



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

November 30, 2011

Mr. Syed Hasan
112 Sanoma Drive
Madison, AL 35758

IN RESPONSE REFER TO
FOIA/PA-2012-0001A
(FOIA/PA-2012-0027)

Dear Mr. Hasan:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated November 3, 2011, to the Executive Director for Operations in which you appealed the agency's November 2, 2011, decision regarding your October 26, 2011, Freedom of Information Act (FOIA) request, (FOIA-2011-0007), for access to all records on your complaints of intentional retaliation and discrimination by Sargent & Lundy and Enercon Services, Inc. Specifically, you are appealing the agency's denial of your request for expedited processing of your FOIA request. Furthermore, you also informed the caseworker assigned to your request via telephone that you are also appealing the agency's denial of your request for a fee waiver. Please note that, although neither of your letters mentioned a request for a fee waiver, the NRC will address that request in this response.

Acting on your appeal, I have reviewed your request and have denied expedited processing. To be granted expedited processing you must demonstrate a "compelling need." As defined in Title 10 of the Code of Federal Regulations, (10 CFR), 9.25(e), a "compelling need" is 1) a failure to obtain needed records could reasonably be expected to pose an imminent threat to the life or physical safety of an individual, and 2) you must be someone primarily engaged in disseminating information, and there is an urgency to inform the public of actual or alleged Federal Government activity. However, you have not demonstrated that a failure to obtain the records poses an imminent threat to your life or physical safety, and you are not a person primarily engaged in disseminating information.

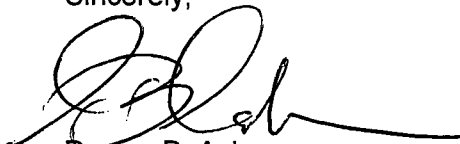
Finally, before the NRC can consider a request for a fee waiver, a requester must satisfy all eight factors detailed under 10 CFR 9.41, "Requests for Waiver or Reduction of Fees." You have failed to address those factors therefore the NRC was unable to consider your request. If you still wish to seek a fee waiver, please fully address the eight factors outlined in the enclosed document.

S. Hasan

-2-

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. Judicial review can also be had in the district in which the agency's records are situated or in the District of Columbia.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. B. Ash', with a long horizontal flourish extending to the right.

Darren B. Ash
Deputy Executive Director
for Corporate Management
Office of the Executive Director for Operations

Enclosure
As stated

Factor (1): Describe the purpose for which the requester intends to use the requested information.

Factor (2): Explain the extent to which the requester will extract and analyze the substantive content of the agency records.

Factor (3): Describe the nature of the specific activity or research in which the agency records will be used and the specific qualifications the requester possesses to utilize information for the intended use in such a way that it will contribute to the public understanding.

Factor (4): Describe the likely impact on the public's understanding of the subject as compared to the level of public understanding of the subject before disclosure.

Factor (5): Describe the size and nature of the public to whose understanding a contribution will be made.

Factor (6): Describe the intended means of dissemination to the general public.

Factor (7): Indicate if public access to information will be provided free of charge or provided for an access fee or publication fee.

Factor (8): Describe any commercial or private interest the requester or any other party has in the agency records sought.