

**RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) / PRIVACY
ACT (PA) REQUEST**

2008-0272

1

RESPONSE
TYPE

FINAL



PARTIAL

REQUESTER

John J. Pedder

DATE

SEP - 3 2008

PART I. -- INFORMATION RELEASED

- ☐ No additional agency records subject to the request have been located.
- ☐ Requested records are available through another public distribution program. See Comments section.
- ☒ **APPENDICES A** Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- ☒ **APPENDICES B,C** Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- ☐ Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD 20852-2738.
- ☒ **APPENDICES B,C** Agency records subject to the request are enclosed.
- ☐ Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- ☐ We are continuing to process your request.
- ☒ See Comments.

PART I.A -- FEES

AMOUNT *

\$ 38.60

* See comments
for details

You will be billed by NRC for the amount listed.



None. Minimum fee threshold not met.



You will receive a refund for the amount listed.



Fees waived.

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- ☐ No agency records subject to the request have been located.
- ☒ Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- ☒ This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

PART I.C COMMENTS (Use attached Comments continuation page if required)

There were two previous FOIA requests (2002-0004 and 2002-0054) relating to contract DR-01-0290. Copies of these FOIA requests are enclosed.

The following companies submitted a proposal during the past competition:

Getronics Government Solutions, Inc.
Multimax
EER, Systems
Logicon
DynaCorp TechServ

The records identified on Appendix A are publicly available in the NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm.html>. If you need assistance in obtaining these records, please contact the NRC's Public Document Room (PDR) at 301-415-4737, or 1-800-397-4209, or by e-mail to pdr@nrc.gov.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing
Donna L. Sealing

2008-0272

1

**RESPONSE TO FREEDOM OF INFORMATION
ACT (FOIA) / PRIVACY ACT (PA) REQUEST (Continued)**

DATE

SEP - 3 2008

PART I.C COMMENTS (Continued)

The actual fees for processing your request are:

4 hrs. professional search @ \$53.80 = \$215.20

2 hrs. professional review @ \$53.80 = \$107.60

Duplication of 157 pages @ \$0.20 per page = \$31.40

Total = \$354.20 (LESS ADVANCE PAYMENT OF \$392.80) = \$38.60

The incoming FOIA/PA-2008-0272 request is located in ADAMS at ML081910531.

**RESPONSE TO FREEDOM OF INFORMATION
ACT (FOIA) / PRIVACY ACT (PA) REQUEST**

2008-0272

SEP - 3 2008

**APPENDICES
C,D****PART II.A -- APPLICABLE EXEMPTIONS**

Records subject to the request that are described in the enclosed Appendices are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)).

- ☐ Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958.
- ☒ Exemption 2: The withheld information relates solely to the internal personnel rules and procedures of NRC.
- ☐ Low 2 Internal matters of a relatively trivial nature.
- ☐ High 2 Disclosure would risk circumvention of a legal requirement.
- ☐ Exemption 3: The withheld information is specifically exempted from public disclosure by statute indicated.
- ☐ Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
- ☐ Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
- ☐ 41 U.S.C., Section 253b, subsection (m)(1), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), except when incorporated into the contract between the agency and the submitter of the proposal.
- ☒ Exemption 4: The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated.
- ☒ The information is considered to be confidential business (proprietary) information.
- ☐ The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.390(d)(1).
- ☐ The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
- ☐ Disclosure will harm an identifiable private or governmental interest.
- ☐ Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Applicable privileges:
- ☐ Deliberative process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
- ☐ Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation)
- ☐ Attorney-client privilege. (Confidential communications between an attorney and his/her client)
- ☐ Exemption 6: The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- ☐ Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
- ☐ (A) Disclosure could reasonably be expected to interfere with an enforcement proceeding (e.g., it would reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators).
- ☐ (C) Disclosure would constitute an unwarranted invasion of personal privacy.
- ☐ (D) The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
- ☐ (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
- ☐ (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- ☐ OTHER (Specify)

PART II.B -- DENYING OFFICIALS

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
Timothy F. Hagan	Director, Office of Administration	Appendix C	☒	☐	☐
			☐	☐	☐
			☐	☐	☐

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."

Appendix A
Records Already Publicly Available

<u>No.</u>	<u>Date</u>	<u>ADAMS Number</u>	<u>Description/Page Count</u>
1.	See Attached List of ADAMS Accession Numbers with Document Dates and Titles		

Accession Number: ML041800236
Document Date: 7/29/2004
Title: 07/29/04 - Memo to Arnold E. Levin from Kathryn O. Greene, Re:
Delivery Order Number DR-01-0290, "Infrastructure Services and Support
Contract," Under the General Services Administration's Contract Number
GS-00T98ALD0017.

Accession Number: ML013400363
Document Date: 11/29/2001
Title: FOIA/PA-2002-0054 - Contract No. DR-01-0290, "Infrastructure Services
& Support"

Accession Number: ML021920354
Document Date: 3/14/2002
Title: Modification 006 to DR-01-0290.

Accession Number: ML021650249
Document Date: 5/13/2002
Title: Modification 007 to Solicitation No. GS00T98ALD0017, DR-01-0290.

