



Department of Energy

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

PUBLIC AFFAIRS

January 27, 2012

In reply refer to: DK-7

Mr. Richard van Dijk
Another Way BPA
Ex 6

FOIA #BPA-2012-00238-F

Dear Mr. van Dijk:

This is a final response to your request for information that you made to the Bonneville Power Administration (BPA) under the Freedom of Information Act (FOIA), 5 USC § 552.

You requested the following:

Copies of all internal and external emails and letters sent and received by Nancy Wittpenn that reference the I-5 Project. Date range requested is from July 1, 2011 through November 2, 2011.

Response:

BPA has provided the enclosed CD with the information you have requested, in its entirety, or with some information withheld pursuant to 5 USC §(b)(5) Exemption 5 of the FOIA.

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 advice, recommendations, and opinions that are part of the process by which agency decisions and policies are formulated.

Exemption 5 also protects attorney client information, 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.

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

Due to the size of the responsive documents they cannot be posted. To obtain a copy contact BPA's FOIA Office at 503-230-7305.

I deeply appreciate your patience with our office needing to recreate the file. Rest assured that we have instituted processes to prevent the situation in the future.

If you have any questions or concerns about this letter, please contact Kim Winn, Communications Specialist, at 503-230-7305.

Sincerely,

/s/Christina J. Munro

Christina J. Munro

Freedom of Information Act/Privacy Act Officer

Enclosure: CD with responsive documents