

February 13, 2006

Ms. Sarah M. Fields
P.O. Box 143
Moab, UT 84532

IN RESPONSE REFER
TO FOIA/PA-2006-002A
(FOIA/PA-2006-0047)

Dear Ms. Fields:

I am responding to your letter of December 22, 2005, in which you appealed the NRC's decision to deny your fee waiver request.

The record you sought in your initial Freedom of Information Act/Privacy Act (FOIA/PA) request of December 5, 2005 is now publically available on the NRC Public Electronic Reading Room at <http://www.nrc.gov/reading-rm>. The Accession Number for this record is ML060300444. In addition, the requested record was publically available in the NRC's Public Document Room (PDR) at the time of your initial request. One criteria for determining whether a fee waiver is warranted is if the disclosure of the requested record is in the public interest because it is likely to contribute significantly to the public understanding of government operations or activities, 10 C.F.R. § 9.42(d)(2). In order for the disclosure to meet the "likely to contribute" standard, the disclosable portions of the requested records must be meaningfully informative in relation to the subject matter of the request. Releasing records via a FOIA/PA request when the records are already publicly available through the PDR and Electronic Reading Room would be unlikely to contribute significantly to the public's understanding of government operations or activities, because nothing new would be added. Therefore, the NRC's practice is to not waive fees for records that are publically available through the PDR and Electronic Reading Room, and your appeal is denied. On December 14, 2005, you were sent a response to your initial request, which included the first 100 pages of the requested information. You were also provided information on how you may obtain access to and the charges for copying records located at the PDR.

This is a final agency 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 or in which the agency records are situated, or in the District of Columbia.

Sincerely,

/RA/

Jacqueline E. Silber
Deputy Executive Director for
Information Services and Administration
And Chief Information Officer

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ADAMS Accession Number: ML060050274

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