



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

June 4, 2014

Mr. Terry Lodge
316 N. Michigan St., Ste. 520
Toledo, OH 43604-5627

IN RESPONSE REFER TO
FOIA/PA-2014-0015A
(FOIA/PA-2014-0203)

Dear Mr. Lodge:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter received on April 24, 2014, in which you appealed the agency's April 8, 2014, decision related to your client's April 4, 2014, Freedom of Information Act/Privacy Act (FOIA/PA) request (FOIA/PA-2014-0203). You appealed the denial of your client's request for a complete fee waiver. The NRC implements the FOIA fee waiver standard (5 U.S.C. 552(a)(4)(A)(iii)) under the guidance of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 9.41, "Requests for Waiver or Reduction of Fees."

Acting on your appeal, I have carefully reviewed the record in the case and have determined that the agency was correct in the initial determination because your client did not meet all elements necessary for obtaining a complete waiver of fees; instead, the agency correctly granted him only a partial waiver. Therefore, the NRC denies your appeal.

The enclosures to this letter identify the administrative record of the case. Enclosure 1 is Mr. Kamps' initial request, including his request for a fee waiver. Enclosure 2 is the administrative denial of your client's request for a fee waiver, which was based on your client's responses to the eight factors listed in NRC's regulations at 10 CFR 9.41(b), which requesters must specifically address when seeking a fee waiver from the NRC. The NRC assesses the requester's response for each of these eight factors when determining whether to grant a fee waiver request under the criteria set forth at 10 CFR 9.41(d). Enclosure 3 is your appeal and your argument in favor of reversing the agency's denial of your client's fee waiver request.

Initially, as part of the background to my decision, I must note that the present initial request is nearly identical to a prior request by Mr. Kamps. On September 16, 2013, Mr. Kamps submitted FOIA-2013-0348. That case was closed administratively as described below. Then, on April 4, 2014, he submitted the present case (FOIA-2014-0203) seeking the same five items that he requested in September of the previous year. The only substantive difference between the two requests is that the present case expands the temporal date cutoff of FOIA-2013-0348 to include additional, more recent records.

The current request, FOIA-2014-0203, also sought a fee waiver, using the same language verbatim as had been used in the prior request, FOIA-2013-0348. As I discuss more fully below, the NRC has determined that a portion of the search required to fulfill that response is ineligible for a waiver based upon a failure to satisfy 10 CFR 9.41(b)(4), 10 CFR 9.41(b)(7), and 10 CFR 9.41(b)(8).

The NRC had administratively closed the prior request, on October 23, 2013, because Mr. Kamps failed to provide sufficient information to perfect the request and determine the scope of the records he was seeking. Specifically, the NRC asked Mr. Kamps twice to clarify the scope of the records he was requesting in the September 2013 request (FOIA-2013-0348). On September 25, 2013, the NRC staff notified Mr. Kamps that the search for responsive records was returning large quantities of documents that dealt exclusively with the prior petitions and FOIA requests that Mr. Kamps himself had personally submitted to the NRC. Many of these documents fell within the scope of the request merely because they happened to reference the cracked radiological shielding but contained no substantive information about the radiological shielding itself or any significant ability to inform the public about agency activities regarding radiological shielding. On October 17, 2013, the NRC again asked Mr. Kamps to clarify the scope of the records he was seeking. Mr. Kamps did not provide a response. Because of this failure to perfect the underlying request by clarifying the scope of the request, the NRC administratively closed the request on October 23, 2013.

When Mr. Kamps resubmitted a nearly identical request in April 2014, NRC staff identified the same issue: any search for responsive records would yield reams of records that would not serve to significantly increase the public understanding of government activities, but rather would provide only an administrative chronology of Mr. Kamps' personal interactions with the agency, the administrative taskings of his prior requests, search chronologies looking for documents about his prior requests, and e-mails about the FOIA processing and search methodologies for his prior requests.

Upon review of the scope of the request, the agency determined that a portion of the records returned would still enlighten the public about the cracked radiological shielding. The agency also determined that any copying of this portion of the records that were directly responsive to that portion of the request would qualify for a fee waiver as they could increase the public's understanding of government activities. Thus, the agency granted your client a partial waiver of the fees applicable to this case.

