



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

February 12, 2014

Travis E. Stills  
Attorney for Tallahassee Area Community  
1911 Main Ave., Suite 238  
Durango, CO 81301

IN RESPONSE REFER TO  
FOIA/PA-2014-0007A  
(FOIA/PA-2014-0012)

Dear Mr. Stills:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter received on December 23, 2013, in which you appealed the agency's November 21, 2013, decision related to your client's October 15, 2013 Freedom of Information Act/Privacy Act (FOIA/PA) request (FOIA/PA-2014-0012). You appealed the denial of your client's request for a fee waiver. The NRC addresses fee waiver request under Title 10 of the *Code of Federal Regulations* (10 CFR) 9.41, "Requests for Waiver or Reduction of Fees." This guidance implements the FOIA fee waiver standard (5 U.S.C. 552(a)(4)(A)(iii)).

In your appeal, you have argued that the requester does not have a commercial interest in obtaining the requested records. On its face, the Tallahassee Area Community (TAC) is, according to its website, an organization comprised of home owners who assert that uranium mining and exploration will dewater the area and devalue its property values. TAC asserts on its website that it "stands against the existence of an industrial mining operation in (its) agricultural/forestry neighborhood." Ostensibly, the records sought from the NRC in the present request, including documents regarding uranium processing technology, such as impact and laser ablation, will directly serve the commercial interests of the requester as described on their website. However, it is not necessary to reach this conclusion for the reasons explained below.

Acting on your appeal (enclosed as Document 1), I have carefully reviewed the record in the case. I have determined that the NRC received your appeal after the timeframe within which the agency must receive an administrative appeal following a decision by the agency denying a request for access to records.<sup>1</sup>

A requester must submit an administrative appeal according to an agency's regulations, including regulations governing deadlines and procedures for submission.<sup>2</sup> Section 9.29(a) of 10 CFR states the following:

A requester may appeal a notice of denial of a Freedom of Information Act request for access to agency records, denial of a request for waiver or reduction of fees, or denial of a request for expedited processing under this subpart within 30 calendar days of the date of the NRC's denial.

The NRC received your appeal on December 23, 2013. This was 32 days after the

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<sup>1</sup> 10 CFR 9.29(a).

<sup>2</sup> See, e.g., *Imamoto v. SSA*, No. 08-00137, 2008 WL 5179104, at \*5 (D. Haw. Dec. 9, 2008).

T. Stills

- 2 -

November 21, 2013 response (enclosed as Document 2) that the NRC issued to administratively close your client's underlying request based on your client's failure to pay the fee estimate that the NRC issued to your client on November 5, 2013 (enclosed as Document 3). Therefore, the NRC denies your appeal as untimely.

This is the NRC's final decision as to your appeal of the fee waiver denial. As set forth in the FOIA (5 U.S.C. 552(a)(4)(B)), judicial review of this decision is available in a district court of the United States in the district in which you reside or have your principal place of business. You can also obtain judicial review in the district in which the agency's records are situated or in the District of Columbia.

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a nonexclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
Room 2510  
8601 Adelphi Road  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: 301-837-1996  
Facsimile: 301-837-0348  
Toll-free telephone: 1-877-684-6448

Sincerely,



Darren B. Ash  
Deputy Executive Director for Corporate  
Management and Chief Freedom of Information  
Act Officer  
Office of the Executive Director for Operations

Enclosures:  
As stated

# **DOCUMENT 1**

2014-000711

**Energy & Conservation Law**  
*a public interest environmental law firm*

1911 Main Avenue, Suite 238  
Durango, Colorado 81301

Phone: (970) 375- 9231  
Email: [stills@frontier.net](mailto:stills@frontier.net)

December 20, 2013

**By email (pdf attachment) hard copy follows by U.S. Mail**

Freedom of Information and Privacy Act Officer  
U.S. Nuclear Regulatory Commission  
Mail Stop T-5 F09  
Washington, DC 20555-0001  
[FOIA.resource@nrc.gov](mailto:FOIA.resource@nrc.gov)

**RE: Freedom of Information Act Appeal  
FOIA RIN 2014-0012**

Dear Appeals Officer,

This Freedom of Information Act ("FOIA") appeal is filed on behalf of Tallahassee Area Committee ("TAC") pursuant to the requirements of 5 U.S.C. §552. Please provide your written confirmation (preferably by e-mail) upon the receipt of this appeal.

