



January 19, 1994
TFE S94-0088

U.S. Regulatory Commission
Division of Contracts and Property Management
Contracts Negotiation, Branch 1, Room P-1011
7920 Norfolk Avenue
Bethesda, MD 20814

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-94-40
Rec'd 1-26-94

Attention: Elois J. Wiggins

Reference: RS-IRM-94-178 (Formerly No: IRM-93-228)

Dear Ms. Wiggins:

Pursuant to the Freedom of Information Act, Public Laws 89-487, 90-23 and 90-502, Telos desires to receive a copy of the following information:

1. Contracting Officer - Name and Phone Number
2. Winning Bidder
3. Contract Amount
4. Copy of Contract including amendments with all pricing inserted in Section B
5. Abstract of Bids or the evaluated total price for each offeror
6. Copy of Winning Bidders Proposal

It is our desire to have you provide exact copies of these documents with the understanding that we will pay any reasonable reproduction and research costs up to \$150. We do, however, request a waiver of these fees such that the documents requested can be considered as primarily benefitting the general public and release is in the public interest.

In response to this request, please note *Racal-Milgo vs. SBA*, No. 81-1840, dated December 28, 1981, U.S. District Court of Washington, D.C., where the court found that "Disclosure of prices charged the Government is a cost of doing business with the Government." Please also consider *Public Citizen Health Research Group vs. Food and Drug Administration*, CA D.C. No. 82-1745, April 15, 1983 in which the court found that a trade secret under FOIA must be treated in the context of the Restatement of Torts Definition that says, a trade secret for the purpose of Exemption 4, is "a secret, commercially valuable plan, formula, process or device that is used for making, preparing, compounding or processing of trade commodities and that can be said to be the end project of either innovation or substantial effort." The decision states this does not include business confidentiality terms, such as pricing and sales value data.



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If, for any reason, you believe that any portion of the requested documents are exempt from disclosure under the Freedom of Information Act, please delete any such alleged exempt material. Our consent is designed, however, to facilitate your prompt response and in no way waives our right to the complete documents which we may still choose to request. You may choose to respond to this request in partial increments.

We look forward to hearing from you within the next ten (10) working days, pursuant to Section 552 (a)(6)(i) of the Freedom of Information Act. In the event we are denied any portion of these documents, please specify the statutory basis for the denial and the names and titles of the persons responsible. In addition, please provide the address and point of contact where an appeal can be filed, if desired.

Thank you for your cooperation.

Sincerely,

TELOS FIELD ENGINEERING

A handwritten signature in cursive script that reads "Kathy Rock".

Kathy Rock
Administration

KR:hb