



## Department of Energy

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

PUBLIC AFFAIRS

December 2, 2009

Richard van Dijk  
19521 NE 212<sup>th</sup> Ave  
Brush Prairie, WA 98606

In reply refer to: DK-7

FOIA BPA #2010-00493-F

Dear Mr. van Dijk:

Thank you for the request for information that you made to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. 552. Your letter was received in this office on November 27, 2009, and has been assigned a controlled number, BPA #2010-00493-F. Since we receive several hundred requests a year, please use this number in any correspondence with the Department about your request.

In your letter you agreed to pay \$20.00 in fees associated with the processing of the request. The initial fee estimate is \$3000.00 in search time and processing costs.

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 Laura Atterbury, FOIA Specialist. You should provide the information to her by December 16, 2009. 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.

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

Sincerely,

*/s/ Christina J. Brannon*

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