



Department of Energy

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

PUBLIC AFFAIRS

August 6, 2010

In reply refer to: DK-7

Keith Benjamin
Schwabe, Williamson & Wyatt LLC
1211 SW 5th Avenue, Suite 1900
Portland, OR 97204

RE: BPA-2010-01855-F

Dear Mr. Benjamin:

This is a final response to your request for information that you sent 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 Thursday, August 5, 2010, and has been assigned a control number, BPA-2010-01855-F. Please use this number in any correspondence with the Agency about your request.

You have requested the following:

A list of properties, by parcel number and street address (if applicable), impacted by the proposed routes of the I-5 Corridor Reinforcement Project in Southwest Washington.

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. You have agreed to pay \$250 in fees.

Response:

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 parcel number and/or street address 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