



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

October 19, 2017

CERTIFIED MAIL

Ms. Lori Combs
[REDACTED]
[REDACTED]

Dear Ms. Combs:

FREEDOM OF INFORMATION ACT REQUEST (FOI 2017-01679)

This is in further response to the request for information that you sent the U.S. Department of Energy (DOE) under the Freedom of Information Act (FOIA). You requested “information regarding the snow and ice removal on the road to the Rattlesnake Mountain Communication Facility that occurred on January 26, 2017.” Specifically you requested the following records as stated below:

- 1) Who or which agency requested the removal of the snow and ice on the road?
- 2) Who or which agency authorized the removal of the snow and ice on the road?
- 3) Which agency/vendor/contractor actually removed the snow and ice on the road?
- 4) Who or which agency paid the invoice for the removal of the snow and ice on the road?
Please provide a copy of the invoice that was paid.

Your request was assigned to the DOE Richland Operations Office (RL) Procurement Division and its contractor, Mission Support Alliance, Inc., (MSA) to conduct a search for any responsive documents.

We have completed the search for responsive documents and the enclosed documents were located. Item No. 4, page 7, of the enclosed documentation is an invoice issued by DOE to Energy Northwest; however, this invoice was not paid by Energy Northwest and therefore is deemed not responsive to your request. However, as a courtesy, we have included a copy in our response. According to MSA, there was no request received by MSA to remove the snow and ice nor was there any authorization received by MSA. MSA was the entity that removed the snow and ice and the entity that paid for the work.

After review of the responsive documents, DOE has determined that certain information should be withheld pursuant to Exemptions 5, 6 and 7(E) of the FOIA.

Exemption 5 protects “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.” This Exemption protects those documents normally privileged in the civil discovery process, such as pre-decisional, deliberative process material. The deliberative process protects advice, recommendations, and opinions that are pre-decisional and part of the decision-making process of the Government. This privilege protects not merely the documents, but also the integrity of the deliberative process itself, where the exposure of that process, or an element thereof, would result in harm. The material withheld as deliberative includes exchanges between government employees and government representatives regarding decisions not yet made. It is reasonably foreseeable that release of such information could chill open and frank discussions, limit government personnel’s range of options to consider, and thus detract from the quality of Agency decisions.

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 impede the government’s ability to effectively discuss options surrounding issues.

We also deleted personal cell phone numbers 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 third-party 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 disclosure would constitute a clearly unwarranted invasion of private or public interest. DOE has determined that the public interest whose information appears in the documents does not outweigh the individuals’ privacy interests.

Lastly, Exemption 7(E) provides that, “records or information compiled for law enforcement purposes” may be withheld from disclosure, but only to the extent that the production of such documents “would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.”

Sensitive information about DOE networks, systems, and communications has been withheld on page 5 pursuant to Exemption 7(E). The withheld information pursuant to Exemption 7(E) includes, but is not limited to, preventative law enforcement and/or security purposes to prevent future illegal acts in the form of cyber security intrusions, and investigative techniques that could be used to obtain classified or sensitive information on DOE networks without authorization. This document includes specific system vulnerabilities and if released, could compromise DOE’s cyber security posture and ability to protect sensitive information.

This satisfies the standard set forth by the Attorney General by Memorandum on March 19, 2009, that the agency is justified in not releasing material if it reasonably foresees that disclosure would harm an interest protected by one of the statutory exemptions or disclosure is prohibited by law. This also satisfies DOE’s regulation at Title 10, Code of Federal Regulations (CFR), Section 1004.1, to make records available that it is authorized to withhold under 5 USC 552 when it determines that such disclosure is in the public interest. Accordingly, we will not make discretionary disclosure of this information.

You may contact the DOE Richland Operations Office FOIA Public Liaison, Richard Buel, at (509) 376-3375, or by mail at P.O. Box 550, Richland, Washington, 99352 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

All releasable requested 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 our determination. Should you choose to exercise this right, your appeal must be filed within 90 days after receipt of this letter. You may submit your appeal by email to 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 appeal email or letter.

