



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

February 8, 2011

Certified Mail

Mr. John Stein  
Peak GeoSolutions  
P.O. Box 820  
Glenrock, WY 82637

Dear Mr. Stein:

**FREEDOM OF INFORMATION ACT REQUEST (FOI 2011-00282)**

You requested, pursuant to the Freedom of Information Act (FOIA), proposals and all costs submitted from all firms for Washington Closure Hanford Request for Proposal No. R013213A00, ERDF Super Cells 9 & 10 Construction Quality Assurance.

In an exchange of multiple e-mails with me, you narrowed your request to the subcontract, change notices and modification in response to the above project.

As provided in 10 C.F.R 1004.11(c), the awardee of the above project, Envirotech Engineering and Consulting, Inc., was given the opportunity to identify those parts of its subcontract, change notices and modifications that should be protected from disclosure under the FOIA and to provide the basis for any such claim. We have been provided this information from Envirotech which has confirmed that portions of its subcontract (five pages) located in Exhibit C entitled "Schedule of Quantities and Prices" are proprietary.

I have reviewed the claims of proprietary interest in the documents and have evaluated each part alleged by Envirotech to be proprietary. I have concluded that, with the exception of the information noted "deleted", the material contained in the documents can be released. The deleted information is exempt from disclosure in accordance with 10 C.F.R. 1004.10(b)(4) (Exemption 4). Exemption 4 of the FOIA was meant to protect from disclosure trade secrets and confidential business information.

If the documents you are requesting were released in their entirety, your company would gain insight into Envirotech'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 Envirotech at a competitive disadvantage by giving their competitors insight into how they do business, and would permit those competitors to better predict how they might price future proposals.

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 specific pricing information was released, 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 proposal information.

Mr. John Stein

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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 your request are as follows:

Reproduction – 1,451 pages @ \$.05/page	\$	72.55
Search time – 5 hours @ \$36.39/hour		181.95
Review time – 5 hours @ \$39.56/hour		<u>197.80</u>
Total	\$	452.30

Your check should be made payable to the U.S. Department of Energy and forwarded to me at my attention at P.O. Box 550, Richland, Washington 99352.

Should you have any questions regarding your request, please contact me on (509) 376-6288.

Sincerely,



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

OCE:DCR

Enclosures