

**Freedom of Information Act Request (FOIA)
Waste Isolation Pilot Plant
Electronic FOIA Request Form**

To make an Electronic FOIA request, please provide the information below. Failure to enter accurate and complete information may render your FOIA request impossible to fulfill.

Requests submitted under the Privacy Act must be signed and, therefore, cannot be submitted on this form.

Name:	J. Adam Tate
Organization:	Allen, Shepherd, Lewis, Syra & Chapman, P.A.
Address:	P.O. Box 94750 Albuquerque, NM 87199
Phone:	505-341-0110
FAX:	505-341-3434
Email:	atate@allenlawnm.com

Reasonable Describe Records

Describe the specific record(s) you seek with sufficient detail that a knowledgeable official of the activity may locate the record with a reasonable amount of effort. Such detail should include: dates, titles, file designations, and offices to be searched.

Since most DOE records are not retained permanently, the more information that you provide, the better the opportunity there is to determine if the records involved still exist and where. The FOIA clearly states that the records must exist at the time the request is submitted.

Enter description:

Please provide an accounting for the last three (3) years on how the Department of Energy expended WIPP Acceleration Funds

Specify preferred form or format:

mail copies

Type of Requestor

Select a description of yourself and the purpose of the request to help determine your category for assessing fees

- An individual seeking information for personal use and not for commercial use.
- Affiliated with an educational or noncommercial scientific institution and this request is made for scholarly or scientific purpose and not for commercial use.
- Affiliated with a private corporate and seeking information for the use in the company's business.
- A representative of the news media affiliated with and the request is made as part of news gathering and not for commercial use.

Select type of media:

- Newspaper
- Magazine
- Television Station
- Other:

Fees and Fee Waivers

Your request must include a statement that (1) you agree to pay any fees that may be incurred to process the request, (2) stipulates an amount you are willing to pay, or (3) requests a specific waiver or reduction of fees.

Please select the statement that applies: (required)

- I agree to pay all applicable fees
- I agree to pay up to a specified amount for fees
Enter amount \$100.00 (if more, please)
- I request a waiver or reduction of fees.

If you request a waiver or reduction of fees, we will consider the following six factors to make a determination. Please provide information that addresses these factors:

1. The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government."

- 2. The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities.

- 3. The contribution to an understanding by the general public of the subject likely to result from disclosure, taking into account your ability to intent to disseminate the information to the public in a form that can further understanding of the subject matter.

- 4. The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities.

- 5. The existence and magnitude of a commercial interest: Whether the requestor has a commercial interest that would be furthered by the requested disclosure, and, if so

- 6. The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester."

If my request for a wavier or reduction in fees is denied,

I agree to pay up to (enter amount) \$ to process my request.

Expected Processing

I request expedited processing of the request and provide a justification below. I believe a compelling need exists to warrant expedited processing because there is:



- An imminent threat to the life or physical safety of an individual exists or
- An urgency to inform the public concerning actual or alleged Federal Government activity exists (this option available ONLY for requesters primarily engaged in disseminating information).

Please provide your specific justification for expedited processing:

Submit

By System

Reset Form



Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221
April 23, 2010

CERTIFIED MAIL-RETURN RECEIPT

J. Adam Tate, Esq.
Allen, Shepherd, Lewis, Syra & Chapman, P.A.
4801 Lang Ave. NE, Suite 200
Albuquerque, NM 87109

Subject: Freedom of Information Act 10-005

Dear Mr. Tate:

This office has received your April 22, 2010, Freedom of Information Act (FOIA) in the Department of Energy Carlsbad Field Office on April 23, 2010, requesting an accounting for the last three (3) years on how the Department of Energy expended Waste Isolation Pilot Plant Acceleration Funds.

If you have any questions or need additional assistance regarding this request, please contact Mr. George Hellstrom, FOIA Public Liaison, at (575) 234-7010, or george.hellstrom@wipp.ws. Please refer to FOIA 10-004 in any correspondence regarding this request.

Sincerely,

A large black rectangular redaction box covering the signature of George W. Hellstrom.

George W. Hellstrom
Freedom of Information Act Public Liaison

cc:
FOIA File 10-005
CBFO M&RC



Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221
May 6, 2010

CERTIFIED MAIL-RETURN RECEIPT

Allen, Shepherd, Lewis, Syra & Chapman, P.A.
Attorneys and Counselors at Law
Attention: J. Adam Tate, Esq.
4801 Lang Ave. NE, Suite 200
P.O. Box 94750
Albuquerque, NM 87199-4750

Subject: Freedom of Information Act 10-005

Dear Mr. Tate:

This letter is in final response to your Freedom of Information Act (FOIA) request dated April 22, 2010, asking for an accounting of how the Department of Energy (DOE) has expended WIPP acceleration funds for the last three years.

On April 28 and May 4, 2010, during telephone conversations with Mr. George Hellstrom, DOE Carlsbad Field Office legal counsel, you narrowed your request to expenditures related to Cetane Energy, LLC.

Enclosed are all responsive records, including Memorandum of Record amendments to the City of Carlsbad; e-mail correspondence between Anna Beason, City of Carlsbad, and DOE's Art Welton; Modification M016; and an economic development loan agreement between the City of Carlsbad and Cetane Energy, LLC, for WIPP acceleration funds to develop a biodiesel facility. These documents are being released in their entirety, with signatures deleted under OMB M-06-15, "Safeguarding Personally Identifiable Information."

No fees will be charged to you in association with the processing of this FOIA request. If you have any questions or need additional assistance regarding this FOIA request, please contact Ms. Sharon Warren-Briggs, FOIA contact person, at (575) 234-7406, or sharon.warren.briggs@wipp.ws. Please reference FOIA 10-005 in any correspondence regarding this request

Sincerely,

A large black rectangular redaction box covers the signature of David M. Garcia. A blue ink scribble is visible to the left of the box.

David M. Garcia
Alternate Freedom of Information Act Public Liaison

Enclosures

cc: w/o enclosures
FOIA File 10-005
CBFO M&RC