For the purposes of assessment of any fees, we have determined that your request falls within Section 1004.9(b)(4), ("all other requestors") of our FOIA regulations. See 10 CFR 1004.9(b)(4). You are thus entitled to two (2) free hours of search time and 100 pages of duplication at no cost. However, since costs associated with your request were minimal and fell under the \$15.00 threshold for charging fees under the FOIA, there are no fees associated with your request at this time.

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

Sincerely,

-Original Signed By-

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

OCE:DCR

Enclosures

Riehle, Dorothy C

From: Beitz, Laurette D
Sent: Thursday, April 13, 2017 4:13 PM
To: Jahner, Jennifer A; Skelton, Mary J; Brackenbury, Karras R; Justice, Amy L
Cc: Corbett, Timothy E; Snell, Kathy L; Barott-Wolff, Kristin C; Dove, Debra L; Guzman, Liza; Koon, Colleen M; Sieracki, Sally A
Subject: RFS M12003 Rattlesnake Mountain Road Snow Removal - costs in excess of available funding.

Jennifer,

We previously discussed the issue of incurred costs in excess of authorized funding for the Rattlesnake Mountain Road snow removal services provided by MSC under Request for Service (RFS) M12003 about a month ago. The Rattlesnake Mountain Road is the responsibility of and maintained by Energy Northwest, a commercial entity. The MSC Section C.3.8 Work for Others allows MSA to accept work from other entities as approved by a DOE Contracting Officer in accordance with DEAR 970.2517-1 Work for Others and DEAR 970.5232-6 Work for Others Funding Authorization. DEAR 970.2517-1 (4) states the contractor "must not incur project costs until receipt of DOE notification that a budgetary resource is available..."

Energy Northwest requests services from DOE-RL for various activities due to the location of the Energy Northwest facilities on the Hanford Site. Energy Northwest is required to provide funds for the requested services prior to DOE performance. The DOE-RL contracting officer will issue a request for service to the performing contractor once funds are received from Energy Northwest. The DOE Contracting Officer issued to MSA a RFS (M12003) in FY 2016 providing scope and budgetary funds for performance of Rattlesnake Mountain Road snow removal. The DOE RFS, MSA procedures, and Hanford Site Snow Removal Plan (HNF-3739611) state MSA will provide snow removal and deicer applications as requested by Energy Northwest. The Hanford Site Snow Removal Plan also states MSA should contact the Energy Northwest Duty Officer prior to providing these services. The DOE-RL Contracting Officer authorized MSA to continue providing the services in FY 2017 as authorized and in accordance with RFS M12003 up to the available funding contained in the RFS.

MSA incurred costs that exceeded the authorized and available funding level by \$7,462.77. Energy Northwest has stated they did not authorize MSA to perform the snow removal service on Rattlesnake Mountain Road. The DOE-RL Contracting Officer did not authorize MSA to perform the service in excess of the authorized funding levels. MSA had the obligation and right to stop performance of the snow removal service on Rattlesnake Mountain Road in accordance with Section I Clause I.182 FAR 52.232-22 Limitations of Funds, I.141 DEAR 970-5217-1 Work for Others, and I.157 DEAR 970.5232-6 Work for Others Funding Authorization once available funding was expended. Therefore, the expenses incurred by MSA of \$7,462.77 above the authorized and available funding of RFS M12003 are considered unallowable.

Please let me know if you have any questions or concerns related to this issue.

Thank you,

Laurette Beitz
Contracting Officer
DOE-RL Procurement
509-376-2301



From: Smith, Collin [<mailto:csmith@energy-northwest.com>]

Sent: Thursday, April 13, 2017 9:56 AM

To: Dove, Debra L <debra.dove@rl.doe.gov>; Guzman, Liza <liza.guzman@rl.doe.gov>; Luu, Dounvanna <Dounvanna_Luu@rl.gov>

Cc: Holmes, Sabrah L. <slholmes@energy-northwest.com>; AccountsPayable <AccountsPayable@energy-northwest.com>; Eveland, Valerie J. <vjeland@energy-northwest.com>; Johnson, Todd N. <tnjohnson@energy-northwest.com>

Subject: RE: FY17 Invoice for Snow Removal - revised

Please void the attached invoice. As communicated previously, the service to plow the Rattlesnake Mountain road was not requested by Energy Northwest. In accordance with the MSA Snow Removal Plan, this special service must be specifically requested from the Energy Northwest Duty Officer.