**Relevant Facts and Background**

The October 18, 2013 FOIA Request was sent by email and received by persons in Nuclear Regulatory Commission who were identified as likely to possess responsive agency records. NRC Staff issued the appealable denial of the fee waiver request dated November 21, 2013. Exh. 1 (FOIA Fee Waiver Denial). This appeal follows.

The FOIA Request was filed on behalf of TAC and seeks information concerning NRC's ongoing regulatory activities involving the licensing and implementation of experimental uranium processing, concentration, and extraction technologies that various companies have already deployed in Wyoming. Public statements identified in the request indicate that NRC may allow similar unlicensed activities to go forward near TAC members' homes in the rural Tallahassee Creek neighborhood near Cañon City, Colorado.

The FOIA Officer initially denied TAC's fee waiver requested in a previous FOIA request. 2014-003. Instead of pursuing an appeal, TAC resubmitted its request with additional information. The FOIA Officer again denied the request, on the sole basis that because some of TAC's members are also property owners in Tallahassee Creek, the request was primarily in the commercial interest of the requester. No other explanation or analysis was provided, indicating that the FOIA Officer took a single piece of information from the website - property ownership of some members - and used it as the sole basis for the denial. The FOIA Officer's reliance on this single fact is an abuse of discretion, arbitrary, and capricious where it ignores the other information TAC provided.

based on the clearly erroneous conclusion that TAC had a commercial interest in the request for the sole reason that some TAC members are also property owners. There is no basis for the arbitrary conclusion that TAC's members' alleged property interests could render the FOIA request primarily in TAC's commercial interest. The FOIA Officer provided no legal standard to support the denial. The denial is based on clear legal error, an abuse of discretion, and cannot be supported on appeal.

FOIA's fee waiver provision precludes the FOIA Officer's "commercial interest" denial. "Information is commercial if it relates to commerce, trade, or profit." *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. Cal. 1987). The FOIA Officer provides no basis for concluding that mere property ownership of its members could constitute a commercial interest. None exists.

Instead, a fee waiver request must be granted for a demonstrated noncommercial interest, even where "the information furthers the requesters' interest in compensation or retribution for a loss" in tort litigation. *Martinez v. SSA*, 2008 U.S. Dist. LEXIS 21703 (D. Colo. Feb. 18, 2008). The result in *Martinez* confirms that even if the FOIA Officer's cryptic mischaracterization of TAC's activities and purposes were accurate, TAC would still satisfy the "commercial interest" prong of the fee waiver standard.

Even if a member's financial status or property ownership were relevant in the present matter, which they are not, the statutory fee waiver language uses the term "primarily" to confirm that some amount of commercial interest is allowable. *Campbell v. United States DOJ*, 164 F.3d 20, 36 (D.C. Cir. 1998)(holding that "quasi-commercial nature of [requester]'s research was therefore irrelevant" to fee waiver determination). Indeed, the FOIA Officer confirmed that TAC's request fulfilled each and every remaining factor applicable to a fee waiver request. There is no basis for the proposition that unspecified interests of property-owning members of TAC could convert the organization's public interest activities into a "primarily commercial interest." *Id.*

TAC's request established that the request seeks information to support its public interest activities regarding NRC's controversial refusal to regulate uranium processing activities that affect numerous communities throughout the western United States, including several communities where TAC's members live and own property. Read fairly and in context, TAC's request "is not primarily in the commercial interest of the requester." 5 U.S.C. §552(a)(4)(A)(iii).

