



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

April 20, 2011

CERTIFIED MAIL

Mr. Mark Aldridge, President  
Baseline Industrial Construction, Inc.  
6446 NE Portland Highway  
Portland, Oregon 97218

Dear Mr. Aldridge:

FREEDOM OF INFORMATION ACT REQUEST (FOI 2011-00819)

Pursuant to the Freedom of Information Act (FOIA), you requested the following information pertaining to the U.S. Department of Energy's (DOE) contract with CH2M Hill Plateau Remediation Company (CHPRC) and CHPRC's subcontract #41293-1:

1. All documents relating to, pertaining to, or that otherwise reference any incentives, bonuses, or benefits that CHPRC received as a result of its entering into Prime Contract #DE-AC06-08RL14788 with Scout Industries as a small and/or disadvantaged veteran owned business.
2. All documents relating to, pertaining to, or that otherwise reference any incentives, bonuses, or benefits that CHPRC received as a result of its entering into Prime Contract #DE-AC06-08RL14788 with Scout Industries as a HUB Zone certified business.
3. All documents relating to, pertaining to, or that otherwise reference any investigation, inquiries or research CHPRC engaged in prior to contracting with Scout Industries to determine to what extent Scout Industries qualified as a small, disadvantaged, veteran owned business.
4. All documents relating to, pertaining to, or that otherwise reference any investigation, inquiries or research CHPRC engaged in to determine the percentage of work set forth in Contract DE-AC06-08RL14788 that Scout Industries actually self-performed.
5. All documents relating to, pertaining to, or that otherwise reference any monthly labor reports that Scout Industries provided to CHPRC for work set forth in Contract DE-AC06-08RL14788.
6. All documents relating to, pertaining to, or that otherwise reference any investigation, inquiries or research CHPRC engaged in prior to contracting with Scout Industries to determine to what extent Scout Industries qualified as a HUB Zone certified business.

7. All documents that CHPRC received or otherwise obtained in response to any investigation, inquiry or research it engaged in prior to contracting with Scout Industries to determine to what extent Scout Industries qualified as a small, disadvantaged, veteran owned business.
8. All documents that CHPRC received or otherwise obtained in response to any investigation, inquiry or research it engaged in prior to contracting with Scout Industries to determine to what extent Scout Industries qualified as a HUB Zone certified business.
9. All documents that CHPRC received or otherwise obtained in response to any investigation, inquiry or research it engaged in at any time that references information that Scout Industries is not qualified as a small, disadvantaged, veteran owned business.
10. All documents that CHPRC received or otherwise obtained in response to any investigation, inquiry or research it engaged in at any time that references information that Scout Industries is not certified as a HUB Zone business.
11. All documents, including all meeting notes and correspondence between CHPRC and Baseline Industrial Construction relating to, pertaining to, or that otherwise reference Contract 4 1293-1 :ARRA 300-FF-5 RI/FS 11.
12. All documents, including all correspondence between CHPRC and Scout Industries relating to, pertaining to, or that otherwise reference Contract 4 1293-1: ARRA 300-FF-5 RIIFS 11.
13. A copy of the July 1, 2010, correspondence from Toby Mickalson, Baseline Industrial Construction to Robert D. Miles, Contracting Specialist CHPRC referencing Contract 4 1293: -1 :ARRA 300-FF-5 RIIFS 11.
14. A certified copy of the Miller Act payment and performance bond as well as a copy of the prime contract for which payment bond was given for Contract DE-AC06-08RL14788.
15. All documents relating to, pertaining to, or that otherwise reference any required safety training administered or received by any persons to work on the site pursuant to Scout Industries Training Contract #41293-2.
16. All documents that identify any persons employed by Scout Industries, including any Scout Industries employees, subcontractors or suppliers who received clearance badges for access to and clearance to work on the site pursuant to Scout Industries contract with CHPRC DE-AC06-08RL14788.

In response to item 1, Contract No. DE-AC06-08RL14788 is between CHPRC and DOE not Scout Industries. CHPRC does however have a contract with Scout Industries, Contract No. 41293. Therefore, we have interpreted this portion of your request for documents pertaining to any incentives, bonuses or benefits that CHPRC received as a result of entering into Contract 41293. CHPRC has not received any incentives, bonuses or benefits, therefore, no documents were located.

