



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

December 10, 2021

NRC-2022-000043

Sent via email to [srswatch@gmail.com](mailto:srswatch@gmail.com)

Mr. Tom Clements  
Savannah River Site Watch  
1112 Florence Street  
Columbia, SC 29201

Dear Mr. Clements:

The U.S. Nuclear Regulatory Commission (NRC) received your Freedom of Information Act (FOIA) request on December 9, 2021.

Your request, which seeks access to any "lessons-learned" review or analysis related to the NRC's inspection of the Mixed Oxide Fuel Fabrication Facility at DOE's [Department of Energy's] Savannah River Site; any charter for establishment of a working group that may have been set up to review the NRC's inspection of the MOX project; and any attachments to any MOX lessons-learned report or analysis, has been assigned the following reference number that you should use in any future communications with us about your request: NRC-2022-000043.

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 a request. Based on your description of records, we have placed your request in the simple track. The statutory due date for our response is January 10, 2022.

We will try our best to complete work on your request by the statutory due date; however, the actual date of completion might be before or after the statutory due date based on the complexity of all the requests in the simple track. In an effort to process your request promptly, you may wish to narrow the scope of your request to limit the number of responsive records.

For purposes of assessing fees in accordance with our regulations (10 CFR 9.33), we have placed your request in the following category: Non-Excepted. If applicable, you will be charged appropriate fees for: search and duplication. Unless you state otherwise, we expect to provide our response, including any released records, electronically. You will not incur duplication charges if we respond to you electronically.

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 have requested that fees be waived for your request.<sup>1</sup> You have not provided us with the information we need to make a fee waiver determination. The NRC requires that a person submitting such a request address each of the factors in 10 CFR 9.41(b)(1)–(8) (copy enclosed). If you still wish to pursue a fee waiver request, please submit supplemental information addressing each of the fee waiver factors, which we must receive on or before Friday, December 17, 2021, and I will then make a determination on your request. Please note that, because I have not yet made a determination on your fee waiver request, this is not an appealable decision.

Stephan Ellis, FOIA Analyst (Contractor, Pathfinder Consultants, LLC) is the person assigned responsibility for your request in support of the NRC's Office of the Chief Information Officer. He may be reached by telephone at (301) 415-3655 or via email to [Stephan.Ellis@nrc.gov](mailto:Stephan.Ellis@nrc.gov).

If you have questions on any matters concerning your FOIA request, please feel free to contact Mr. Ellis or me at (301) 415-7169.

Sincerely,

*Stephanie A. Blaney /s/*

Stephanie A. Blaney  
FOIA Officer  
Office of the Chief Information Officer

Enclosures:

Explanation of Fees  
Fee Waiver Justification Requirements

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<sup>1</sup> We acknowledge that you have made FOIA requests in the past; in some of them, the fee waiver request was granted, in others the fee waiver request was denied, and in others, the fee waiver request was moot because there were no billable fees. In any event, the NRC's FOIA regulations specify 8 factors, each of which has to be addressed. Once you have addressed the 8 factors, a determination can be made on a fee waiver.

## EXPLANATION OF FEES

### Requester Fee Categories

**Commercial:** Fees are charged for 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 or Non-Commercial Scientific Institution, Representative of the 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 maintained in a Privacy Act system of records. No fee is charged for the first 100 pages of duplication for this category of requester.

**Non-Excepted:** For any request not described above, 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 100 pages of duplication for this category of requester.

### Fee Schedules

**Search and Review Charges:** 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>For Search &amp; Review Conducted By</u>	<u>Hourly Rate</u>
SES/COMMISSIONER	\$ 103.24/hour (ES-maximum)
PROFESSIONAL	\$ 81.72/hour (GG-14, Step 7)
CLERICAL	\$ 40.10/hour (GG-9, Step 7)

**Duplication Charge:** \$0.20/page

**Other Charges:** 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 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 \$25.00 or the amount specified, 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 \$250.00, you will be required to pay the estimated fees in advance before we proceed further with 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)(1) The NRC will collect fees for searching for, reviewing, and duplicating agency records, except as provided in § 9.39, unless a requester submits a request in writing for a waiver or reduction of fees. To ensure 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 should be addressed to the Office of the Chief Information Officer and sent using an appropriate method listed in § 9.6.

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

(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 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

(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 under § 9.23(b), 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 Federal 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 will consider the following factors:

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

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

(3) The extent to which the requester has a commercial interest that would be furthered by the disclosure of the requested agency records; and whether that commercial interest exceeds the public interest in disclosure.

(e) The Freedom of Information Act and Privacy Act Officer will make an initial determination whether a request for a waiver or reduction of fees meets the requirements of this section. The Freedom of Information Act and Privacy Act Officer will inform requesters whenever their request for a waiver or reduction of fees is denied and will inform them of their appeal rights under § 9.29.