



Department of Energy
National Nuclear Security Administration
Office of the General Counsel
P. O. Box 5400
Albuquerque, NM 87185



December 20, 2013

SENT VIA EMAIL

bpayne37@comcast.net

Mr. William Payne
13015 Calle De Sandias NE
Albuquerque, NM 87111-2924

RECEIPT OF FREEDOM OF INFORMATION ACT REQUEST

Dear Mr. Payne:

This letter acknowledges the receipt of your December 13, 2013, Freedom of Information Act (FOIA) request for verified equipment and installation costs [spreadsheet data] at the PNM Prosperity Solar Energy Storage facility.

Your request was transferred from the Department of Energy and was received in our office on January 9, 2014. You asked for expedited processing of your request. According to the FOIA, 5 USC § 552(a)(6)(E), as implemented by the Department of Energy (DOE) in 10 CFR 1004, in order for you to qualify for expedited processing, you must demonstrate a "compelling need" for the information. "Compelling need" means that the failure to obtain the records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual, or that the information is urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning actual or alleged Federal Government activity.

We reviewed your request for expedited processing and determined that it does not meet the requirements for compelling need under the FOIA, and therefore placing your request ahead of all the other pending requests currently being processed within this Department is not appropriate.

It is the practice of the National Nuclear Security Administration, in accordance with Departmental policy, to process FOIA requests in the approximate order of the date received by this office. Your request is out for a search for responsive records. A number of requests received prior to yours are pending, and your request will be processed in turn. We will make every effort to respond to your request as quickly as possible. Although we are committed to responding to your request in a timely manner, we estimate that we will not

be able to respond to your request in 20 working days as mandated by law. We need more time to complete the search, review the record(s) for release, and prepare the response to you, as some requests, depending upon the volume of records, the complexity of the search, and/or the sensitivity of the subject matter, require additional time to complete.

With respect to your request for a waiver of fees, pursuant to 10 CFR § 1004.9(a)(6), fees are not charged where they would amount to \$15.00 or less. Your request falls under the category of "Other." As such, you are entitled to the first two hours of search and 100 pages of paper copies or reasonable equivalent free. After that, actual direct costs are charged. We have not determined, at this time, the costs of processing your request; however, your request for a waiver will be considered if it is later determined that costs would exceed the standard \$15.00 allowance.

If you have questions concerning the processing of this request, please email Karen.Laney@nnsa.doe.gov, or write to the address above and reference Control Number FOIA 14-00080-K in your communication.

Sincerely,

A handwritten signature in cursive script that reads "Karen Laney".

Karen Laney
Information Programs Specialist