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under §§9.35 and 9.37. The NRC will routinely place copies of non-sensitive agency records disclosed in response to Freedom of Information Act requests in the NRC Public Document Room and on microfiche in Local Public Document Rooms. Records will not be routinely placed in the NRC Public Document Room and Local Public Document Rooms that contain information personal to the requester, involve matters that are not likely to be of public interest to anyone other than the requester or contain privileged or proprietary information that should only be disclosed to the requester.

(b) When the NRC denies access to a requested agency record or denies a request for expedited processing or for a waiver or reduction of fees, the Freedom of Information Act and Privacy Act Officer will notify the requester in writing. The denial will include as appropriate—

- (1) The reason for the denial;
- (2) A reference to the specific exemption under the Freedom of Information Act, or other appropriate reason, and the Commission's regulations authorizing the denial;
- (3) The name and title or position of each person responsible for the denial of the request, including the head of the office recommending denial of the record;
- (4) A statement stating why the request does not meet the requirements of §9.41 if the request is for a waiver or reduction of fees; and
- (5) A statement that the denial may be appealed within 30 calendar days from the date of the denial to the Executive Director for Operations, to the Secretary of the Commission, or to the Inspector General, as appropriate.

(c) The Freedom of Information Act and Privacy Act Officer will maintain a copy of each letter granting or denying requested agency records, denying a request for expedited processing, or denying a request for a waiver or reduction of fees in accordance with the NRC Comprehensive Records Disposition Schedule.

§9.29 Appeal from initial determination.

(a) A requester may appeal a notice of denial of a Freedom of Information

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Act request for access to agency records, denial of a request for waiver or reduction of fees, or denial of a request for expedited processing under this subpart within 30 calendar days of the date of the NRC's denial. For agency records denied by an Office Director reporting to the Executive Director for Operations, the appeal should be addressed to the Executive Director for Operations and sent using an appropriate method listed in §9.6. For agency records denied by an Office Director reporting to the Commission, the Assistant Secretary of the Commission, or the Advisory Committee Management Officer and for a denial of a request for a waiver or reduction of fees, or denial of a request for expedited processing, the appeal must be in writing and addressed to the Secretary of the Commission. For agency records denied by the Assistant Inspector General for Investigations, the appeal must be in writing and addressed to the Inspector General. The appeal should be clearly marked "Appeal from Initial FOIA Decision." The NRC does not consider an appeal that is not marked as indicated in this paragraph as received until it is actually received by the Executive Director for Operations, Secretary of the Commission, or the Inspector General.

(b) The NRC will make a determination on any appeal made under this section within 20 working days after the receipt of the appeal, except an appeal of the denial of a request for expedited processing will be determined within 10 working days after receipt of the appeal.

(c)(1) If the appeal is denied in whole or in part, the Executive Director for Operations or a Deputy Director, the Secretary of the Commission, or the Inspector General, as appropriate, will notify the requester of the denial, explaining the exemptions relied upon and how the exemptions apply to the agency records withheld.

(2) If, on appeal, the denial of a request for expedited processing or for a waiver or reduction of fees for locating and reproducing agency records is upheld in whole or in part, the Secretary of the Commission will notify the person making the request of the

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decision to sustain the denial, including a statement explaining why the request does not meet the requirements of § 9.25(e) (1) and (2) or § 9.41.

(3) The Executive Director for Operations, or a Deputy Executive Director, or the Secretary of the Commission, or the Inspector General will inform the requester that the denial is a final agency action and that judicial review is available in a district court of the United States in the district in which the requester resides or has a principal place of business, in which the agency records are situated, or in the District of Columbia.

(d) The Executive Director for Operations, or a Deputy Executive Director, or the Secretary of the Commission, or the Inspector General will furnish copies of all appeals and written determinations on appeals to the Freedom of Information Act and Privacy Act Officer.

[63 FR 2876, Jan. 20, 1998, as amended at 68 FR 58800, Oct. 10, 2003]

§ 9.31 Extension of time for response.

(a) In unusual circumstances defined in § 9.13, the NRC may extend the time limits prescribed in § 9.25 or § 9.29 by not more than 10 working days. The extension may be made by written notice to the person making the request to explain the reasons for the extension and indicate the date on which a determination is expected to be dispatched.

(b) An extension of the time limits prescribed in §§ 9.25 and 9.29 may not exceed a combined total of 10 working days per request, unless a requester has agreed to an alternative time frame as described in § 9.25 (c).

§ 9.33 Search, review, and special service fees.

(a) The NRC charges fees for—

(1) Search, duplication, and review, when agency records are requested for commercial use;

(2) Duplication of agency records provided in excess of 100 pages when agency records are not sought for commercial use and the request is made by an educational or noncommercial scientific institution, or a representative of the news media;

(3) Search time that exceeds two hours and duplication of agency

records of more than 100 pages for requests from all other categories of requesters not described in paragraphs (a)(1) and (a)(2) of this section;

(4) The direct costs of searching for agency records. The NRC will assess fees even when no agency records are located as a result of the search or when agency records that are located as a result of the search are not disclosed; and

(5) Computer searches which includes the cost of operating the Central Processing Unit for the portion of operating time that is directly attributable to searching for agency records plus the operator/programmer salary apportionable to the search.

(b) The NRC may charge requesters who request the following services for the direct costs of the service:

(1) Certifying that records are true copies;

(2) Sending records by special methods, such as express mail, package delivery service, courier, and other means other than first class mail; or

(3) Producing or converting records to formats specified by a requester other than ordinary copying processes that are readily available in NRC.

§ 9.34 Assessment of interest and debt collection.

(a) The NRC will assess interest on the fee amount billed starting on the 31st day following the day on which the billing was sent in accordance with NRC's regulations set out in § 15.37 of this chapter. The rate of interest is prescribed in 31 U.S.C. 3717.

(b) The NRC will use its debt collection procedures under part 15 of this chapter for any overdue fees.

§ 9.35 Duplication fees.

(a)(1) The charges by the duplicating service contractor for the duplication of records made available under § 9.21 at the NRC Public Document Room (PDR), One White Flint North, 11555 Rockville Pike, Room O-1F23, Rockville, MD are as follows:

(i) Paper-to-paper reproduction is \$0.15 per page for standard size (up to 11"×14"). Pages 11"×17" are \$0.30 per page. Pages larger than 11"×17", including engineering drawings, are \$2.50 per square foot.