In sum, the fee waiver denial ignores the plain statements in the FOIA Request and the materials submitted in support of the request. Instead, the FOIA Officer based the denial on the irrelevant fact that some of TAC's members may be property owners. The present appeal seeks reversal of the FOIA Officer's determination where fee waiver factors have been satisfied and requests that the fee waiver request be granted without further delay and expense.

## **Conclusion and Relief**

TAC seeks immediate release of responsive agency records and a fee waiver, both of which are consistent with the important purposes of FOIA, as summarized by the 10<sup>th</sup> Circuit:

**RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) / PRIVACY  
ACT (PA) REQUEST**

2014-0012

1

RESPONSE  
TYPE

FINAL



PARTIAL

REQUESTER

Catherine J. Meyrick

DATE

NOV 21 2013

**PART I. -- INFORMATION RELEASED**

- ☐ No additional agency records subject to the request have been located.
- ☐ Requested records are available through another public distribution program. See Comments section.
- ☐  Agency records subject to the request that are identified in the specified group are already available for public inspection and copying at the NRC Public Document Room.
- ☐  Agency records subject to the request that are contained in the specified group are being made available for public inspection and copying at the NRC Public Document Room.
- ☐  Agency records subject to the request are enclosed.
- ☐ Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- ☐ We are continuing to process your request.
- ☒ See Comments.

**PART I.A -- FEES**

AMOUNT\*

\$

\* See comments  
for details

You will be billed by NRC for the amount listed.



None. Minimum fee threshold not met.



You will receive a refund for the amount listed.



Fees waived.

**PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE**

- ☐ No agency records subject to the request have been located. For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.
- ☐ Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- ☒ This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

**PART I.C COMMENTS ( Use attached Comments continuation page if required)**

We are administratively closing your case for failure to pay the fee estimate issued to you on November 5, 2013.

The incoming FOIA request will be available in ADAMS at ML13291A288.

Records with an ML accession number are available in the NRC Library at [www.nrc.gov/reading-rm/adams.html](http://www.nrc.gov/reading-rm/adams.html). For assistance in obtaining any public records, please contact the NRC's Public Document Room (PDR) at 1-800-397-4209 or by e-mail at [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing

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(last updated 22 Nov 2013)

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> See also: [Tailings Dam Safety Issues](#) · [Phosphate Tailings Issues](#)

> News Archives: [2013](#) · [2012](#) · [2011](#) · [2010](#) · [2009](#) · [2008](#) · [2007](#) · [2006](#) · [2005](#) · [2004](#) · [2003](#) · [2002](#) · [2001](#) · [2000](#) · [1999](#) · [1998](#) · [1997](#)

(With cookies enabled, marking will be automatic at further visits.)

## CURRENT NEWS

(The dates shown reflect the date of the event, not necessarily the date of the addition to this site. It is therefore advisable to check also dates older than your last visit.)


-  Nov. 22, 2013: [Oxfam denounces unbalanced partnership between Areva and Niger](#)
-  Nov. 21, 2013: [Marathon Resources withdraws from uranium business. penalized and sorely tried \(South Australia\)](#)
-  Nov. 19, 2013: [Areva wins defamatory Pinocchio Award for opening museum glorifying former uranium mining in Limousin area \(France\)](#)
- Nov. 19, 2013: [Two suspects arrested for uranium possession \(South Africa\)](#)
-  Nov. 19, 2013: [Australia's deal with India on uranium exports may include weaker monitoring safeguards](#)
-  Nov. 18, 2013: [Uranium mines in Namibia face water shortage](#)
-  Nov. 18, 2013: [Kyrgyzstan rejects uranium exploration applications in Arsy area](#)
-  Nov. 18, 2013: [Denison becomes majority owner of Faléa mine project \(Mali\)](#)


