

Nuclear Regulatory Commission

§ 9.33

and (2). The notice 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.

(f) For denial of a waiver or reduction of fees for locating and reproducing agency records, the appeal must be in writing directed to the Executive Director for Operations and sent to the Freedom of Information Act and Privacy Act Officer by an appropriate method listed in § 9.6. The appeal should clearly state on the envelope and in the letter that it is an "Appeal from Initial FOIA Decision." The NRC does not consider an appeal received until the date it is actually received by the Freedom of Information Act and Privacy Act Officer. The NRC will make a determination on the appeal within 20 working days after the receipt of the appeal. If the Executive Director for Operations or a Deputy Executive Director denies an appeal of a waiver or reduction of fees for locating and reproducing agency records, the Executive Director for Operations or a Deputy Executive Director, will notify the person making the request of the decision to sustain the denial, including a statement explaining why the request does not meet the requirements of § 9.41. The notice 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.

(g) The Executive Director for Operations, a Deputy Executive Director, 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.

[70 FR 34307, June 14, 2005, as amended at 81 FR 96346, Dec. 30, 2016]

§ 9.30 Contact for dispute resolution services.

(a) NRC's FOIA Public Liaison:

(1) By mail—11555 Rockville Pike, Rockville, MD 20852;

(2) By facsimile—301-415-5130; and

(3) By email—*FOIA.Resource@nrc.gov*.

(b) Office of Government Information Services within National Archives and Records Administration:

(1) By mail—8601 Adelphi Road-OGIS, College Park, MD 20740;

(2) By facsimile—202-741-5769; and

(3) By email—*ogis@nara.gov*.

[81 FR 96346, Dec. 30, 2016]

§ 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

§9.34

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, Maryland, may be found on the NRC's Web site at <http://www.nrc.gov/reading-rm/pdr/copy-service.html> or by calling the PDR at 1-800-397-4209 or 301-415-4737, by e-mail pdr@nrc.gov and are as follows:

(i) Paper-to-paper reproduction is \$0.30 per page for standard size (up to and including 11" × 14" reduced). Pages 11" × 17" are \$0.30 per page. Pages larger than 11" × 17", including engineering drawings, are \$1.50 per square foot.

(ii) Pages larger than 11" × 17" are \$1.50 per square foot.

(iii) Microfiche-to-paper reproduction is \$0.30 per page. Aperture card

10 CFR Ch. I (1-1-25 Edition)

blowback to paper is \$3.00 per square foot.

(iv) Microfiche card duplication is \$5.00 per card; CD-ROM duplication is \$10.00 each.

(v) The charges for Electronic Full Text (EFT) (ADAMS documents) copying are as follows:

(A) Electronic Full Text (EFT) copying of ADAMS documents to paper (applies to images, OCR TIFF, and PDF text) is \$0.30 per page.

(B) EFT copying of ADAMS documents to CD-ROM is \$5.00 per CD plus \$0.15 per page.

(C) CD-ROM-to-paper reproduction is \$0.30 per page.

(vi) Priority rates (rush processing) are as follows:

(A) The priority rate offered for standard size paper-to-paper reproduction is \$0.35, microfiche-to-paper reproduction is \$0.40, EFT copying of ADAMS documents to paper and CD-ROM-to-paper production is \$0.35 per page.

(B) The priority rate for aperture cards is \$3.50 per square foot. The priority rate for copying EFT to CD-ROM is \$6.00 per CD-ROM plus \$0.20 per page.

(vii) Facsimile charges are \$1.00 per page for local calls; \$2.00 per page for U.S. long distance calls, and \$6.00 per page for foreign long distance calls, plus the regular per page copying charge.

(2) A requester may submit mail-order requests for contractor duplication of NRC records made by writing to the NRC Public Document Room. The charges for mail-order duplication of records are the same as those set out in paragraph (a)(1) of this section, plus mailing or shipping charges.

(3) A requester may open an account with the duplicating service contractor. A requester may obtain the name and address and billing policy of the contractor from the NRC Public Document Room.

(4) Any change in the costs specified in this section will become effective immediately pending completion of the final rulemaking that amends this section to reflect the new charges. The Commission will post the charges that will be in effect for the interim period at the NRC Public Document Room. The Commission will publish a final