Please let me know if you have any questions or need additional information.

Thanks,

Collin Smith, PMP | Supervisor | IT Communications
Energy Northwest | 509-377-8620 (office) | 509-(b)(6) (mobile)

Riehle, Dorothy C

From: Beitz, Laurette D
Sent: Thursday, April 13, 2017 11:47 AM
To: Corbett, Timothy E; Einan, Steven R
Cc: Snell, Kathy L; Barott-Wolff, Kristin C
Subject: FW: FY17 Invoice for Snow Removal - revised
Attachments: ENW FY17 Snow Removal M12003 - Revised.pdf

FYI – How do we want to approach this. The costs were approximately \$7,800. MSA was (b)(5)
(b)(5) the Rattlesnake Snow Removal. From what I heard from MSA, (b)(5)
(b)(5) I am not sure if we want
to (b)(5) or we want to
(b)(5)

Laurette Beitz
Contract Specialist
DOE-RL Procurement
509-376-2301



From: Dove, Debra L
Sent: Thursday, April 13, 2017 10:04 AM
To: Beitz, Laurette D <laurette.beitz@rl.doe.gov>; Corbett, Timothy E <timothy.corbett@rl.doe.gov>
Subject: FW: FY17 Invoice for Snow Removal - revised

FYI

From: Smith, Collin [mailto:csmith@energy-northwest.com]
Sent: Thursday, April 13, 2017 9:56 AM
To: Dove, Debra L <debra.dove@rl.doe.gov>; Guzman, Liza <liza.guzman@rl.doe.gov>; Luu, Dounvanna <Dounvanna_Luu@rl.gov>
Cc: Holmes, Sabrah L. <slholmes@energy-northwest.com>; Accounts Payable <AccountsPayable@energy-northwest.com>; Eveland, Valerie J. <vjeland@energy-northwest.com>; Johnson, Todd N. <tnjohnson@energy-northwest.com>
Subject: RE: FY17 Invoice for Snow Removal - revised

Please void the attached invoice. As communicated previously, the service to plow the Rattlesnake Mountain road was not requested by Energy Northwest. In accordance with the MSA Snow Removal Plan, this special service must be specifically requested from the Energy Northwest Duty Officer.

Please let me know if you have any questions or need additional information.

Thanks,

Collin Smith, PMP | Supervisor | IT Communications
Energy Northwest | 509-377-8620 (office) | 509-(b)(6) (mobile)

From: Dove, Debra L [mailto:debra.dove@rl.doe.gov]
Sent: Thursday, April 13, 2017 8:36 AM
To: AccountsPayable; Guzman, Liza
Cc: Holmes, Sabrah L.
Subject: RE: FY17 Invoice for Snow Removal - revised

Email sent from: "Dove, Debra L" debra.dove@rl.doe.gov

Please provide status on payment for cost incurred for the Snow removal?

Thanks
Debbi

From: Dove, Debra L
Sent: Thursday, March 16, 2017 3:04 PM
To: 'AccountsPayable' <AccountsPayable@energy-northwest.com>; Guzman, Liza <liza.guzman@rl.doe.gov>
Cc: Holmes, Sabrah L. <slholmes@energy-northwest.com>
Subject: RE: FY17 Invoice for Snow Removal - revised

The only number I have is 00314208 from a previous check we received for Snow removal.

Thanks
Debbi

From: Bridges, Kristen S. [mailto:ksbridges@energy-northwest.com] **On Behalf Of** AccountsPayable
Sent: Thursday, March 16, 2017 2:13 PM
To: Guzman, Liza <liza.guzman@rl.doe.gov>
Cc: Dove, Debra L <debra.dove@rl.doe.gov>; Holmes, Sabrah L. <slholmes@energy-northwest.com>
Subject: RE: FY17 Invoice for Snow Removal - revised

What is the contract number?