## IN ADDITION...

### URANIUM PRICE

[US\$ per lb U<sub>3</sub>O<sub>8</sub>]

35.85   
Tradetech weekly  
spot market price  
as of Nov. 15,  
2013

36.00   
UxC weekly spot  
market price as  
of Nov. 18, 2013

50.00   
Cameco long-term industry avg.  
price, Oct. 2013

([details](#))

## NEW PUBLICATIONS AND RESOURCES

- **■** Nov. 12, 2013: Honeymoon in situ leach uranium mine to be mothballed (South Australia)
- Nov. 11, 2013: Production of U.S. DOE Depleted Uranium Hexafluoride Conversion Facilities ramping up
- **☑** Nov. 11, 2013: Powertech writes down value of Centennial uranium mine project (Colorado)
- **■** Nov. 11, 2013: Rössing halts preparation of Social and Environmental Impact Assessment for proposed mining of Z20 deposit (Namibia)
- **☑** Nov. 11, 2013: Québec refuses permit for Matoush uranium exploration project
- **☑** Nov. 10, 2013: Environmentalists slam Environmental Impact Assessment for proposed mining of Retortillo deposit for failure to assess radiological impacts (Spain)
- **■** Nov. 8, 2013: Kazatomprom scraps uranium mine expansion projects (Kazakhstan)
- **☑** Nov. 8, 2013: Experts ponder responsibility for Talvivaara Sotkamo mine clean-up in case of bankruptcy (Finland)
- **☑** Nov. 8, 2013: Karlamilyi National Park threatened by Kintyre uranium mine project, conservationists say (Western Australia)
- **☑** Nov. 8, 2013: Cameco releases Environmental Review and Management Programme for Kintyre uranium mine project for comment (Western Australia)
- **☑** Nov. 2013: U.S. DOE issues Communications and Outreach Plan for the Navajo Nation Uranium Mill Tailings Radiation Control Act sites
- **▲** Nov. 8, 2013: U.S. NRC invites comment on new rules for control and accounting of special nuclear material
- **☑** Nov. 7, 2013: U.S. NRC approves five-year extension to groundwater corrective actions at Church Rock mill and tailings site (New Mexico)
- **☑** Nov. 7, 2013: Troubled Talvivaara mining company, owner of Sotkamo mine, faces bankruptcy (Finland)
- **☑** Nov. 7, 2013: Denison writes down value of Mutanga uranium mine project (Zambia)
- Nov. 6, 2013: Protest against DU munitions tests at Dundrennan firing range in Kirkcudbright (Scotland)

## ISL SPILL OF THE DAY

Latest major spills and excursions reported from mines exploited by the in situ leach process

### Crow Butte, Nebraska:

Sep. 11, 2013: Monitor well excursion

Aug. 22, 2013: Well fails 5-year mechanical integrity test

Aug. 6, 2013: Well fails 15-year mechanical integrity test

Jun. 5, 2013: Radiation dose in unrestricted area exceeds 0.02 mSv/h standard

Mar. 14, 2013: Evaporation Pond 1 liner leak

Jan. 18, 2013: Well fails mechanical integrity test

Oct. 24, 2012: Well fails 20-year mechanical integrity test

### Nichols Ranch, Wyoming:

Aug. 14, 2013: 500 gallon spill of "grey water"

### Lost Creek, Wyoming:

Nov. 12, 2013: 3,360 gallon spill of injection fluid (0.08 mg/L U)

Aug. 4, 2013: 24,458 gallon spill of injection fluid (< 1 ppm U)

Aug. 3, 2013: 2,200 gallon spill of injection fluid (< 1 ppm U)

### Smith Ranch, Wyoming:

Mar. 12, 2013: Monitor well placed on excursion status

Feb. 19, 2013: Monitor well placed on excursion status

Oct. 20, 2012: 100 gallon spill of production fluid (31.1 ppm U)

