ARNOLD & PORTER LLP

703.720.7000
703.720.7399 Fax

Suite 900
1600 Tysons Boulevard
McLean, VA 22102-4865

January 26, 2009

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"COMMERCIAL" SEARCH, REVIEW & REPRODUCTION

VIA E-MAIL - FOIA-CENTRAL@hq.doe.gov

Freedom of Information Act
U.S. Department of Energy
1000 Independence Ave., S.W.
Washington, DC 20585

Re: FREEDOM OF INFORMATION ACT REQUEST

Dear Sir/Madam:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, as amended, and its implementing regulations at 10 C.F.R. Part 1004, we hereby request that the U.S. Department of Energy, ("DOE"), National Nuclear Security Administration, provide copies of the following:

1. The Acquisition Policies and Procedures, including any published, unpublished or internal agency guidance that was utilized by or otherwise applicable to solicitation, evaluation and award, if any, under Los Alamos National Laboratory ("LANL") Request for Proposal No. 48260-REQ-07 for Vendor Management Services.

2. The bid protest procedures applicable to the above-reference procurement issued by the LANL.

We are prepared to reimburse DOE for search, review, and copying expenses reasonably incurred in complying with this request, up to a maximum of $250. This letter authorizes you to incur such costs as are reimbursable under the regulations up to that maximum amount. Please contact us as soon as possible with the total amount of fees that we owe DOE for this request, so that we can issue a check to ensure that the material is delivered to us in a timely fashion.

If DOE claims an exemption for any requested records or portions of requested records, FOIA requires that the DOE provide all reasonably segregable, non-exempt portions of such records, together with a detailed list and descriptions of the records or portions thereof for which DOE claims an exemption and a discussion of the reasoning supporting the claimed exemption. *See Schiller v. NLRB*, 964 F.2d 1205, 1209 (D.C. Cir. 1992) ("[W]hen an agency seeks to withhold information, it must provide a relatively

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detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with a particular part of the withheld document to which they apply."). If the requested documents are not in the possession of DOE or its agents, we request that DOE identify all federal agencies or other entities believed to possess such documents.

Finally, we request that DOE comply with the time limitations set forth in FOIA and its implementing regulations. If you have any questions concerning this request, please contact the undersigned.

Sincerely,

ARNOLD & PORTER LLP

Peter T. McKeen
Procurement Analyst