



## Department of Energy

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

PUBLIC AFFAIRS

October 20, 2010

In reply refer to: DK-7

Leslie Bell  
Ex 6

**RE: BPA-2010-01827-F**

Dear Ms. Bell:

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 requested the following:**

All emails, letters, memos, meeting notes and presentations from July 2009 through July 2010: Internal to BPA and between BPA and Department of Energy and other federal agencies that discuss, strategize and mitigate the removal of the Oregon options for the I-5 Corridor Project.

**Response:**

BPA is providing the responsive documents in their entirety or with some information withheld under Exemption 5 or 6 of the FOIA, 5 U.S.C. 552(b)(5) and (b)(6), respectively.

Exemption 5 protects from mandatory disclosure "inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency . . ." Exemption 5 incorporates the deliberative process privilege which protects recommendations, advice, and opinions that are part of the process by which agency decisions and policies are formulated.

Exemption 5 also incorporates the attorney-client privilege, which are communications between attorney and client that relate to a legal matter for which the client has sought professional advice. The privilege usually protects a client's disclosure to any attorney, but also extends to an attorney's opinion based on those disclosures, and to communications between attorneys that reflect client-supplied information.

Exemption 6 protects from mandatory disclosure "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Home and personal telephone numbers and personal e-mail addresses have been deleted from some of the responsive documents.

In applying Exemption 6, BPA considered (1) whether a significant privacy interest would be invaded; (2) whether release of the information would further the public interest by shedding light on the operations or activities of the Government; and (3) whether in balancing the privacy interests against the public interest, disclosure would constitute a clearly unwarranted invasion of privacy.

The withheld information is of a highly personal nature and the individuals to whom it pertains have an expectation that it will remain private. Disclosure of the information could subject the individuals to whom the information pertains to unwanted communications that would intrude into their personal lives.

Moreover, disclosure of this information will not reveal any aspect about the operations or activities of the Government.

As was stated above, the BPA has decided to make a discretionary release of some information that falls within the deliberative process privilege of Exemption 5. With respect to the information withheld under the deliberative process privilege, we find that disclosure of the information would not be in the public interest. The quality of agency decisions would be adversely affected if frank and independent recommendations were inhibited by the knowledge that the content of such recommendations might be made public.

In applying Exemption 6, the BPA balanced the public interest in disclosure against the privacy interest of the individuals involved and concluded that the public interest in disclosure did not outweigh the adverse impact of disclosure on the individuals.

BPA located some additional documents that originated with the US Fish and Wildlife Service, have been sent to Ms. Patti Carroll, FOIA Coordinator, for release determination. If you have questions about the processing of the request, you may contact Ms. Carroll at the US Fish and Wildlife, 911 NE 11<sup>th</sup> Avenue, Portland, OR 97232. She may also be contacted by calling (503) 231-2072.

If you choose to appeal, it must be made within thirty (30) calendar days of receipt of a letter denying any portion of the request. The appeal should be sent to the Director, Office of Hearings and Appeals, U.S. L'Enfant Plaza Building, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-1615.

The written appeal, including the envelope, must clearly indicate that a Freedom of Information Act Appeal is being made. The appeal must contain all the elements required by 10 CFR 1004.8, to the extent applicable.

I appreciate the opportunity to assist you. If you have any questions regarding this correspondence, please contact Laura M. Atterbury, FOIA/Privacy Act Specialist at (503) 230-7305.

Sincerely,

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

Due to the size of the response it cannot be posted. To obtain a copy, contact the BPA FOIA Office at 503-230-7305.