



Department of Energy

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

PUBLIC AFFAIRS

August 16, 2010

In reply refer to: DK-7

Joseph M. Williams
Ex 6

RE: BPA-2010-01891-F

Dear Mr. Williams:

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 Wednesday, August 11, 2010, and has been assigned a control number, BPA-2010-01891-F. Please use this number in any correspondence with the Agency about you request.

You have requested the following:

Regarding Business Continuity Program Manager, GS-0301-14, (#005242-08-DE):

1. Name of the person selected
2. Veteran status of person selected (10 point, 5 point; no veteran preference)
3. Gender of person selected
4. Race and National Origin of person selected
5. Was the person selected a current BPA employee?
6. Was the person selected employed by another Federal Agency?
7. Does the person selected have any immediate family members employed by BPA?
8. Name and position of selecting official

In your letter you agreed to pay all 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 Kim Winn, of my staff. You should provide the information to her by Thursday, August 26, 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.

Mr. David L. Shaut, Jr., Supervisor, Human Resources, Talent Acquisition, has twenty (20) working-days to respond to your request. The due date for a response to you is Thursday, September 9, 2010. If you need to contact Mr. Shaut, you may reach him by calling (503) 230-5344.

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. Munro

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