



## Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

April 7, 2022

In reply refer to: FOIA #BPA-2022-00638-F

**SENT VIA EMAIL ONLY TO:** [DudleyDevices@Aol.com](mailto:DudleyDevices@Aol.com)

Douglas Albright  
Actuation Test Equipment Company  
3393 Eddie Road  
Winnebago, IL 61088

Dear Mr. Albright,

The Bonneville Power Administration (BPA) has received your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). BPA received your records request on March 24, 2022, as a transferred FOIA request from the U.S. Department of Energy's (DOE) FOIA office. The DOE assigned your request a tracking number of HQ-2022-00628-F. BPA has accepted that transfer and has assigned your request a tracking number of BPA-2022-00638-F. Please use that BPA tracking number in any correspondence with the agency regarding your FOIA request.

### Request

“...any documents mentioning Type-1, Type-2, Type-3, Type-4 or Type-5 Optimization [... and...] any documents mentioning Water Spilling at any Columbia River Dams under court order. [Responsive records are requested for 2022 dates; absent available records dated 2022, responsive records are requested for the last half of 2021; absent available records dated for the last half of 2021, responsive records are requested for the first half of 2021.]”

### Acknowledgement

BPA has reviewed your request and determined that it fulfills all of the criteria of a proper request under the FOIA and DOE FOIA regulations at Title 10, Code of Federal Regulations, Part 1004.

### Complex Request

The FOIA requires that BPA act on requests “promptly” and that the agency make a determination on your request and respond within 20 working days (5 U.S.C. § 552(a)(6)). However, BPA has instituted multi-track processing as permitted by the FOIA (5 U.S.C. §

552(a)(6)(D)(i)). In compliance with this process, simple requests and complex requests are placed in two different queues and each queue is processed on its own first-in-first-out basis. Requests are placed in the complex queue if they require significant agency time or resources to process. BPA has determined that a response to your request may require a review of the responsive records for statutory exemptions and possible consults with third parties. BPA has therefore designated your request as complex.

### **Unusual Circumstances**

The FOIA provides that an agency may extend the response time if “unusual circumstances” exist (5 U.S.C. § 552(a)(6)(B)(i)). Unusual circumstances include a need to search records located in field facilities, requests for a voluminous amount of records, and requests that require consultation with other agency components. BPA has determined that a response to your request may require consultation with other federal agency components, and may also involve a larger volume of records. BPA has therefore determined that your request involves unusual circumstances.

### **Target Date for Completion**

In light of the above conditions and determinations BPA currently estimates the completion of a response to your FOIA request by **July 6, 2022.**

### **Fees**

There are no fees associated with the agency’s response to your FOIA request.

### **First Partial Response**

In response to your request, BPA conducted records and information searches in the agency’s Long Term Power Planning and Power & Operation Planning offices. Knowledgeable personnel in those offices report that the agency has no records responsive to your request for, “...any documents mentioning Type-1, Type-2, Type-3, Type-4 or Type-5 Optimization...”.

### **Certification of First Partial Response**

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the search and brief information release described above. Your FOIA request remains open, as discussed below.

### **Next Partial Response**

Knowledgeable agency personnel report that the agency likely has records “...mentioning Water Spilling at any Columbia River Dams under court order.” BPA has commenced a records search responsive to your request.

BPA invites you to contact the agency to narrow the scope of your request, if desirable, or to discuss the estimated completion date.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, Maryland 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Phone: 202-741-5770  
Toll-free: 1-877-684-6448  
Fax: 202-741-5769

Questions about this communication or the status of your FOIA request may be directed to the FOIA Public Liaison Jason Taylor at [jetaylor@bpa.gov](mailto:jetaylor@bpa.gov) or 503-230-3537. Questions about this communication may also be directed to James King, CorSource Technology Group LLC, at [jjking@bpa.gov](mailto:jjking@bpa.gov) or 503-230-7621.

Sincerely,



Candice D. Palen  
Freedom of Information/Privacy Act Officer



## Department of Energy

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

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

June 28, 2022

In reply refer to: FOIA #BPA-2022-00638-F

**SENT VIA EMAIL ONLY TO:** [DudleyDevices@Aol.com](mailto:DudleyDevices@Aol.com)

Douglas Albright  
Actuation Test Equipment Company  
3393 Eddie Road  
Winnebago, IL 61088

Dear Mr. Albright,

This communication is the Bonneville Power Administration's (BPA) second and final response to your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). BPA received your records request on March 24, 2022, as a transferred FOIA request from the U.S. Department of Energy's (DOE) FOIA office. BPA accepted that transfer and formally acknowledged your FOIA request via letter to you dated April 7, 2022. That April 7 letter also provided you with BPA's first partial response to your FOIA request.

### **Request**

"...any documents mentioning Type-1, Type-2, Type-3, Type-4 or Type-5 Optimization [... and...] any documents mentioning Water Spilling at any Columbia River Dams under court order. [Responsive records are requested for 2022 dates; absent available records dated 2022, responsive records are requested for the last half of 2021; absent available records dated for the last half of 2021, responsive records are requested for the first half of 2021.]"

### **First Partial Response**

In response to your request, BPA conducted records and information searches in the agency's Long Term Power Planning and Power & Operation Planning offices. Knowledgeable personnel in those offices report that the agency has no records responsive to your request for, "...any documents mentioning Type-1, Type-2, Type-3, Type-4 or Type-5 Optimization...". That response was communicated to you on April 7, 2022.

### **Second & Final Response**

Further responsive to your FOIA request, the 2022 Fish Passage Plan for Lower Columbia & Lower Snake River Hydropower Projects, dated March 1, 2022 – February 28, 2023, and published by U.S. Army Corps of Engineers Northwestern Division's Columbia Basin Water

Management, Reservoir Control is now available. That record is publicly available at the following internet link:

<https://pweb.crohms.org/tmt/documents/fpp/2022/>

### **Certification**

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the search and information release described above. Your FOIA request BPA-2022-00638-F is now closed, with all available responsive agency information provided.

### **Appeal**

Note that the records and information release certified above is final. Pursuant to 10 C.F.R. § 1004.8, you may appeal the adequacy of the records search, and the completeness of this final records and information release, or/and the adequacy of the records search and the completeness of the first partial response, within 90 calendar days from the date of this communication.

Appeals should be addressed to:

Director, Office of Hearings and Appeals  
HG-1, L'Enfant Plaza  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585-1615

The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to [OHA.filings@hq.doe.gov](mailto:OHA.filings@hq.doe.gov), including the phrase "Freedom of Information Appeal" in the subject line. (The Office of Hearings and Appeals prefers to receive appeals by email.) The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, Maryland 20740-6001  
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Phone: 202-741-5770  
Toll-free: 1-877-684-6448  
Fax: 202-741-5769

Questions about this communication or the status of your FOIA request may be directed to the FOIA Public Liaison Jason Taylor at [jetaylor@bpa.gov](mailto:jetaylor@bpa.gov) or 503-230-3537. Questions about this communication may also be directed to James King, CorSource Technology Group LLC, at [jjking@bpa.gov](mailto:jjking@bpa.gov) or 503-230-7621.

Sincerely,

Candice D. Palen  
Freedom of Information/Privacy Act Officer