



(June 5, 2015). Moreover, BPA also discovered a letter that is responsive to the Appellant's Request #1, specifically pertaining to "mailings regarding the 2012 Fish Accord MOA with the Kalispell Tribe." *See* Email from Paul Mautner, Office of General Counsel, BPA, to Shiwali Patel, Attorney Advisor, OHA (June 4, 2014). Thus, we will remand this matter in part to the BPA as to the Appellant's Request #1, seeking "[t]he BPA Journal Mailing List of approximately 3500 members, to include the mailings regarding the 2012 Fish Accord MOA with the Kalispell Tribe." Upon remand, BPA shall re-release the mailing list with a new determination as to the application of Exemption 6 and provide the responsive document that it recently discovered.

Furthermore, the Appellant claims that BPA's search for documents responsive to Request #5 was inadequate as the documents that BPA provided were non responsive. *See* Appeal. In response to our questions, BPA stated that it actually misinterpreted Request #5 and that it "does not have its own 'written standards and regulations' for the NEPA process," because BPA follows the DOE's NEPA regulations at 10 C.F.R. 1021.100 and 1021.410. *See* Email from Paul Mautner, Office of General Counsel, BPA, to Shiwali Patel, Attorney Advisor, OHA (June 4, 2014). Thus, as the requested information is found in the regulations, we will deny this part of the Appeal.

It Is Therefore Ordered That:

1) The Freedom of Information Action Appeal filed by Ralph Sletager on May 28, 2014, OHA Case Number FIA-14-0030, is denied in part and remanded in part as set forth in Paragraph (2) below.

(2) This matter is hereby remanded in part to the Bonneville Power Administration as to Request #1, to issue a new determination in accordance with the instructions set forth in this Decision.

(3) This is a final order of the Department of Energy from which any aggrieved party may seek judicial review pursuant to 5 U.S.C. 552(a)(4)(B). Judicial review may be sought in the district in which the requester resides or has a principal place of business, or in which the agency records are situated, or in the District of Columbia.

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Poli A. Marmolejos  
Director  
Office of Hearings and Appeals

Date: June 9, 2014