The scope of Mr. Kamps' request, as written, extends past public understanding of radiological shielding to his own interest in the agency's handling of his petition, his own prior FOIA requests, and the administrative intake and routing and tasking for search of his own prior submissions to the agency. A large portion of the records that would be returned in response to the request would not yield a significant increase of the public's understanding of the agency's actions regarding the cracked radiological shielding. Accordingly, Mr. Kamps has not satisfied this criterion for a waiver with regard to these particular records.

Moreover, the records responsive to this request appear to have a commercial value for Beyond Nuclear and Mr. Kamps. Upon review, the NRC has concluded that the public's interest in their disclosure does not outweigh the commercial interest of the requester. Accordingly, Mr. Kamps also fails to satisfy this portion of the criteria for a waiver.

When reviewing the request for a fee waiver, the NRC bases its decision on the eight factors listed in 10 CFR 9.41(b). Here, the NRC has determined both the original request and the current request for a fee waiver to be insufficient based on the lack of significantly increasing the public's understanding (10 CFR 9.41(b)(4)) or for failing to satisfy the balancing inquiry of the commercial interest of the requester as compared to the public interest in the disclosure of the records (10 CFR 9.41(b)(7) and 10 CFR 9.41(b)(8)). The NRC had already made this

determination during the previous case of FOIA-2013-0348 (Mr. Kemp's September 2013 request). It is also worth noting that no explanation was provided by the requester to which use these separate, nonsubstantive records regarding their own petition and prior FOIA requests would be put, or how they independently qualified for a fee waiver in light of the administrative closure of FOIA-2013-0348. However, the NRC made the determination at the administrative level that a waiver of duplication costs, considering that a portion of the requested records would significantly increase the public's understanding, was appropriate. The requester satisfied the remaining factors for a fee waiver.

In your appeal of Mr. Kamps' request, you assert that "(e)very request that Kevin [Mr. Kamps] . . . ha(s) historically made under FOIA to the Commission for public records have been properly handled as fee-waived FOIA activity." This may be true, but the agency considers fee waiver requests on a case-by-case basis and Mr. Kamps' current requests do not meet the standards in 10 CFR 9.41.¹

Regarding the organizations Mr. Kamps has submitted requests on behalf of, you claim that "(b)oth (organizations) are nonprofit education and advocacy organizations which are well-known to the NRC." The nonprofit status of an organization does not affect either the determination of a fee waiver, or whether an organization has a commercial interest in the records requested.² Presumably, records exclusively related to Beyond Nuclear's own petitions or prior FOIA requests, rather than the actual cracked radiological shielding, would directly serve the commercial interests of that organization, regardless of whether that organization is a nonprofit or for-profit corporation.³ Finally, your assertion on appeal regarding Beyond Nuclear's fee category as an educational institution appears inconsistent with Mr. Kamps' previous claims that he qualifies for categorization as a news media representative.

In sum, the NRC notified Mr. Kamps multiple times that the scope of the September 2013 FOIA request (FOIA-2013-0348), as written, would yield vast amounts of records with no bearing on the substance of the underlying radiological shielding. Instead of responding to the NRC to clarify the scope of his request, or tailoring his resubmitted request to records that would satisfy the eight factors in fee waiver analysis, Mr. Kamps resubmitted a verbatim recitation of his prior, overly broad request. When NRC staff performed a fee waiver analysis, the analysis showed that again, vast amounts of the responsive records technically responsive to his request would not qualify for a fee waiver. Agreeing that a portion of the responsive records would also serve to increase the public understanding, the NRC granted a partial waiver of fees.⁴

Thus, because the incoming request, FOIA-2014-0203, failed to add any substantive distinction as to the scope of the prior request (FOIA-2013-0348), other than a later date cutoff that would in fact expand the scope of a search for records, the NRC staff appropriately applied the fee

¹ See, Media Access Project v. FCC, 883 F.2d 1063, 1065 (D.C. Cir. 1989).

² See, Research Air, Inc. v. Kempthorne, 589 F. Supp. 2d 1,2, 10 (D.D.C. 2008).

³ See, e.g., VoteHemp v. DEA, 237 F. Supp. 2d 55 at 64 (D.D.C. 2002) (noting that records that serve the purpose behind the advocacy group still serve a commercial interest, whether or not the advocacy group is a non-profit organization).