Oct. 16, 2012: 50 gallon spill of injection fluid

### PRI Highland, Wyoming:

Aug. 6, 2013: Monitor well placed on excursion status

Jul. 31, 2013: 1,048 gallon spill of production fluid (10 ppm U)

May 5, 2013: 85,000 gallon spill of injection fluid (2 ppm U)

















Mar. 11, 2013: Monitor well placed on excursion status

Feb. 17, 2013: 105 gallon spill of production fluid (5.7 ppm U)

Dec. 20, 2012: 1,141 gallon spill of




deconversion plant (France)

- Oct. 30, 2013: Urenco USA obtains NRC permission to increase enrichment limit from 5.0% to 5.5% (New Mexico)
-  Oct. 30, 2013: Black Range Minerals to acquire idle Shootaring Canyon uranium mill (Utah)
-  Oct. 30, 2013: Worker dies from injuries suffered in electrical incident at Langer Heinrich uranium mine (Namibia)
-  (less than 3 days left for submissions):
  -  Oct. 29, 2013: Wyoming DEQ invites public comment on draft amendment to deep disposal well permit for Lost Creek uranium in situ leach mine
-  Oct. 29, 2013: Most workers at Valencia uranium mine project dismissed due to weak uranium market (Namibia)
-  Oct. 29, 2013: Four French hostages taken in uranium mining town Arlit are released (Niger)
-  Oct. 29, 2013: CNSC approves license renewal for Key Lake, McArthur River and Rabbit lake uranium mines (Saskatchewan)
-   Oct. 29, 2013: U.S. NRC offers opportunity to request a hearing and to petition for leave to intervene on Homestake request to change radon background monitoring location at former Grants uranium mill site (New Mexico)
- Oct. 28, 2013: Prosecutors probe German utility EnBW, Russian lobbyist
-  Oct. 28, 2013: Protesters demand independent inquiry into revival of uranium mining in Queensland (Australia)
-  Oct. 26, 2013: Areva forms joint venture to develop uranium mines in Mongolia
-  Oct. 25, 2013: Areva wins appeal against condemnation for lung cancer death of former employee at Akouta uranium mine (Niger)
-   Oct. 25, 2013: U.S. NRC invites comment on proposed revision of Regulatory Guide 8.34 - Monitoring criteria and methods to calculate occupational radiation doses
-  Oct. 25, 2013: Areva resumes uranium exploration in Mongolia
-  Oct. 25, 2013: Construction of three uranium mines to be completed by year end (Uzbekistan)

**atomic reactors, so we are actually purifying the subsoil from heavy metals."**

(Kazatomprom senior manager Kalilallo Baytasov on groundwater impacts of uranium in situ leaching in Kazakhstan, in: Christian Science Monitor, Aug. 28, 2013)

**"Two thirds of the earth's surface is water... the rest we can process"**

(Motto of MDM Engineering Group Limited , contractor to gold/uranium miners Gold One International Ltd and Gold Fields Ltd)

**"Interviewed, URANEX Public Relation Officer Nyero Godwin denied the allegations, contending that the type of uranium that would be extracted was in "salt form", insisting that no person would be affected."**

(referring to health problems, in particular from dust, attributed to uranium exploration performed by Uranex NL in Bahi and Manyoni districts, in: The Guardian, Tanzania, Oct. 8, 2011)












**"the deputy minister for Energy and Minerals, Mr Adam Malima, said the mining activities would not have any impact on the people since the minerals would only be produced in their raw form"**

(referring to uranium mining projects in Bahi and Manyoni districts in Tanzania, in: The Citizen, August 15, 2011)

**"With regard to tailings, tailings are in fact a potential future resource so I think there's a considerable incentive to manage the tailings in a very good way with that in mind."**

