



## Department of Energy

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

PUBLIC AFFAIRS

June 19, 2007

In reply refer to: DK-7

Mr. Edward J. Brost  
1802 Hummingbird Ct  
West Richland, WA 99353

FOIA: 07-030

Dear Mr. Brost:

This letter responds to your request for information that you made to the Bonneville Power Administration (BPA), under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Your letter was received in this office on Monday, June 18, 2007, and was assigned a control number, 07-030.

In your request you are asking to be provided “copies of documents related to an ethics allegation made against me around the time of my retirement from Bonneville on October 31, 2006.” You are also requesting “...a copy of the allegation and emails or other supporting information (excluding portions of power sales contracts) included with the allegation.”

After reviewing your letter, it was determined that you addressed all the criteria of a proper request under the FOIA, DOE, and BPA regulation that implements the FOIA at Title 10, Code of Federal Regulations, Part 1004. In your request, you expressed a willingness to pay fees up to \$100.00 if we do not allow a fee waiver.

The FOIA provides that “[d]ocuments shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” See 5 U.S.C. § 552(a)(4)(A)(iii). The DOE has implemented this statutory standard for fee waivers or reduced fees in its FOIA regulation at Title 10, Code of Federal Regulations (CFR), Section 104.9(a)(8).

Although you have requested a waiver of fees, you have not addressed the criteria established in that section. The regulation sets forth the following pertinent factors that are considered by the agency in applying the criteria:

- (1) The subject of the request: Whether the subject of the requested records concerns “the operations or activities of the government;”
- (2) The informative value of the information to be disclosed: Whether the disclosure is “likely to contribute” to an understanding of government operations or activities;
- (3) The contribution to an understanding by the general public of the subject likely to result from disclosure, taking into account your ability and intent to disseminate the information to the public in a form that can further understanding of the subject matter; and
- (4) The significance of the contribution to public understanding: Whether the disclosure is likely to contribute “significantly” to public understanding of government operations or activities.

I have reviewed the information that you provided in your letter to support the request for a fee waiver and considered how it addressed these factors. Although the subject of the request relates to the activities of the government and is of public interest, you have not submitted sufficient information that addresses Factor 2 or Factor 4.

If you would like your request for a fee waiver to be fully considered, please provide additional information that addresses Factor 2 and Factor 4 to Laura M. Atterbury of this office. You should provide the information to her by Tuesday, July 3, 2007. A decision about a waiver of fees or reduced fees will be made after receipt of the information. If additional information is not received from you by that date, we will consider your request for a waiver withdrawn.

For purposes of assessment of any fees, you have been categorized under the DOE regulation at Title 10, CFR, Section 1004.9(b)(4), as an “other” requester. In this category, you are entitled to two free hours of search time and 100 pages of duplication at no cost.

Mr. Mike Sparks, Manager, Audit, Internal Audit, has been designated as the Authorizing Official for your request. Mr. Sparks has 20 working days, until Tuesday, July 17, 2007, to provide a response. Should you have any questions, Mr. Sparks may be reached by calling (503) 230-4135.

I appreciate the opportunity to assist you with this matter. If you have any questions about this letter, 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



**Department of Energy**  
Washington, DC 20585

*Rec'd  
7/3/07  
KRW*

June 28, 2007

MEMORANDUM TO: CHRISTY BRANNON  
FOIA/PRIVACY ACT OFFICER  
BONNEVILLE POWER ADMINISTRATION

FROM: ABEL LOPEZ, DIRECTOR  
HEADQUARTERS FOIA/PRIVACY ACT GROUP  
*Abel Lopez*

SUBJECT: FOIA REQUEST OF EDWARD J. BROST

The attached request for information submitted by Edward J. Brost is transferred to your office for action. Mr. Brost submitted the request under the Freedom of Information Act (FOIA), 5 U.S.C. 552.

We have informed Mr. Brost that documents responsive to the request may be located at the Bonneville Power Administration.

Please conduct a search of your files for any documents responsive to the request. Upon completion of the search and the review of any documents that you may locate, please inform Mr. Brost of your determination.

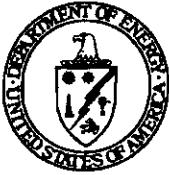
If you have any questions about this transmittal, please call Ms. Althea T. Vanzego of my staff on (202) 586-4261.

