



Department of Energy
Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

PUBLIC AFFAIRS

March 16, 2007

In reply refer to: DK-7

Mr. Daniel Seligman
P.O. Box 99249
Magnolia Station
Seattle, WA 98139

RE: FOIA 07-018

Re: Freedom of Information Act Request F2007-00062

Dear Mr. Seligman:

This is in response to the enclosed Office of Inspector General (OIG), Department of Energy (DOE), response to the above referenced Freedom of Information Act (FOIA) requested dated January 29, 2007. In that request, you asked for "A copy of the U.S. DOE Inspector General ("IG") referral letter to the Bonneville Power ("BPA") regarding IG investigation IO4RS076 dated May 12, 2005, the BPA response dated July 14, 2005 and any other referral letters or responses or other documents in the public domain between July 14, 2005 and February 8, 2006, when the matter was closed."

The OIG identified the enclosed document, Document Number 1, which originated with the BPA and has forwarded it to our agency for determination regarding its release. We have determined and agreed that the enclosed Document Number 1 is releasable as redacted, pursuant to Exemptions 6, and 7(C), as marked, by the Authorizing Official, Christopher R. Sharpley, Deputy Inspector General for Investigations and Inspections in the OIG.

Exemption 6 protects from disclosure "personnel and medical and similar files the disclosure of which would constitute a clearly unwarranted invasions of personal privacy. . . ."
Exemption 7(C) provides that "records or information compiled for law enforcement purposes" may be withheld from disclosure, but only to the extent that the production of such documents "could reasonably be expected to constitute an unwarranted invasion of personal privacy. . . ."

Names and information that would tend to disclose the identity of certain individuals have been withheld pursuant to Exemptions 6 and 7(C). Individuals involved in OIG enforcement matters, which in this case include subjects, witnesses, sources of information, and other individuals, are entitled to privacy protections so that they will be free from harassment, intimidation, and other personal intrusions.

If you are dissatisfied with our determination, you may make an appeal within thirty (30) days of receipt of this letter to Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW, Washington, D.C. 20585. Both the envelope and the letter must be clearly marked "Freedom of Information Act Appeal."

I appreciate the opportunity to assist you with this matter. If you have any questions about this response, please contact my FOIA Specialist, Laura M. Atterbury, at (503) 230-7305.

Sincerely,

/s/ Christina J. Brannon

Christina J. Brannon
Freedom of Information Act Officer

Enclosure
cc: Jerome Yurow, OIG



Department of Energy

Washington, DC 20585

March 1, 2007

Mr. Daniel Seligman
P.O. Box 99249
Magnolia Station
Seattle, WA 98139

Re: Freedom of Information Act Request F2007-00062

Dear Mr. Seligman:

This is the Office of Inspector General (OIG) response to your request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. 552. You asked for "a copy of the U.S. DOE Inspector General ("IG") referral letter to the Bonneville Power Administration ("BPA") regarding IG investigation I04RS076 dated May 12, 2005 the BPA response dated July 14, 2005 and any other referral letters or responses or other documents in the public domain between July 14, 2005 and February 8, 2006, when the matter closed."

On February 15, 2007, Ms. Adrienne Martin, FOIA/Privacy Act Officer, OIG contacted you to clarify your request. During the discussion, you stated you would like to receive all written communications in the case file between the OIG and Bonneville Power Administration from May 12, 2005 through February 8, 2006.

The OIG has completed the search of its files and identified two documents responsive to your request. A review of the responsive documents and a determination concerning their release has been made pursuant to the FOIA, 5 U.S.C. 552. Certain material has been withheld pursuant to subsections (b)(6), and (b)(7)(C) of the FOIA or Exemptions 6 and 7(C), respectively.

Exemption 6 protects from disclosure "personnel and medical and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy"

Exemption 7(C) provides that "records or information compiled for law enforcement purposes" may be withheld from disclosure, but only to the extent that the production of such documents "could reasonably be expected to constitute an unwarranted invasion of personal privacy"

Names and information that would tend to disclose the identity of certain individuals have been withheld pursuant to Exemptions 6 and 7(C). Individuals involved in OIG enforcement matters, which in this case include subjects, witnesses, sources of information, and other individuals, are entitled to privacy protections so that they will be free from harassment, intimidation, and other personal intrusions.

To the extent permitted by law, the DOE, in accordance with Title 10, Code of Federal Regulations, (C.F.R.), Section 1004.1, will make available records it is authorized to withhold pursuant to the FOIA unless it determines such disclosure is not in the public interest.



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In invoking Exemptions 6 and 7(C), we have determined that it is not in the public interest to release the withheld material. In this request, we have determined that the public interest in the identity of individuals whose names appear in these files does not outweigh these individuals' privacy interests. Those interests include being free from intrusions into their professional and private lives.