⁴ See, e.g., Consumers' Checkbook v. U.S. Dep't of Health, 502 F. Supp. 2d 79 at 89 (D.D.C. 2007) (indicating that when both a commercial interest and a public interest are both served by disclosure, a partial waiver may be appropriate).

T. Lodge

- 4 -

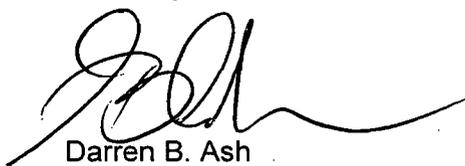
waiver determination associated with the prior request. The NRC staff properly determined that a portion of the records that would potentially be located would significantly increase the public's understanding and that the interest in public disclosure did not outweigh the requester's commercial interests. As such, the NRC correctly granted only a partial waiver of fees in the present case.

This is the NRC's final decision. 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 may also obtain judicial review in the district in which the agency's records are situated or in the U.S. District Court for 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
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
Office of the Executive Director for Operations

Enclosures:
As stated

Enclosure 1

FOIA/PA REQUEST

Case No.: 2014-0203
Date Rec'd: 4/4/14
Specialist: Shoff
Related Case: 2013-0348

FOIA Resource

From: Kevin Kamps <kevin@beyondnuclear.org>
Sent: Friday, April 04, 2014 10:36 AM
To: Graff, Mark
Cc: McClellan, Gerald; Harris, Brian; Tibbetts, John; Kanatas, Catherine; Sealing, Donna; FOIA Resource; Lodge/Terry J.
Subject: FOIA Request re: Davis-Besse Shield Building cracking, for an updated FOIA response covering the date range Jan. 27, 2012 to April 4, 2014

April 4, 2014

Freedom of Information Act (FOIA) Staff

U.S. Nuclear Regulatory Commission

Washington, DC 20555-0001

BY EMAIL: foia.resource@nrc.gov

FREEDOM OF INFORMATION ACT REQUEST

To Whom It May Concern:

(Please note: This FOIA request is separate and distinct from FOIA-2012-0121, which I filed myself on January 26, 2012. This current FOIA request is for informational materials dated January 27, 2012 to the present, April 3, 2014.

Also, this FOIA request comes in response to NRC's decision to simply "administratively close" out my FOIA request submitted on September 13, 2013 – which NRC designated as FOIA 2013-0348. Please see below, for pre-emptive answers to NRC FOIA office questions, in hopes of avoiding a repeat of NRC FOIA office's "administrative closure" of FOIA 2013-0348 without answering it.)

Pursuant to the Freedom of Information Act (FOIA), U.S.C. 552, Beyond Nuclear hereby requests from the U.S. Nuclear Regulatory Commission (NRC) information for the subject matter described as follows. This request covers, but is not limited to, all calendars and schedules, draft and final reports, correspondence, memoranda, handwritten notes, records of telephone contacts, receipts, electronic communications, including fax transmissions and Email, or otherwise written records, whether in paper or computer files, preserved via the use of any medium (e.g., paper documents, final notes, or word processors or computer discs, diskettes, hard drives, or network systems). In addition, this request includes studies, photographs (print and digital), analyses,

work papers, internal or external communications of any sort, testimony, press releases, reports, data, memoranda or the like, concerning, recording, or in any way related to:

- 1) The cracking in the concrete shield building/secondary radiological containment structure at the Davis-Besse atomic reactor in Oak Harbor, Ohio, reportedly first discovered by sub-contractors working for FirstEnergy Nuclear Operating Company (FENOC) on October 10, 2011;**
- 2) All communications to and from the U.S. Nuclear Regulatory Commission (NRC), including its Region III Office, and FENOC that reference the cracking in the concrete shield building mentioned above;**
- 3) All communications to and from NRC, including its Region III Office, and FENOC, having to do with NRC's early December 2011 decision to authorize the restart of Davis-Besse, despite the cracked concrete shield building;**
- 4) All communications to and from NRC, including its Region III Office, and FENOC, having to do with the root cause analysis, the extent, and the corrective actions associated with the cracking in the concrete shield building;**
- 5) All communications to and from NRC, including its Region III Office, and the Office of U.S. Representative Dennis Kucinich (Democrat-Ohio), Subcommittee Ranking Member on the U.S. House of Representatives Oversight and Government Reform Committee, requesting, referencing or relating to any and all of the issues raised by requests numbered 1 to 4 immediately above.**

Pursuant to this request, please provide all documents and communications prepared or utilized by, in the possession of, or routed through the NRC related to items 1-5 above.