(Michael Angwin of the Australian Uranium Association referring to the uranium mill tailings from a proposed expansion of the Olympic Dam uranium mine, ABC Aug. 5, 2011)

for uranium mines

-  Oct. 17, 2013: First shipment of Canadian uranium arrives in China
-  Oct. 12, 2013: Thousands protest in Arlit against Areva (Niger)
- Oct. 11, 2013: Ontario Environment ministry finds 'no evidence' of soil contamination near GE-Hitachi Toronto nuclear fuel facility (Canada)
-  Oct. 10, 2013: Greenlandic Parliament debates proposal for lifting zero-tolerance uranium policy
-  Oct. 9, 2013: Federal Court dismisses challenge by Aboriginal elder to the proposed expansion of Olympic Dam mine (South Australia)
-  Oct. 8, 2013: Environmental licence granted for mining of Retortillo deposit in Salamanca project (Spain)
-  Oct. 8, 2013: Demonstrations in Nuuk and Narsaq against proposed lifting of Greenland's zero-tolerance uranium policy
-  Oct. 8, 2013: Operation licenses awarded for Temrezli in situ leach uranium project - even before submission of Environmental Impact Assessment (Turkey)
-  Oct. 6, 2013: Heavy metal contents of plants grown on soils in former Ronneburg uranium mine area exceeds safe levels for incalculable time spans, study finds (Germany)
- Oct. 4, 2013: Anomaly with chlorine trifluoride at decommissioning EURODIF enrichment plant (France)
-  Oct. 3, 2013: Company proposes to locate refinery for Kvanefjeld (Greenland) rare earth - uranium project in Denmark
- Oct. 2, 2013: Enrichment Technology Company dismisses one third of staff at Almelo (Netherlands)
-  Oct. 2, 2013: Greenland may not export uranium without Denmark's consent, report says
-  Oct. 1, 2013: Sierra Club Canada demands environmental assessment for license renewal of Cameco's Saskatchewan mines (Rabbit Lake, Key Lake, McArthur River)

**the environment."**

(Neville Huxham, Malawi country director for Paladin Energy Africa, operator of the Kavelekera uranium mine, IPS Aug. 24, 2009)

## HAVE YOUR SAY

Opportunities for public involvement

> For older news, see the [2013 News Archive](#)

# **DOCUMENT 2**

**RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) / PRIVACY  
ACT (PA) REQUEST**

2014-0012

1

RESPONSE  
TYPE

FINAL



PARTIAL

REQUESTER

Catherine J. Meyrick

DATE

NOV 21 2013

**PART I. -- INFORMATION RELEASED**

- ☐ No additional agency records subject to the request have been located.
- ☐ Requested records are available through another public distribution program. See Comments section.
- ☐ GROUP ☐ Agency records subject to the request that are identified in the specified group are already available for public inspection and copying at the NRC Public Document Room.
- ☐ GROUP ☐ Agency records subject to the request that are contained in the specified group are being made available for public inspection and copying at the NRC Public Document Room.
- ☐ GROUP ☐ Agency records subject to the request are enclosed.
- ☐ Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you
- ☐ We are continuing to process your request
- ☒ See Comments.

**PART I.A -- FEES**

AMOUNT\*

\$

\* See comments  
for details

You will be billed by NRC for the amount listed.



None Minimum fee threshold not met.



You will receive a refund for the amount listed.



Fees waived.

**PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE**

- ☐ No agency records subject to the request have been located. For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.
- ☐ Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II
- ☒ This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

**PART I.C COMMENTS ( Use attached Comments continuation page if required)**

We are administratively closing your case for failure to pay the fee estimate issued to you on November 5, 2013.

The incoming FOIA request will be available in ADAMS at ML13291A288.