Document 2 is released with material withheld pursuant to Exemptions 6 and 7(C).

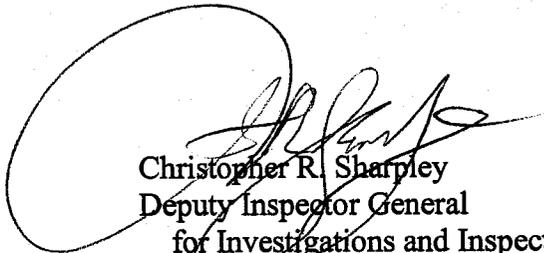
Document 1 originated with the Bonneville Power Administration (BPA). The document has been forwarded to that office for a determination concerning its release. BPA will respond directly to you concerning the document. In addition, the OIG has withheld material from the document pursuant to Exemptions 6 and 7(C).

As required, all releasable information has been segregated from the material that is withheld and is provided to you. See 10 C.F.R. 1004.7(b)(3).

This decision may be appealed within 30 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to Director, Office of Hearings and Appeals, HG-1/L'Enfant Plaza, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585-1615

Thereafter, judicial review will be available to you in the federal district court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where the Department's records are situated, or (4) in the District of Columbia.

Sincerely,



Christopher R. Sharpley
Deputy Inspector General
for Investigations and Inspections
Office of Inspector General

Enclosures

Document Number 1

United States Government

Department of Energy
Bonneville Power Administration

memorandum

TO BPA
b6,7(c)

DATE: JUL 14 2005

REPLY TO
ATTN OF: BPA - A-7

SUBJECT: Bonneville Power Administration Contract (Case File No. I04RS076)

TO: [Inquiries] Office of Inspections and Special

This responds to your May 12, 2005, memorandum to the Administrator concerning possible irregularities regarding a Bonneville Power Administration (BPA) contract (Case File No. I04RS076). The questions in your memorandum are essentially the same ones that BPA responded to on September 30, 2004.

The initial complaint addressed in September 2004 alleged that BPA paid Washington2 Advocates (W2A) about \$270,000 over a three-year period. The more recent complaint alleges that BPA paid W2A \$330,000 through May 2005. The total amount paid to the contractor has increased because of additional services rendered by W2A since September 2004.

The new complaint also alleges that regular business meetings between BPA's Vice President for National Relations and W2A occur at 5:30 a.m., and that BPA gets "no substantive work product" from W2A. The 5:30 a.m. reference is for the Pacific Time zone. The meetings occur in Washington, D.C., during normal business hours, at 8:30 a.m. Eastern Time.

As for the allegation that BPA receives no substantive work product from W2A, BPA's response in September 2004 remains correct and applicable:

The contractor, Washington2 Advocates, assists and supports BPA's Vice President for National Relations in his duties as the liaison between Bonneville and the Department of Energy, other Executive Branch agencies and the Congress. The contractor's duties include providing advice and information to the BPA Administrator and the V.P. for National Relations, as well as assisting BPA in providing information on BPA policies, decisions, and actions to interested Members of Congress and their staffs, and to various Executive officers and their agencies' staffs. Much of the communication between the contractor and BPA personnel - primarily the V.P. for National Relations - takes place in weekly meetings described in the contract's statement of work, in other face-to-face meetings as necessary, and over the telephone.

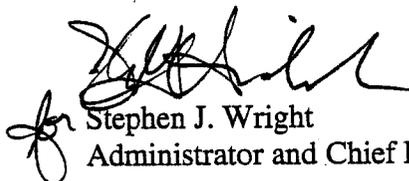
Finally, the current complaint alleges that BPA staff improperly destroyed e-mails related to this contract. As BPA stated in its September 2004 response, e-mail messages, except those that constitute records that must be preserved under the BPA Records Manual, Chapter 810 (see attachment), are routinely deleted from the BPA system pursuant to BPA Manual Chapter 1111, Section 5:

If the content of an e-mail message possesses longer-term business value, employees are required to move the document from the e-mail system for storage elsewhere. The maximum period for retaining all BPA e-mail is 90 days from the date of receipt. All e-mail will be automatically purged upon the expiration of this retention period. Some e-mail messages may constitute Official Records. Specific guidance and definitions of Official Records and working papers are provided in the BPA Records Manual.

Thus, as noted in the September 2004 response, it is not surprising that e-mail messages between BPA and W2A no longer exist, given that they were routine in nature, and there was nothing in them substantively worth saving.

Please let me know if I can be of further assistance to you in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen J. Wright".

for Stephen J. Wright
Administrator and Chief Executive Officer

cc:

Bruce Carnes - S2
Kevin Kolevar - OE-1
David Hill - GC-70
Les Novitsky - S2