For any portion of the request that you deem appropriate to deny, Beyond Nuclear requests that you describe the information that is denied, identify the exception to the FOIA on which you rely, and explain how that exception applies to the withheld information.

Pursuant to federal regulations at 10 CFR 9.41, Beyond Nuclear requests that any searching and copying fees incurred as a result of this search be waived, and provides the following information in response to the eight criteria listed in Section 9.41(b):

1) Purpose of request:

The purpose of the request is to gather information on interactions, communications, and meetings between NRC and FENOC, and/or any NRC officials or staff persons and their counterparts at FENOC. The requested information is currently not publicly available through the agency's public document room.

2) Extent to which Beyond Nuclear will extract and analyze the substantive content of the records:

Beyond Nuclear is qualified to make use of the requested information. The staff has demonstrated the ability to interpret information and communicate that information in a form comprehensible to the general public. Beyond Nuclear staff is quoted as a reliable source of information on nuclear issues in newspapers and magazines across the country, including the *New York Times*, *Washington Post*, *Los Angeles Times*, *Chicago Tribune*, and many others, as well as major television and radio outlets. Beyond Nuclear staff is frequently quoted in electronic as well print media resources, and is also published in journals of national repute.

Beyond Nuclear has a working relationship with attorneys, experts on transparency in government, nuclear engineers and other respected professionals who contribute to a fuller understanding of the influence of the nuclear power industry upon, and its involvement in, federal policy making and regulatory decision-making.

In addition, Beyond Nuclear is a party in good standing to the Atomic Safety and Licensing Board (ASLB) proceeding on FENOC's request for a 20-year license extension at Davis-Besse, and thus has a particular interest in this subject matter.

3) Nature of the specific activity or research in which the records will be used and Beyond Nuclear qualifications to utilize the information for the intended use in such a way that it will contribute to public understanding:

Beyond Nuclear seeks the requested information solely to contribute to and help shape the public debate on the influence of the nuclear power industry upon, and its involvement in, federal policy making and regulatory decision-making. Beyond Nuclear intends to use the information in order to advance the concerns for public understanding of transparency in government, or lack thereof.

4) Likely impact on the public understanding of the subject as compared to the level of understanding of the subject prior to disclosure:

The public understanding of the influence of the nuclear power industry upon, and its involvement in nuclear promotional activity or a production agenda in federal policy making and regulatory decision-making, will be enhanced by the contribution of this information.

5) Size and nature of the public to whose understanding a contribution will be made:

Beyond Nuclear has a membership of nearly 20,000 throughout the United States. Nearly 15,000 members periodically receive mailings from Beyond Nuclear. Beyond Nuclear provides resource material to electronic and print media outlets with very broad outreach to our constituency and interested public. Additionally, Beyond Nuclear has a web site (www.beyondnuclear.org) where postings on this issue will be made available.

6) Means of distribution of the requested information:

Beyond Nuclear will use its own newsletter publication resources and our media contacts in both the electronic and print media outlets to provide very broad outreach to the public. Beyond Nuclear will also share information with other interested parties concerned about the influence of the nuclear power industry upon, and its involvement in nuclear promotional activity and a production agenda in federal policy making and regulatory decision-making. Additionally, Beyond Nuclear will post information on its web site (www.beyondnuclear.org).

7) Whether free access to information will be provided:

Beyond Nuclear will provide the information without charge to all members of the public. Information prepared from the FOIA requested will be posted on the web site for downloading free of charge. Beyond Nuclear will also provide a copy of information to all interested parties without charge.

8) No commercial interest by Beyond Nuclear or any other party:

Beyond Nuclear has no commercial interest in obtaining the requested information. This information is provided to all public requests without charge. The sole interest of Beyond Nuclear is to promote a policy debate on the influence of the nuclear power industry upon, and its involvement in, nuclear promotional activity and a production agenda in federal policy making and regulatory decision-making.

