



## Department of Energy

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

PUBLIC AFFAIRS

March 25, 2010

In reply refer to: DK-7

David W. Meyer  
Attorney at Law  
Bullivant, Houser, Bailey, PC  
805 Broadway Street, Suite 400  
Vancouver, WA 98660-3310

### **RE: BPA-2010-01043-F**

Dear Mr. Meyer:

This is a final response to the request for information that you sent to the Bonneville Power Administration (BPA) under the Freedom of Information Act (FOIA), 5 U.S.C. 552. You asked for the mailing list containing names and addresses of persons to whom BPA sent a copy of "U.S. Department of Energy-Bonneville Power Administration Permission to Enter Property Form Instruction Sheet" on or about January 13, 2010.

BPA has completed the search for responsive documents. The search found documents that are responsive to the request, however; all information in the responsive documents falls under Exemption 6 of the FOIA, 5 U.S.C. 552 (b)(6) and therefore will not be released. There is no charge for your request.

Exemption 6 protects from disclosure "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." In applying Exemption 6, the DOE considered (1) whether a significant privacy interest would be invaded; (2) whether release of the information would further the public interest by shedding the light on the operations or activities of the Government; and (3) whether in balancing the privacy interest against the public interest, disclosure would constitute a clearly unwarranted invasion of personal privacy.

The name and home addresses of individuals is of a highly personal nature and the individual to whom it pertains has an expectation that it will remain private. Disclosure of this information could subject the individual to whom it pertains to unwanted communications that would intrude into his/her personal life. Finally, disclosure of the information withheld will not reveal any aspects about the operations or activities of the Government.

To the extent permitted by law, the DOE, pursuant to Title 10, Code of Federal Regulations (CFR), Section 1004.1, will make available records that is authorized to withhold under the

FOIA when it determines that such disclosure is in the public interest. Disclosure of the information exempt pursuant to Exemption 6 would not be in the public interest because the public interest in disclosure does not outweigh the adverse impact that will occur to the individual in question.

Our determination satisfies the standard set forth by the Attorney General on October 12, 2001. That standard states that an agency is justified in not releasing requested material on a discretionary basis where release of that material could adversely impact any particular process of the agency or government deliberations; could adversely impact other institutional, commercial, and personal privacy interests that might be implicated by disclosure, or could present an unwarranted risk of adverse impact on the ability of other agencies to protect other important records.

Pursuant to 10 CFR 1004.8, the denial of information and the adequacy of a search may be appealed in writing within 30 calendar days of receipt of a letter denying any portion of the requests. The appeal should be made to the Director, Office of Hearings and Appeals, HG-1, Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-1615.

The written appeal, including the envelope, must clearly indicate that a FOIA Appeal is being made. The appeal must contain all other elements required by 10 CFR 1004.8.

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