



Department of Energy

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

PUBLIC AFFAIRS

April 27, 2010

In reply refer to: DK-7

Liam Clancy
4002 NE 89th Way
Vancouver, WA 98665

RE: BPA-2010-01339-F

Dear Mr. Clancy:

Thank you for 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, April 26, 2010, and has been assigned a control number, BPA-2010-01339-F. Please use this number in any correspondence with the Agency about your request.

You have requested the following:

Information from BPA for the purpose of examining compliance with Title 38 Code of Federal Regulation Part 720 pertaining to "Disabled Veterans' Affirmative Action Program" plan.

We have reviewed your letter and have determined that it addresses all the criteria of a proper request under the FOIA and the DOE regulation that implements the FOIA at Title 10, Code of Federal Regulations, Part 1004. In your letter you agreed to pay up to \$150 in 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
- (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 Laura M. Atterbury, of my staff. You should provide the information to her by Tuesday, May 4, 2010. 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.

Ms. Jo Jeter, Lead Human Resources Specialist, Talent Acquisition, has been assigned as the Authorizing Official for your request. Ms. Jeter has twenty (20) days to respond to your request. The due date for a response to you is Friday, May 21, 2010. If you need to contact Ms. Jeter, she may be reached by calling (503) 230-3957.

I appreciate the opportunity to assist you. Please contact Laura M. Atterbury, FOIA/Privacy Act Specialist at (503) 230-7305 with any questions about this letter.

Sincerely,

/s/ Christina J. Brannon

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

From: Liam Clancy

Sent: Tuesday, April 27, 2010 6:41 PM

To: Atterbury,Laura M - DK-7

Cc: Black,Kathy L - LC-7

Subject: RE: Withdrawal of FOIA Request Made By Liam Clancy

Dear Ms. Atterbury,

I recently submitted a FOIA request to BPA through your internal request system regarding your disabled veterans affirmative action program plan (DVAAP) and veterans related employment statistics. I am no longer in need of this information, though I'd ask you to continue to compile the request and instead turn it over to Kathy Black in your Office of General Counsel. She and I may have a mutual need to discuss the information together shortly, but I don't believe I'll need access to this information personally.

At issue were your agency's submissions of the DVAAP statistics to the Department of Energy. I believe Ms. Black and BPA are now sufficiently aware of the issue and can take appropriate action to address concerns that I have addressed to BPA Administrator Wright and Ms. Leathley.

I than your office for promptly contacting me in response to my inquiry and more specifically for your concern regarding the disclosure of my personal contact information resultant from the publication of this information in your FOIA reading room.

Sincere Regards,

Liam

Liam Clancy