NRC's Mark Graff sent me two emails re: FOIA 2013-0348:

Enclosure 2



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

April 8, 2014

FOIA/PA-2014-00203

Kevin Kamps
Beyond Nuclear
6930 Carroll Avenue, Suite 400
Takoma Park, MD 20912

Dear Requester:

We received your Freedom of Information Act/Privacy Act (FOIA/PA) request on April 8, 2014.

Your request has been assigned the following reference number that you should use in any future communications with us about your request: **FOIA/PA-2014-00203**

To ensure the most equitable treatment possible of all requesters, the NRC processes requests on a first-in, first-out basis, using a multiple track system based upon the estimated time it will take to process the request. Based on your description of the records you are seeking, we estimate completion of your request will take more than 20 working days. We will advise you of any change in the estimated time to complete your request.

For purposes of assessing fees in accordance with our regulations (10 CFR 9.33), we have placed your request in the following category: **Non-Exempted**. If applicable, you will be charged appropriate fees for: **Search**. Your request for fees to be waived is granted per duplication only.

A sheet has been enclosed that explains in detail the fee charges that may be applicable. **Please do not submit any payment unless we notify you to do so.**

The following person is the FOIA/PA Specialist who has been assigned responsibility for your request: **Mark Graff** at **301-415-8154**.

If you have questions on any matters concerning your FOIA/PA request please feel free to contact the assigned FOIA/PA Specialist or me at (301) 415-7169.

Sincerely,

/S/

Stephanie A. Blaney
Acting FOIA Officer
Office of Information Services

Enclosures:
Incoming Request
Explanation of Fees

EXPLANATION OF FEES

Requester Fee Categories

Commercial: Fees are charged for document search, duplication, and review, when records are requested for commercial purposes. Fees (above the minimum fee charge) cannot be waived for this category of requester.

Educational, Non-Commercial Scientific, News Media and Privacy Act: Fees may be charged only for document duplication when records are not sought for commercial use and the request is made by an Educational or Non-Commercial Scientific Institution, whose purpose is scholarly or scientific research; or a Representative of the News Media; or a person requesting his/her own records that are in a Privacy Act system of records. No fee is charged for the first one hundred pages of duplication for this category of requester.

Non-Excepted: For any request not described above (Non-Excepted), fees may be charged for document search and duplication. No fee is charged for the first two hours of search time or for the first one hundred pages of duplication for this category of requester.

Fee Schedules

Fee schedules provide only for the recovery of the direct costs of search, duplication, or review. Review costs include only the costs for initial examination of a document to determine whether it must be disclosed and to determine whether to withhold portions that are exempt from disclosure. The fee schedule is as follows:

<u>Search & Review Conducted By</u>	<u>Rate</u>	
! SES/COMMISSIONER	\$90.53/hour	(ES-maximum)
! PROFESSIONAL	\$56.36/hour	(GG-13, Step 6)
! CLERICAL	\$25.16/hour	(GG-7, Step 6)
<u>Duplication Charges</u>	\$.20 per page	

Fees for non-standard search or duplication will be charged at the actual cost (e.g. providing copying of audio tapes or conducting computer searches).

Minimum Fee: No fee will be charged unless the fee is equal to or greater than \$25.00.

When to Pay Fees

If we estimate that fees will not exceed \$25.00 or you have stated in your request a higher amount that you are willing to pay, we assume your willingness to pay up to \$25 or the amount stipulated and you will be billed after we have completed your request.

If we estimate that fees will exceed \$25.00 or any amount that has been stated by you in your request, we will not proceed with your request until we have notified you and obtained your agreement to pay the estimated fees.

If we estimate fees will exceed \$250, you will be required to pay the estimated fees in advance before we proceed further with your request. If, while processing your request, we find that the actual fees exceed the estimated fee, we will obtain your consent to pay the additional fees before continuing to process your request. If the actual fees to process your request are less than any advance payment you have made, you will be refunded the overpayment amount.

Fee Waivers

A waiver or reduction of fees may be granted for furnishing documents if a requester, by fully addressing the eight factors in 10 CFR 9.41, clearly demonstrates that 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.

Enclosure 3

Graff, Mark

From: Terry Lodge <tjlodge50@yahoo.com>
Sent: Thursday, April 24, 2014 9:11 AM
To: Graff, Mark
Cc: Blaney, Stephanie; Kevin Kamps
Subject: Fw: Fwd: 2014-0203 Fee Estimate

Mr. Graff, I'm attorney for a coalition of environmental groups of which Beyond Nuclear is a lead member, and am writing concerning the below FOIA request. Kevin Kamps forwarded your April 14 response to me, and on his behalf, I'm answering your email within the 10-day limit expressed in your response.

