



## Department of Energy

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

PUBLIC AFFAIRS

March 22, 2007

In reply refer to: DK-7

Mr. John R. Quade, Jr.

RER: FOIA 07-020

Dear Mr. Quade:

This letter responds to 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 Thursday, March 15, 2007, and was assigned a control number, 07-020.

In your request you were interested in attaining information regarding tidal generation of electricity in Puget Sound and the Strait of Juan DeFuca. In particular, environmental impact information of that form of power generation in Puget Sound and the Strait of Juan DeFuca.

After reviewing your letter, it was determined that you addressed all the criteria of a proper request under the FOIA, DOE, and BPA regulation that implements the FOIA at Title 10, Code of Federal Regulations, Part 1004, except for the fees. In your letter you have agreed to pay up to \$15.00 if we do not allow a fee waiver.

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 104.9(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.

I have reviewed the information that you provided in your letter to support the request for a fee waiver and considered how it addressed these factors. Although the subject of the request relates to the activities of government and is of public interest, you have not submitted sufficient information that addresses Factor 2 or Factor 4.

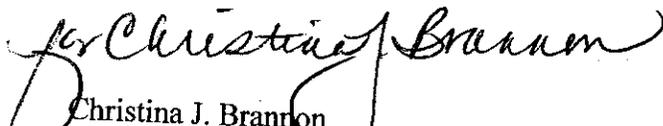
If you would like your request for a fee waiver to be fully considered, please provide additional information that addresses Factor 2 and Factor 4 to Laura M. Atterbury of this office. You should provide the information to her by April 6, 2007. A decision about a waiver of fees or reduced fees will be 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.

For purposes of assessment of any fees, you have been categorized under the DOE regulation at Title 10, CFR, Section 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. Terry Oliver, Chief Technological Innovator, Office of Technology and Innovation, has been designated as the Authorizing Official for your request. Mr. Oliver has 20 working days, until Wednesday, April 11, 2007, to provide a response. Should you have any questions, Mr. Oliver may be reached by calling (503) 230-5853.

I appreciate the opportunity to assist you with this matter. If you have any questions about this letter please contact my FOIA Specialist, Laura M. Atterbury, at (503) 230-7305.

Sincerely,

  
Christina J. Brannon  
Freedom of Information Act/PA Officer