

June 20, 2000

Ms. Luisa Deal  
Training Support Network  
P.O. Box 207  
La Jolla, CA 92038

IN RESPONSE REFER  
TO FOIA/PA 2000-008A  
(FOIA/PA 2000-0210)

Dear Ms. Deal:

I am responding to your letter of May 18, 2000, in which you appealed Ms. Carol Ann Reed's response of May 1, 2000, to your Freedom of Information Act (FOIA) request (FOIA-2000-0210). Ms. Reed's response denied release of the selected contractor's proposal for RS-HR-00-281.

Acting on your appeal, I have carefully reviewed the record in this case and have determined that the previously withheld information will continue to be withheld from public disclosure pursuant to Exemption 3 of the FOIA (5 U.S.C. 552(b)(3)) and 10 CFR 9.17(a)(3) of the Commission's regulations. Exemption 3 of the FOIA incorporates the disclosure prohibitions contained in other Federal statutes. The National Defense Authorization Act (41 U.S.C. Section 253(b), subsection (m)(1)), enacted in 1996, provides protection from public disclosure of the successful offeror's proposal if it is not incorporated in the final contract. Moreover, the National Defense Authorization Act does not permit Federal agencies' the discretion to release this information.

This is a final agency decision. As set forth in the FOIA (5 U.S.C. 552(a)(4)(B)), judicial review of this decision is available in a district court of the United States in the district in which you reside or have your principal place of business or in the District of Columbia.

Sincerely,

**/RA/**

Patricia G. Norry  
Deputy Executive Director for Management  
Services

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