I'm not clear as to which of Mr. Kamps' requests you've addressed in your correspondence. Kevin made two (2) FOIA requests on April 4. But regardless of that aspect, for considerably more than a decade, Kevin has pursued FOIA requests, first on behalf of the Nuclear Information and Resource Service, and more recently, on behalf of Beyond Nuclear. Both are nonprofit education and advocacy organizations which are well-known to the NRC. Every request that Kevin (and for that matter, his associates at both organizations) have historically made under FOIA to the Commission for public records have been properly handled as fee-waived FOIA activity.

But of a sudden, with very serious and controversial management malfunctions occurring at the Davis-Besse Nuclear Power Station, the NRC has interposed a \$1,634.44 barrier for the public, as opposed to industry and regulatory insiders, to have access to information about current developments at the plant. In light of the historic, and proper, cooperation by the NRC in the practice of waiving fees for such public access requests, we're compelled to see this new obstacle as a retaliatory step by the Commission. I'm writing, therefore, to informally appeal the matter of charging this fee, and ask that it be waived in its entirety. If you have no authority to consider my request, kindly advise me immediately as to what intra-agency appeal of this issue is available. We deserve an explanation as to what has changed, since repeatedly in the past, and in his current requests, Kevin has routinely justified at length in his FOIA request letters the reasons a waiver should be granted.

If we must go to litigation on this matter, I will be seeking all internal correspondence within the NRC related to this sudden change of position by the Commission, and we be inquiring into the basis for this retaliatory step which looks to be directed at shutting down public access to critical understanding of the status of Davis-Besse.

Kindly advise both Kevin and me if this request will be resolved favorably to the interest of unburdened public access.

Thank you very much.

Terry J. Lodge, Esq.
316 N. Michigan St., Ste. 520
Toledo, OH 43604-5627
(419) 255-7552

----- Forwarded message -----

From: **Graff, Mark** <Mark.Graff@nrc.gov>
Date: Mon, Apr 14, 2014 at 1:20 PM
Subject: 2014-0203 Fee Estimate
To: "kevin@beyondnuclear.org" <kevin@beyondnuclear.org>
Cc: "Blaney, Stephanie" <Stephanie.Blaney@nrc.gov>

Dear Mr. Kamps,

We have received the cost estimate for the search and review time of your FOIA case referenced above which was dated April 4, 2014.

The Office of the Executive Director for Operations (EDO) has indicated that a total of 1 hour of search time will be necessary to complete your request, which is expected to return 25 pages and require 2 hours of review time. Additionally the Office of Nuclear Reactor Regulation (NRR) estimated that a total of 4 hours of search time would be necessary, which was expected to return 10 pages of records. The Office of the General Counsel (OGC), estimated that no search time was necessary to complete your request, and that no records would likely be returned pursuant to your search. The Office of the Secretary (SECY) has estimated that a total of 13 hours of search time and 7.25 hours of review time would be necessary to complete your request, which was expected to return a total of 170 pages. Lastly, Region III estimated that a total of 13 hours of search time and 22 hours of review time would be necessary to complete your request, which was expected to return a total of 1350 pages of records.

After accounting for 2 hours of free search time and 100 pages of free duplication, there remain 29 hours of search time to complete your request which is expected to result in approximately 1455 pages.

This is only a preliminary fee estimate, and one or more additional Program Offices may determine that there are additional fees associated with processing your request. Specifically, NRR has not yet completed a global estimate for search fees, and we have not yet received a fee estimate from the Office Public Affairs (OPA) or the Office of Congressional Affairs (OCA). As such, additional fees beyond this estimate may be necessary to process your request.

Because you are a "Non-Excepted" requester, review time will not be charged to you. Also, duplication costs have been waived pursuant to your fee waiver request.

As such, your estimated cost for the search will amount to **29 hours x \$56.36/hour=1634.44**, which accounts for the professional search time at the GG13 Step 6 level as explained to you in the "Explanation of Fees" page attached to your acknowledgment letter of April 8, 2014, 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
(301)-415-8154 (O)
(240)-460-5935 (C)