



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

October 8, 2002

In reply refer to: CILR-4

Mr. Steven Vigg
42418 East Larch Mountain Road
Corbett OR 97019

Dear Mr. Vigg:

Your Freedom of Information Act (FOIA) and Privacy Act request to the Department of Justice dated September 23, 1999 (DOJ No. 991307P), which was forwarded to the Bonneville Power Administration, requested "any and all records" related to an allegation and subsequent investigation, including "the specific language of the allegation and who made the allegation {i.e., person(s) and affiliations(s)}." This letter provides BPA's response to your request.

BPA has reviewed the set of documents pertaining to your request, which were forwarded from DOJ to the Department of Energy, and subsequently, to BPA. Enclosed are those documents that BPA has determined may be released to you. Other documents are being withheld, as more particularly described below. BPA has determined that they should be withheld under exemptions available to BPA for deliberative process privilege, pursuant to 5 USC § 552(b)(5) (Exemption 5) of the FOIA, and for personal privacy reasons, pursuant to 5 USC § 552(b)(7) (Exemption 7) of the FOIA.

BPA asserts the deliberative process privilege under Exemption 5 for those documents that are predecisional and deliberative in nature. These documents were prepared by BPA staff and are predecisional because they were prepared as part of a preliminary investigation. These documents do not reflect any final agency decision. The documents are deliberative because they contain recommendations or express the author's opinion on policy or legal matters. Disclosure of this information would not be in the public interest because it would expose BPA's decision-making process in a way that discourages candid discussion within the agency.

BPA asserts the personal privacy privilege under Exemption 7(C) for documents compiled for law enforcement purposes that contain personal information, disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. These documents were compiled as part of an Inspector General/Department of Justice investigation and therefore meet the threshold of documents compiled for law enforcement purposes. The documents contain names and/or other information that could identify the individuals involved in making the allegation and/or who otherwise participated in the investigation. Individuals who participate in these types of investigations have a reasonable expectation that their identities will remain confidential. Because of the possibility of harassment, intimidation, or other personal intrusions, there is a significant privacy interest in keeping the identities of these individuals

confidential. Further, there is no public interest served by disclosing this information since disclosure would not shed any light on the performance of BPA's statutory duties.

Finally, in order to adequately respond to your Privacy Act request, BPA has requested your Official Personnel File (OPF) from off-site storage. Once we receive the OPF, we will review it for responsive records and respond to you accordingly.

If you are dissatisfied with this determination, you may appeal within 30 days from the date you receive this letter to the Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585. The appeal must be in writing and both the envelope and letter must be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Tollefson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gene Tollefson
Freedom of Information Act Officer

Enclosures

bcc:

G. Tollefson - CI-4

J. Bennett - LC-7

P. Mautner - LC-7

C. Jacobson - LC-7

M. Sparks - KN

Official File - CILR (EX 13-13, 02-049)

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