Attachments

- (1) Request Letter
- (2) Transfer Letter from Headquarters



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**Department of Energy**  
Washington, DC 20585

June 28, 2007

Mr. Edward J. Brost  
1802 Hummingbird Ct.  
West Richland, WA 99353

Re: FOIA-2007-000520

Dear Mr. Brost:

This is in further response to the 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 requested copies of documents that relate to an ethics allegation made against you around the time of your retirement from Bonneville on October 31, 2006. Specifically, you asked for:

1. A copy of the allegation and electronic mail or other supporting information (excluding portions of power sales contracts) included with the allegation; and
2. A list of people, if any, who were contacted by either Bonneville's General Counsel or the Office of Inspector General (IG) in performing their reviews or investigations.

In your letter you agreed to pay up to \$100.00 for fees associated with the processing of the request. You also requested a waiver or reduction of processing fees.

The FOIA provides that "[d]ocuments shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." See 5 U.S.C. 552(a)(4)(A)(iii). The DOE has implemented this statutory standard for fee waivers or reduced fees in its FOIA regulation at Title 10, Code of Federal Regulations (CFR), Section 1004.9(a)(8).

Although you have requested a waiver or reduction of fees, you have not addressed the criteria established in that section. The regulation sets forth the following pertinent factors that are considered by the agency in applying the criteria:

- (1) The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government;"
- (2) The informative value of the information to be disclosed: Whether the disclosure is likely to contribute" to an understanding of government operations or activities;
- (3) The contribution to an understanding by the general public of the subject likely to result from disclosure, taking into account your ability and intent to disseminate the information to the public in a form that can further understanding of the subject matter; and



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- (4) The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities.

If you would like your request for a waiver or reduction of fees to be considered, please provide additional information that addresses the factors to Ms. Althea Vanzego of my staff. You should provide the information to her by July 13, 2007. A decision about a waiver of fees or reduced fees will be made after receipt of the information. If additional information is not received from you by that date, we will consider your request for a waiver withdrawn and will process the request in accordance with your agreement to pay all fees.

For purposes of assessment of any fees, you have been categorized under the DOE regulation at 10 CFR 1004.9(b)(4), as an "other" requester. In this category, you are entitled to two free hours of search time and 100 pages of duplication at no cost.

The request has been sent to the Bonneville Power Administration (BPA) and the IG at DOE Headquarters to conduct a search of their files for responsive records. Upon completion of the search and the review of any documents located, a response will be provided to you.

If you have any questions about the processing of the request, you may contact Ms. Christy Brannon, FOIA Officer, Department of Energy, Bonneville Power Administration, P.O. Box 3621- KDP-7, Portland, OR 97232. She can also be reached on (503) 230-7303.

If you have any questions about the processing of the request by the IG, you may contact Ms. Adrienne Martin in the Office of Inspector General on (202) 586-1653.

The above referenced number has been assigned to the request and you should refer to it in correspondence with the DOE about this matter.

I appreciate the opportunity to assist you. Please contact Ms. Althea T. Vanzego on (202) 586-4261 with any questions about this letter.

Sincerely,



Abel Lopez, Director  
FOIA/Privacy Act Group  
Office of the Executive Secretariat



## Department of Energy

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

PUBLIC AFFAIRS

July 17, 2007

In reply refer to: DK-7

Mr. Edward J. Brost  
1802 Hummingbird Ct  
West Richland, WA 99353

FOIA: 07-030

Dear Mr. Brost:

I am writing regarding your request for information that you made to the Bonneville Power Administration (BPA), under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. We are unable to meet the initial deadline for completion of this FOIA request.

As permitted by statute, we will take a ten working-day extension of time in which to respond to your request. This extension will provide us enough time to complete the search and review process of the materials gathered in your response to your FOIA request. The new date for this FOIA is Tuesday, July 31, 2007.

If you have any questions, please contact me at (503) 230-7303 or Laura M. Atterbury, FOIA Specialist, at (503) 230-7305. Thank you for your patience.

Sincerely,

*Laura M. Atterbury*  
for  
Christina J. Brannon  
Freedom of Information Act Officer