



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

OCT 05 2016

IN RESPONSE REFER TO:
FOIA/PA-2016-0166A
FOIA/PA-2016-0703

Julian Tarver (b) (6)

Dear Mr. Tarver:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated September 11, 2016, in which you appealed the agency's September 2, 2016, response related to your August 12, 2016, Freedom of Information Act (FOIA) request, FOIA/PA-2016-0703. You appealed the fee waiver denial.

Per NRC FOIA regulations 10 CFR 9.41, a waiver or reduction of fees may be granted for furnishing documents if a requester, by fully addressing the eight factors described, 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. The eight factors are:

- (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 public understanding of the subject before 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.

Tarver J.

- 2 -


Since you did not address the eight factors described to qualify for a fee waiver and you have repeatedly stated you do not agree to pay fees, I have denied your appeal.

This is the final agency decision. As set forth in the FOIA (5 U.S.C. 552(a)(4)(B)), you may seek judicial review of this decision in the district court of the United States in the district in which you reside or have your principal place of business. You may also seek judicial review in the district in which the agency's records are situated or in the District of Columbia.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a nonexclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740
Email: ogis@nara.gov
Telephone: 202-741-5770
Toll-free: 1-877-684-6448
Fax: 202-741-5769

Sincerely,

A handwritten signature in black ink, appearing to read "David Nelson", written over a horizontal line.

David J. Nelson
Chief Information Officer
Office of the Chief Information Officer