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June 26, 1979

FOIA Request

Mr. J.M. Felton, Director
Division of Rules and Records
Office of Administration
Nuclear Regulatory Commission
Washington, D.C. 20555

**FREEDOM OF INFORMATION
ACT REQUEST**

FOIA-79-247
REC'D 7-3-79

Dear Mr. Felton:

Thank you for your June 15, 1979, response (FOIA 79-185) to my Freedom of Information Act request of May 11, 1979. In that request, I asked for nine categories of documents relating to your policies on waiver of search and copying fees under the Freedom of Information Act. The information and documents you sent will be most helpful in my study of the Act.

I would still like to obtain copies of all decisions rendered by the Commission on appeals of initial decisions not to waive fees from 1974 to the present (category (7)). It appears that there was at least one during the period, denying on appeal the request for a fee waiver made by the Union of Concerned Scientists on May 18, 1976. Also, please send the total numbers of fee waivers granted for searching, and granted and denied for copying, in calendar year 1978 or, in the alternative, copies of all those decisions (category (8)). Finally, please, respond to category (9) of my May 11, 1979, letter, in which I asked for each of the annual reports submitted in compliance with the Freedom of Information Act, for calendar years 1974 through 1978.

I would also appreciate an explanation of why "[p]ublic benefit will not normally result . . . [w]hen requested records have already been made available, or are being made available in response to the request, for inspection and copying in the NRC Public Document Room or a Local Public Document Room." 10 C.F.R. § 9.14a(d)(3). It would seem that under this provision a public interest group which could not afford to travel to a PDR or to pay for copying costs, but which could have qualified for a waiver of fees under 10 C.F.R. § 9.14a(c), would not be granted a waiver of copying fees. Is this interpretation correct?

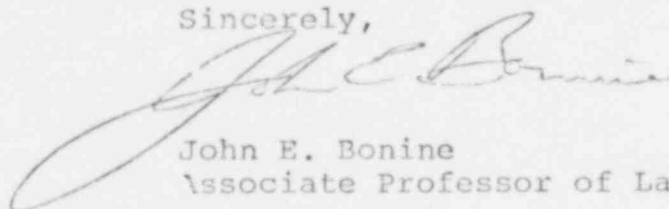
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I appreciate your continued cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "John E. Bonine". The signature is written in dark ink and is positioned above the typed name and title.

John E. Bonine
Associate Professor of Law

JEB:sg

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