Kristen S. Bridges | Accounts Payable Clerk
Energy Northwest | 509-377-4499
AccountsPayable@Energy-Northwest.com
KSbridges@Energy-Northwest.com

From: Guzman, Liza [mailto:liza.guzman@rl.doe.gov]
Sent: Thursday, March 16, 2017 10:59 AM
To: AccountsPayable
Cc: Dove, Debra L; Holmes, Sabrah L.
Subject: RE: FY17 Invoice for Snow Removal - revised

Email sent from: "Guzman, Liza" liza.guzman@rl.doe.gov

Please keep in mind that this invoice is for **actual** costs incurred.

Liza

From: Guzman, Liza
Sent: Thursday, March 16, 2017 10:40 AM
To: '#AccountsPayable' (AccountsPayable@energy-northwest.com) <AccountsPayable@energy-northwest.com>
Cc: Dove, Debra L <debra.dove@rl.doe.gov>; 'Holmes, Sabrah L.' <slholmes@energy-northwest.com>
Subject: FY17 Invoice for Snow Removal - revised

Please process the attached invoice.

Thank you.

Liza Guzman
USDOE Richland
(509) 376-3185

--(b)(7)(E) hanford.gov

--(b)(7)(E) hanford.gov

VOUCHER FOR TRANSFERS
BETWEEN APPROPRIATIONS AND/OR FUNDS
BILL IN LIEU OF SF-1080

OFFICE BILLING:

U. S. Department of Energy – Richland Operations Office
Finance Division
P.O. Box 550 (MSIN: A7-89)
Richland, WA 99352

DATE ISSUED: 03/16/2017

OFFICE BILLED:

Energy Northwest
c/o Accounts Payable (PE-60)
P.O. Box 968
Richland, WA 99352-0968

DESCRIPTION OF SERVICES

ENERGY NORTHWEST RATTLESNAKE MOUNTAIN
SNOW REMOVAL

\$ 7,462.77

DOE REFERENCE NUMBERS: RL14728 - WFO 0421672 - RFS M12003

DOE Finance POC: Liza Guzman (509) 376-3185
DOE Budget POC: Debbi Dove (509) 376-6367

PLEASE RETURN A COPY OF BILL WITH REMITTANCE

PAYMENT IS DUE WITHIN 30 DAYS AFTER INVOICE DATE. SPECIFY GOVERNMENT ORDER
AND RICHLAND REFERENCE NUMBER ON ALL PAYMENTS. IF PAYMENT IS MADE VIA
TREASURY'S IPAC SYSTEM, USE ALC 89-00-00001. MAKE CHECKS PAYABLE TO:

U.S. Department of Energy
Finance/Attn: Liza Guzman
P.O. Box 550 (MSIN: A7-89)
Richland, WA 99352

AMOUNT TOTAL: \$ 7,462.77

CERTIFICATE OF OFFICE BILLED

I CERTIFY THAT THE ABOVE ARTICLES WERE RECEIVED AND ACCEPTED OF THE
SERVICES PERFORMED AS STATED AND SHOULD BE CHARGED TO THE
APPROPRIATION(S) AND/OR FUND(S) AS INDICATED BELOW; OR THAT THE
ADVANCE PAYMENT REQUESTED IS APPROVED AND SHOULD BE PAID AS
INDICATED.

3/16/2017
(DATE)

Liza Guzman
(AUTHORIZED ADMINISTRATIVE OFFICER)
Accountant
(TITLE)

Energy Northwest Snow Removal

MSA Invoice Summary by Resource Category
 Selected V Selected WBS Description

3001.A4.01M12003 - Rattlesnake Snow Removal	CID	Resource	Resource Title	Hours	Cost
3001.A4.01M12003 - Rattlesnake Snow Removal	RL14728	0	L070 Light Vehicle Drivers	62	\$ 3,595.75
3001.A4.01M12003 - Rattlesnake Snow Removal	RL14728	0	R031 Mtrl Mvng Eq Oper (Hvy Equip)	78	\$ 5,335.16
3001.A4.01M12003 - Rattlesnake Snow Removal	RL14728	6	7C Company/Department Overhead	0	\$ 3,590.22
3001.A4.01M12003 - Rattlesnake Snow Removal	RL14728	6	7D General & Administrative	0	\$ 851.43
Total Costs					\$ 13,372.56
FY 2016 Carryover					\$ 5,909.79
Total Amount Due					\$ 7,462.77