



Department of Energy

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

PUBLIC AFFAIRS

July 21, 2008

In reply refer to: DK-7

Mr. Dan Seligman, Attorney at Law
Columbia Research Corporation
PO Box 99249
Seattle, WA 98139

RE: FOIA #08-038 (OHA Case Number TFA-0260)

Dear Mr. Seligman:

We were notified by the Office of Hearings and Appeals (OHA) on July 15, 2008, that you were dissatisfied with the documents Bonneville Power Administration (BPA) released in response to your March 31, 2008, request for a copy of the manifest for the BPA plane(s) for calendar year 2007 showing date, destination, passengers and purpose of trip, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. After review, BPA response is as follows:

BPA Manifests

On remand, BPA found a privacy interest in the non-disclosure of the passenger names, but it was a minimal one. Further, because the OHA found a specific public interest in the disclosure of the names on the BPA manifest, the balancing between the two interests requires disclosure. That is, disclosure is required because the OHA's articulated public interest outweighs the minimal privacy interest and so the names of the passengers and crew on the BPA plane(s) manifests for calendar year 2007 will be released.

We have provided Poli A. Marmolejos, Director, Office of Hearings and Appeals, with a copy of this letter to you, as well as unredacted copies of documents that were withheld.

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, DC 20585. Both the envelope and the letter must be clearly marked "Freedom of Information Act Appeal."

Sincerely,

/s/ Christina J. Brannon

Christina J. Brannon
Freedom of Information Act Officer

cc: Poli A. Marmolejos, Director, Office of Hearings and Appeals
Verlette Gatlin, Deputy Director, FOIA and Privacy Acts (w/o enclosures)

Enclosure(s)

Due to the size of the response it can not be posted on the web site. To obtain a copy please contact the BPA FOIA Office at 503-230-7305 and reference FOIA#08-038.



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PUBLIC AFFAIRS

May 20, 2008

In reply refer to: DK-7

Mr. Daniel Seligman
Attorney at Law
P.O. Box 99249
Seattle, WA 98139

RE: FOIA #08-038

Dear Mr. Seligman

This letter is your final response to your Freedom of Information Act (FOIA) request that you made to the Bonneville Power Administration (BPA) on Wednesday, April 2, 2008.

BPA has enclosed 255 responsive documents to your request. These records are copies of all manifests for the BPA planes for calendar year 2007 showing the date, destination, and purpose of the trip. However; any identifying information, such as the names of the individuals who were on board, including passengers and pilots, has been redacted and withheld under Exemption 6 of the FOIA. The BPA Administrator and Chief Executive Officer, Stephen J. Wright, has waived his right to privacy under Exemption 6 of the FOIA.

In determining whether the names of the individuals on board the BPA planes are required to be released under the FOIA, we balanced the privacy interests in the information against the public interest served by the disclosure. Exemption 6 is intended to protect individuals from the injury and embarrassment that could result from unnecessary disclosure of personal information. Furthermore, BPA has determined that disclosure of this information would not further the public interest. However, the other information contained in the manifests such as the number of trips and the destinations can all be used to monitor the proper use of the BPA planes. The identity of the passengers and crew does not add to an understanding of BPA's use of the plane or shed a light on the agency's performance of its statutory duties.

If you are dissatisfied with this determination, you may make an appeal within thirty (30) days of receipt of this letter to the Director of Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585. Both the envelope and the letter must be clearly marked "Freedom of Information Act Appeal." There will be no charge for this request.

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

Sincerely,

/s/ Christina J. Brannon
Christina J. Brannon
Freedom of Information Act/Privacy Act Officer

Enclosures: Responsive documents