In response to item 2, as stated above, Contract No. DE-AC06-08RL14788 is between CHPRC and DOE not Scout Industries. CHPRC does however have a contract with Scout Industries, Contract No. 41293. Therefore, we have interpreted this portion of your request for documents pertaining to any benefits CHPRC may have received as a result of entering into Contract no. 41293 with Scout Industries resulting from Scout's qualification as a HUBZone certified business. If our interpretation of your request is incorrect, please contact this office at the above address. CHPRC has not received any incentives, bonuses or benefits, therefore, no documents were located.

In response to items 3 – 13, according to DOE's contract with CHRPC, records relating to any procurement action by the contractor, except for records that under 48 CRF 970.5232-3, Accounts, Records, and Inspection, are described as the property of the Government, are the property of the contractor and not subject to the provisions of the FOIA. For your reference, DOE's Ownership of Records Clause with CHRPC is available on the Internet at:

[http://www.hanford.gov/files.cfm/Contracts\\_CPRC\\_Contract\\_Conformed\\_Contract\\_RL14788-Section\\_I.pdf](http://www.hanford.gov/files.cfm/Contracts_CPRC_Contract_Conformed_Contract_RL14788-Section_I.pdf)

Therefore, your request for these items must be denied.

In response to item 14, in a telephone conversation with me on April 15, 2011, you requested we consider this item of your request withdrawn.

In response to item 15, we have conducted a thorough search and the enclosed documents were located, see Attachment I.

In response to item 16, as stated above, Contract No. DE-AC06-08RL14788 is between CHPRC and DOE not Scout Industries. CHPRC does however have a contract with Scout Industries, Contract No. 41293. Therefore, we have interpreted this portion of your request for documents pertaining to Contract No. 41293. If our interpretation of your request is incorrect, please contact this office at the above address.

The documents are enclosed with certain deletions pursuant to Exemptions 2 and 6 of the FOIA, see Attachment II. We have deleted the unique Hanford Site Badge Identification number located on the security badge and security clearance level issued to each individual pursuant to Exemption 2. Exemption 2 protects information on matters that are "related solely to the internal personnel rules and practices of an agency." This Exemption has been interpreted to encompass two categories of information that may be protected from disclosure. One of the categories is information of "more substantial internal matters, the disclosure of which would risk circumvention of a legal requirement."

Information within this category would principally be of use to persons seeking to violate the law and avoid detection. Information of this nature is referred to as "High 2" information.

The High 2 information that has been deleted from the document could provide potentially sensitive insight into the badging and security operations of Hanford Site. If this information was released, they could be used by terrorists and other individuals or entities seeking to infiltrate the Hanford Site by re-creating security badges and targeting employees with security clearances and harm national security. For this reason, the information has been deleted.

In addition, we have also deleted the home addresses, social security numbers, dates of birth, place of birth and any other personal information regarding 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.

Lastly, we deleted any information from the documents that does not pertain to Scout Industries employees as this information is not responsive to your request.

In an e-mail message to me dated April 16, 2011, you modified your request to include a copy of the contract between CHPRC and Scout Industries. According to DOE's contract with CHRPC, records relating to any procurement action by the contractor, except for records that under 48 CFR 970.5232-3, Accounts, Records, and Inspection, are described as the property of the Government, are the property of the contractor and not subject to the provisions of the FOIA. For your reference, DOE's Ownership of Records Clause with CHRPC is available on the Internet at:

[http://www.hanford.gov/files.cfm/Contracts\\_CPRC\\_Contract\\_Conformed\\_Contract\\_RL14788-Section\\_I.pdf](http://www.hanford.gov/files.cfm/Contracts_CPRC_Contract_Conformed_Contract_RL14788-Section_I.pdf)

Therefore, your request for the contract must be denied. In your e-mail dated April 16, 2011, you also requested a copy of the contract between DOE and CHRPC. This contract is publicly available on the Internet at: <http://www.hanford.gov/?page=1046>

Mr. Mark Aldridge

-5-

April 20, 2011

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.

Costs incurred for this response are as follows:

Reproduction – 22 pages @ \$.05/page	\$	1.10
Search time – 4 hours @ \$36.94/hour		147.76
Review time – 2 hours @ \$40.75/hour		<u>81.50</u>
Total	\$	230.36

Your check should be made payable to the U.S. Department of Energy (DOE) and forwarded to my attention at: DOE, PO Box 550, Richland, Washington, 99352.

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

Sincerely,



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

OCE:DCR

Enclosures