



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

October 23, 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 2015-00016)

This letter is in response to your Freedom of Information Act (FOIA) request dated September 29, 2014, requesting the following information pertaining to the Realignment of Extraction Wells ME51 and ME52, Contract No. 36883, Release 19:

- All certified payroll records for Intermech, Inc., covering all work performed on the project.
- Copies of the employee time sheets in support of the referenced certified payroll reports.

We have conducted a thorough search and attached are the certified payroll records. Within these records, this office has deleted information pursuant to Exemptions 3, 4 and 6 of the FOIA.

In the records, we have deleted the Tax Identification Number pursuant to Exemption 3 of the FOIA. Exemption 3 incorporates into the FOIA other laws that restrict the availability of specific information. To qualify under this exemption, a statute must require information to be withheld in such a manner as to leave no discretion to the agency. 26 U.S.C. § 6103: US Code - Section 6103: Confidentiality and disclosure of returns and return information, is such a statute. This statute prohibits the release of tax identification numbers.

With respect to Exemption 4, we have deleted the work classification, labor rates, total hours worked and total hours paid from the enclosed documents. 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 Intermech's 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. 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.

We have conducted a thorough search and were unable to locate any employee time sheets. This search was conducted by those within the agency who are most familiar with the subject matter of your request, in locations where responsive documents would most likely be found. Specifically we searched the files belonging to DOE's Contractor Industrial Relations office and CH2M Hill Plateau Remediation Company.

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 or 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.

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 minimal, therefore, there will be no charge for this response.

Ms. Anna Clark

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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