Accession Number: ML022200412
Document Date: 7/24/2002
Title: Modification 011 to Purchase Order DR-01-0290.

Accession Number: ML021910333
Document Date: 11/2/2001
Title: Modification No. 001 Under Contract No. DR-01-0290.

Accession Number: ML021650302
Document Date: 12/10/2001
Title: Modification No. 002 To Contract No. DR-01-0290.

Accession Number: ML021910340
Document Date: 12/5/2001
Title: Modification No. 003 Under Contract No. DR-01-0290.

Accession Number: ML021650182
Document Date: 2/11/2002
Title: Modification No. 004 to Contract No. GS00T98ALD0017, DR-01-0290.

Accession Number: ML021650229
Document Date: 2/22/2002
Title: Modification No. 005 to Solicitation No. GS00T98ALD0017, DR-01-
0290.

Accession Number: ML021650258
Document Date: 5/8/2002
Title: Modification No. 008 to Task Order No. NRC-33-96-194 (DR-01-0290).

Accession Number: ML022200458
Document Date: 6/19/2002
Title: Modification No. 009 Under Contract No. DR-01-0290.

Accession Number: ML022670575
Document Date: 8/23/2002
Title: Modification No. 012 to Purchase Order DR-01-0290.

Accession Number: ML022840326
Document Date: 9/24/2002
Title: Modification No. 014 to Contract No. DR-01-0290.

Accession Number: ML023240347
Document Date: 10/8/2002
Title: Modification No. 015 to Contract No. DR-01-0290.

Accession Number: ML023450102
Document Date: 11/15/2002
Title: Modification No. 016 to Contract No. DR-01-0290.

Accession Number: ML030300095
Document Date: 1/2/2003
Title: Modification No. 017 to Contract No. DR-01-0290.

Accession Number: ML030720521
Document Date: 3/8/2003
Title: Modification No. 018 to Contract No. DR-01-0290.

Accession Number: ML031290444
Document Date: 3/25/2003
Title: Modification No. 019 to Contract No. DR-01-0290.

Accession Number: ML031920075
Document Date: 6/6/2003
Title: Modification No. 020 to Contract No. DR-01-0290.

Accession Number: ML032600582
Document Date: 6/30/2003
Title: Modification No. 021 to Contract No. DR-01-0290.

Accession Number: ML032870197
Document Date: 9/30/2003
Title: Modification No. 022 to Contract No. DR-01-0290.

Accession Number: ML041340406
Document Date: 3/12/2004
Title: Modification No. 024 to Purchase Order No. DR-01-0290.

Accession Number: ML041340410
Document Date: 4/2/2004
Title: Modification No. 026 for Contract No. DR-01-0290.

Accession Number: ML042010236
Document Date: 6/10/2004
Title: Modification No. 027 (Revised) To Purchase Order No. DR-01-0290.

Accession Number: ML042810107
Document Date: 9/15/2004
Title: Modification No. 030 to Purchase Order No. DR-01-0290.

Accession Number: ML050740240
Document Date: 1/6/2005
Title: Modification No. 034 to Purchase Order No. DR-01-0290.

Accession Number: ML050690118
Document Date: 1/5/2005
Title: Modification No. 035 to Contract No. DR-01-0290.

Accession Number: ML050680396
Document Date: 1/13/2005
Title: Modification No. 036 To Contract No DR-01-0290.

Accession Number: ML051020226
Document Date: 3/11/2005
Title: Modification No. 038 To Delivery Order No. DR-01-0290.

Accession Number: ML051020123
Document Date: 3/24/2005
Title: Modification No. 039 To Delivery Order No. DR-01-0290.

Accession Number: ML051520077

Document Date: 4/26/2005
Title: Modification No. 040 to Delivery Order No. DR-01-0290.

Accession Number: ML053070060
Document Date: 5/2/2005
Title: Modification No. 041 to Contract No. DR-01-0290.

Accession Number: ML053070126
Document Date: 7/13/2005
Title: Modification No. 042 to Contract No. DR-01-0290.

Accession Number: ML060050586
Document Date: 9/15/2005
Title: Modification No. 043 To Task Order No. DR-01-0290.

Accession Number: ML053330233
Document Date: 9/23/2005
Title: Modification No. 044 to Purchase Order No. DR-01-0290.

Accession Number: ML053640383
Document Date: 11/29/2005
Title: Modification No. 046 to Delivery Order No. DR-01-0290.

Accession Number: ML060750184
Document Date: 2/3/2006
Title: Modification No. 047 to Delivery Order No. DR-01-0290.

Accession Number: ML060750356
Document Date: 3/2/2006
Title: Modification No. 048 to Delivery No. DR-01-0290.

Accession Number: ML060890122
Document Date: 3/20/2006
Title: Modification No. 049 To Task Order No. DR-01-0290.

Accession Number: ML062010460
Document Date: 5/31/2006
Title: Modification No. 051 to Delivery Order No. DR-01-0290.

Accession Number: ML062000555
Document Date: 6/8/2006
Title: Modification No. 052 to Contract No. DR-01-0290.