Records with an ML accession number are available in the NRC Library at [www.nrc.gov/reading-rm/adams.html](http://www.nrc.gov/reading-rm/adams.html). For assistance in obtaining any public records, please contact the NRC's Public Document Room (PDR) at 1-800-397-4209 or by e-mail at [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Donna L. Sealing

# **DOCUMENT 3**

**Graff, Mark**

---

**From:** Graff, Mark  
**Sent:** Tuesday, November 05, 2013 1:52 PM  
**To:** 'Cathe'  
**Subject:** RE: FOIA/PA - 2014-0012

Dear Ms. Meyrick,

I have received the response from the program offices, and the revised fee estimate for your FOIA request submitted October 15, 2013, considering the proposed revisions you indicated in your October 30, 2013 email, is as follows:

Region IV has indicated that their search time and estimated pages would not change, and that as such, a total of 4 hours of search time will still be necessary to complete your request, which is expected to result in approximately 100 pages.

FSME, however, has indicated that a reduced total of 9 hours of search time and 6 hours of review time will be necessary to complete your request under the revised criteria, which is expected to result in approximately 105 pages of records.

Because you were determined to be a "Commercial" requester, you will be responsible for all search, review, and duplication fees. Duplication costs are not expected as you have requested the records electronically.

As such, your final cost will amount to 19 hours x \$56.36/hour=**\$1070.84**, which accounts for the professional search and review time at the GG13 Step 6 level as explained to you in the "Explanation of Fees" page attached to your acknowledgment letter of October 18, 2013, and as required pursuant to 10 C.F.R. 9.37.

Pursuant to 10 C.F.R. 9.40(e), we will not continue processing your request until we receive a response from you of your willingness to pay the above-referenced fee. Additionally, because the estimated fee exceeds \$250, the NRC will not process your request without the advance payment of the estimated fee.

If we have not received a response from you within 10 business days of this email, we will administratively close your request. You also may narrow the scope of your request to reduce both the estimated search and review fees associated with processing your request.

Mark H. Graff  
FOIA Specialist  
Office of Information Services  
U.S. Nuclear Regulatory Commission  
[Mark.Graff@nrc.gov](mailto:Mark.Graff@nrc.gov)  
(301)-415-8154

---

**From:** Graff, Mark  
**Sent:** Friday, November 01, 2013 9:33 AM  
**To:** 'Cathe'  
**Subject:** RE: FOIA/PA - 2014-0012

Dear Ms. Meyrick,

Thank you for your email. I have forwarded this to the program offices to receive a potential revised cost estimate. I will let you know as soon as I receive a response. Please let me know if you have any questions or concerns going forward. Best regards.

Mark H. Graff  
FOIA Specialist  
Office of Information Services  
U.S. Nuclear Regulatory Commission  
[Mark.Graff@nrc.gov](mailto:Mark.Graff@nrc.gov)  
(301)-415-8154

---

**From:** Cathe [<mailto:cmmeyrick@aol.com>]  
**Sent:** Friday, November 01, 2013 9:23 AM  
**To:** Graff, Mark  
**Subject:** Fwd: FOIA/PA - 2014-0012

Mr Graff,  
I'm not sure you received the email I sent earlier this week so am forwarding to this address.  
Catherine Meyrick

Sent from my iPhone

Begin forwarded message:

**From:** Cathe <[cmmeyrick@aol.com](mailto:cmmeyrick@aol.com)>  
**Date:** October 30, 2013, 8:26:16 AM MDT  
**To:** "[foia.resource@nrc.gov](mailto:foia.resource@nrc.gov)" <[foia.resource@nrc.gov](mailto:foia.resource@nrc.gov)>  
**Subject:** FOIA/PA - 2014-0012

Mr. Graff,  
After talking with you on October 23, 2013 I met with the board of directors of Tallahassee Area Community. As a result, the board would like to request a revised cost estimate that addresses two potential limitations:

1. Limited our requests to all documents after January 1, 2012 and
2. Excluded any correspondence between the NRC and Lee alter and between the NRC and the Tallahassee Area Community (TAC).

Also it would be helpful if you would provide a time frame for the production of documents once the fee payment has been made.

Thank you for your inquiry. The Board of Directors looks forward to considering your response.

Regards,

Catherine Meyrick, President Tallahassee Area Community

Sent from my iPhone