



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

July 9, 2015

FOIA/PA-2015-00375

Jessica Schieder
Center for Effective Government
2040 S Street, NW, 2nd Floor
Washington, DC 20009

Dear Ms. Schieder:

We received your Freedom of Information Act/Privacy Act (FOIA/PA) request on July 8, 2015. Your request has been assigned the following reference number that you should use in any future communications with us about your request: **FOIA/PA-2015-00375**

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 be within 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 and Duplication of Records**.

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.**

You requested that fees be waived for your request and I have determined that your request for a fee waiver does not provide sufficient information under 10 CFR 9.41 for the NRC to make a determination to waive fees. A copy of the factors which must be addressed is enclosed.

I have determined that your request for a waiver of fees does not meet the criteria required under 10 CFR 9.41 (copy attached) for the reasons shown on the attached fee waiver denial notice. You may appeal this determination. Any such appeal must be made in writing within 30 calendar days by addressing the appeal to the Executive Director for Operations.

The following person is the Government Information Specialist who has been assigned responsibility for your request: **Nina Argent at 301-415-5295**.

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

Sincerely,

/RA/

Roger Andoh
FOIA Officer
Office of Information Services

Enclosures:

Incoming Request
Explanation of Fees

Fee Waiver Justification Requirements
Fee Factors
Verification of Identity Form
Fee Wavier Denial Notice

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.

SECTION 9.41- REQUESTS FOR WAIVER OR REDUCTION OF FEES

(a) FOIA Fee Waivers

(1) The NRC shall collect fees for searching for, reviewing, and duplicating agency records, unless a requester submits a request in writing for a waiver or reduction of fees. To assure that there will be no delay in the processing of Freedom of Information Act requests, the request for a waiver or reduction of fees should be included in the initial Freedom of Information Act request letter.

(2) Each request for a waiver or reduction of fees must be addressed to the Freedom of Information Act and Privacy Act (FOIA/PA) Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

(b) A person requesting the NRC to waive or reduce search, review, or duplication fees shall:

(1) Describe the purpose for which the requester intends to use the requested information;

(2) Explain the extent to which the requester will extract and analyze the substantive content of the agency record;

(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 public understanding;

(4) Describe the likely impact on the public's understanding of the subject as compared to the level of understanding of the subject existing prior to disclosure;

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

(6) Describe the intended means of dissemination to the general public;

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

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

(c) The NRC will waive or reduce fees, without further specific information from the requester if, from information provided with the request for agency records, it can determine that disclosure of the information in the agency records 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.

(d) In making a determination regarding a request for a waiver or reduction of fees, the NRC shall consider the following factors:

(1) How the subject of the requested agency records concerns the operations or activities of the Government;

(2) How the disclosure of the information is likely to contribute to an understanding of Government operations or activities;

(3) If disclosure of the requested information is likely to contribute to public understanding;

(4) If disclosure is likely to contribute significantly to public understanding of Government operations or activities;

(5) If, and the extent to which, the requester has a commercial interest that would be furthered by the disclosure of the requested agency records; and

(6) If 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.

(e) Within 10 working days after receipt of a request for access to agency records for which the NRC agrees to waive fees, the NRC shall respond to the request.

(f) If the written request for a waiver or reduction of fees does not meet the requirements of this section, the NRC will inform the requester that the request for waiver or reduction of fees is being denied. The requester will be informed of the right to appeal a denial of a request to waive or reduce fees to the Secretary of the Commission within 30 days from the date of the denial.

Fee Waiver Denial Notice

At this time, your request for a waiver of fees is being denied because your justification has not satisfied all of the factors required under 10 CFR 9.41. The specific factors and reasons why they have not been satisfied are explained below.

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 audience 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.

This denial may be appealed by writing to the Executive Director of Operations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, within 30 calendar days from date of receipt. It should clearly state on the envelope and in the letter, "Fee Waiver Appeal."

To Whom It May Concern:

I, _____, hereby affirm my identity. I understand that penalties for false statements may be imposed upon me pursuant to 18 U.S.C. 1001, and that pursuant to 5 U.S.C.552a(i)(3), any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.

(Signature)

(Date)

Sworn to and Subscribed before me this _____ day

of _____,
(Month) (Year) _____

Notary Public

AUTHORIZATION FOR RELEASE OF INFORMATION

I, the undersigned, authorize the U.S. Nuclear Regulatory Commission to release to _____ any and all information requested under the Freedom of Information Act and/or the Privacy Act relating to _____
_____.

DATED: _____

Signature: _____

Printed Name: _____

NOTARY SEAL:

Danoff, Karen

From: Argent, Nina
Sent: Monday, August 10, 2015 11:23 AM
To: Andoh, Roger
Subject: Fw: FOIA/PA-2015-00375 - OCHCO Response
Attachments: FOIA-PA-2015-00375.xlsx

From: Wilding, Sally
Sent: Tuesday, August 4, 2015 4:08 PM
To: Argent, Nina; FOIA Resource
Cc: HR-FOIA Resource
Subject: FOIA/PA-2015-00375 - OCHCO Response

Good afternoon Nina. Since Pamela is out, I am forwarding OCHCO's response to this request. Please let us know if you have any questions.

Thanks,
Sally Wilding
OCHCO