Accession Number: ML062080513
Document Date: 7/20/2006
Title: Modification No. 053 to Task Order No. DR-01-0290.

Accession Number: ML062080528
Document Date: 7/25/2006
Title: Modification No. 054 to Task Order No. DR-01-0290.

Accession Number: ML062340359
Document Date: 8/11/2006
Title: Modification No. 055 to Contract No. DR-01-0290.

Accession Number: ML063320212
Document Date: 9/6/2006
Title: Modification No. 056 to Delivery Order No. DR-01-0290.

Accession Number: ML062620344
Document Date: 9/6/2006
Title: Modification No. 057 to Delivery Order No. DR-01-0290

Accession Number: ML070810025
Document Date: 9/28/2006
Title: Modification No. 058 to Task Order No. DR-01-0290.

Accession Number: ML070930056
Document Date: 11/17/2006
Title: Modification No. 059 to Delivery Order No. DR-01-0290.

Accession Number: ML070360449
Document Date: 1/17/2007
Title: Modification No. 060 to Purchase Order No. DR-01-0290.

Accession Number: ML071060302
Document Date: 4/11/2007
Title: Modification No. 061 to Task Order No. DR-01-0290.

Accession Number: ML071580107
Document Date: 6/6/2007
Title: Modification No. 062 to Order No. DR-01-0290.

Accession Number: ML071640240
Document Date: 6/8/2007
Title: Modification No. 063 to Delivery Order No. DR-01-0290.

Accession Number: ML071780099
Document Date: 6/26/2007
Title: Modification No. 064 to Contract No. DR-01-0290.

Accession Number: ML071860024
Document Date: 6/29/2007
Title: Modification No. 065 to Order No. DR-01-0290.

Accession Number: ML073120043
Document Date: 11/7/2007
Title: Modification No. 066 to Delivery Order No. DR-01-0290.

Accession Number: ML073120045
Document Date: 11/7/2007
Title: Modification No. 067 to Delivery Order No. DR-01-0290.

Accession Number: ML080090094
Document Date: 1/7/2008
Title: Modification No. 069 to Delivery Order No. DR-01-0290.

Accession Number: ML080360182
Document Date: 1/31/2008
Title: Modification No. 070 to Order No. DR-01-0290.

Accession Number: ML080810186
Document Date: 3/20/2008
Title: Modification No. 071 to Task Order No. DR-01-0290.

Accession Number: ML081130221
Document Date: 4/18/2008
Title: Modification No. 073 to Delivery Order No. DR-01-0290.

Accession Number: ML012850130
Document Date: 9/28/2001
Title: Part 1 - Task Order No. DR-01-0290 Under RQ-CIO-01-0290.

Accession Number: ML012850184
Document Date: 9/28/2001
Title: Part 2 - Task Order No. DR-01-0290 Under RQ-CIO-01-0290.

Accession Number: ML012850255
Document Date: 9/28/2001
Title: Part 4 - Task Order No. DR-01-0290 Under RQ-CIO-01-0290.

Accession Number: ML023360225
Document Date: 12/9/2002
Title: Project Officer (Alternate) for Task Order DR-01-0290, Infrastructure Services and Support Contract.

Accession Number: ML042010232
Document Date: 6/10/2004
Title: Rev. To Modification No. 028 Under Contract No. DR-01-0290.

APPENDIX B
RECORDS BEING RELEASED IN THEIR ENTIRETY

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION (PAGE COUNT)</u>
1.	09/07/02	Modification 13 to DR-01-0290 – 2 pages
2.	09/27/03	Modification 23 to DR-01-0290 – 3 pages
3.	1/30/04	Modification 25 to DR-01-0290 – 2 pages
4.	11/10/04	Modification 32 to DR-01-0290 – 2 pages
5.	12/21/04	Modification 33 to DR-01-0290 – 2 pages
6.	02/02/05	Modification 37 to DR-01-0290 – 2 pages
7.	05/21/08	Modification 74 to DR-01-0290 – 4 pages
8.	06/14/01	Section L – Instructions, Condition, and Notices to Offerors – 17 pages
9.	06/14/01	Section M – Evaluation Factors for Award – 5 pages

APPENDIX C
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION (PAGE COUNT)/EXEMPTION</u>
1.	06/01/02	Modification 10 to DR-01-0290 – 22 pages – Exemption 4
2.	06/28/04	Modification 29 to DR-01-0290 – 6 pages – Exemption 4
3.	01/05/05	Modification 31 to DR-01-0290 – 12 pages – Exemption 4
4.	09/27/05	Modification 45 to DR-01-0290 – 6 pages – Exemption 4
5.	09/28/07	Modification 68 to DR-01-0290 – 4 pages – Exemption 4
6.	06/12/08	June Invoice – L3 Communications – 6 pages – Exemption 4
7.	07/25/08	July Invoice – L3 Communications – 6 pages – Exemption 4
8.	9/28/01	Part 3 – Task Order No. DR-01-0290 Under RQ-CIO-01-029 (90 pages) (56 pages released) Ex. 4