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July 25, 2006

**VIA FACSIMILE AND FIRST CLASS MAIL**

**FOIA/PA REQUEST**

Case No.: 2006-0255  
Date Rec'd: 7-25-06  
Specialist: Brown  
Related Case: \_\_\_\_\_

NRC Freedom of Information Act and Privacy Act (FOIA/PA Officer)  
U.S. Nuclear Regulatory Commission  
Mail Stop T5-F11  
Washington, DC 20555-0001

**Re: Freedom of Information Act Request**

Dear Sir or Madam:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, *et seq.*, and your implementing regulations, I hereby request copies of all documents in the custody or control of the Nuclear Regulatory Commission ("NRC") pertaining to the following:

1. Any and all documents related to the NRC's establishment of a spent fuel storage/reactor decommissioning annual fee pursuant to the NRC's FY 1999 Revision of Fee Schedules issued as a final rule in 64 Fed. Reg. 31448 (June 10, 1999). The final rule describes the revision at page 31462 (B. Amendments to 10 CFR Part 171, 1. Reactor Decommissioning/Spent Fuel Storage) and page 31466 (see section 5.c. regarding revision to § 171.15). The change was implemented by revising 10 CFR 171.15 (established new spent fuel storage/reactor decommissioning fee) and 10 CFR 171.16 (eliminated annual fee for independent spent fuel storage licenses). The NRC discussed the proposed rule at 64 Fed. Reg. 15876, 15881-2 (April 1, 1999). The NRC identified comments to the proposed rule and provided responses at 64 Fed. Reg. 31455. The request includes, but is not limited to, documents or meeting minutes discussing or substantiating the NRC's decision to shift the spent fuel storage/reactor decommissioning fee to the general class of part 50 license holders, submitted comments and responses, NRC and other U.S. Government agency communications and memoranda, expert or third party reports and opinions, any

[28795-0001/DA062060.016]

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documentation memorializing the decision-making rationale, and final decision-making documentation.

I believe that all of the foregoing information is properly obtainable under the Freedom of Information Act. If any portion of the information is deemed exempt or excluded from disclosure, please provide me with a detailed statement of the reasons for each exemption or exclusion and an index or similar statement describing the nature of the documents and things withheld. Pursuant to the amended Act, I further request that if some portion of the file is deemed exempt or excluded, you forward to me a copy of the reasonably segregable portions of the file in question.

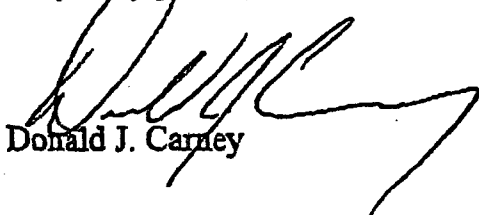
We are willing to pay all reasonable costs incurred in responding to this request. However, we request you inform us if the costs in responding to this request are anticipated to exceed \$500.00. We also are willing to provide staff assistance to photocopy the documents. Should you have any questions, wish to obtain further information regarding these documents, or if costs are expected to exceed \$500, please contact me at (202) 434-1675.

Please ship the above materials to:

Donald J. Carney  
Perkins Coie LLP  
607 Fourteenth Street, N.W.  
Washington, DC 20005-2011

Thank you for your anticipated cooperation.

Very truly yours,



Donald J. Carney

## FACSIMILE COVER SHEET

CONFIDENTIAL AND PRIVILEGED

If there are any problems with this transmission, please call:

☐ \*Sender's name and phone numberPerkins  
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607 Fourteenth Street, N.W.

Washington, D.C. 20005-2011

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DATE: July 25, 2006 COVER SHEET & 2 PAGE(S)CLIENT NUMBER: 28795-0001RETURN TO: (NAME) Lois P. Williams (EXT.) 1766 (ROOM NO.) 800ORIGINAL DOCUMENT(S) WILL BE: ☐ SENT TO YOU ☐ HELD IN OUR FILES

SENDER:	TELEPHONE:	FACSIMILE:
Donald J. Carney	(202) 434-1675	

RECIPIENT:	COMPANY:	TELEPHONE:	FACSIMILE:
NRC FOIA/PA Officer		301-415-7169	301-415-5130

RE:

This Fax contains confidential, privileged information intended only for the intended addressee. Do not read, copy or disseminate it unless you are the intended addressee. If you have received this Fax in error, please email it back to the sender at perkinscoie.com and delete it from your system or call us (collect) immediately at 202.628.6600, and mail the original Fax to Perkins Coie LLP, 607 Fourteenth Street, N.W., Washington, D.C. 20005-2011.

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[DA062060.020]