the requests you submitted pertain to the same subject matter, they have been aggregated for the purpose of determining fees.

We have conducted a thorough search and attached as Enclosure I are the certified payroll records for Real Centric Solutions, LLC. In an e-mail dated August 21, 2014, you clarified a portion of your request and stated you were seeking payroll records for RAM Piping, Inc. Attached as Enclosure II are certified payrolls records for RAM Piping Industries, Inc. Within these records, this office has deleted information pursuant to Exemptions 4 and 6 of the FOIA.

With respect to Exemption 4, we have deleted the work classification, labor rates, total hours worked and total hours paid from the enclosed documents. We understand that this information was previously provided to you in your previous request assigned FOIA tracking number 2014-01342, however, in light of certain U.S. Department of Energy, Office of Hearings and Appeals (OHA) decisions (Case Numbers VFA-0478, VFA-0695, FIA-12-0053, FIA-13-0074 and FIA-12-0054) we are taking the position that this information is protectable from disclosure pursuant to Exemption 4 and any previous release determinations do not set precedent on future requests.

Exemption 4 was meant to protect the disclosure of confidential business information. If the documents you are requesting were released in their entirety, competitors could gain insight into Real Centric Solution's and RAM Piping, Inc., business practices and pricing strategies which are unique to them and have been developed at their expense. The result of such a release would place them at a competitive disadvantage by giving their competitors insight into how they do business.

In interpreting the FOIA, courts have held that information may be withheld if disclosure would be likely to impair the government's ability to obtain similar information in the future. If the redacted information was released to competitors, it would clearly impair the government's ability to obtain the most favorable terms in future procurements because companies would be less willing to risk disclosure of their information.

In addition, we have also deleted the names and social security numbers of the workers pursuant to Exemption 6 of the FOIA. In addition, we have deleted residential addresses provided in Enclosure II 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 in the identity of the individuals whose names and personal information appear in the documents 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.

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 hours of search time and 100 pages at no cost. Search time for this request was one hour, therefore, there will be no charge for this response.

Ms. Anna Clark

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September 18, 2014

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

Sincerely,

-Original Signed By-

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

OCE:DCR

Enclosures