

## § 7.31

a request for a fee waiver or reduction, is subject to concurrence by the General Counsel or his/her designee.

(h) Upon a determination that an appeal will be denied, the requester will be informed in writing of the reasons for the denial of the request and the names and titles or positions of each person responsible for the determination, and that judicial review of the determination is available in the United States District Court for the judicial district in which the requester resides or has his or her principal place of business, the judicial district in which the requested records are located, or the District of Columbia.

### Subpart E—Time Limits

#### § 7.31 Initial determinations.

An initial determination whether to release a record requested pursuant to subpart C of this part will be made within ten Federal working days after the request is received by the appropriate office in accordance with § 7.14, except that this time limit may be extended by up to ten Federal working days in accordance with § 7.33. The person making the request will be notified immediately of such determination. If the determination is to grant this request, the desired record will be made available as promptly as possible. If the determination is to deny the request, the person making the request will be notified in writing, at the same time he or she is notified of such determination, of the reason for the determination, the right of such person to appeal the determination, and the name and title of each person responsible for the initial determination to deny the request.

#### § 7.32 Final determinations.

A determination with respect to any appeal made pursuant to § 7.21 will be made within twenty Federal working days after receipt of such appeal except that this time limit may be extended by up to ten Federal working days in accordance with § 7.33. The person making the request will be notified immediately of such determination pursuant to § 7.21.

## 49 CFR Subtitle A (10–1–97 Edition)

#### § 7.33 Extension.

In unusual circumstances as specified in this section, the time limits prescribed in §§ 7.31 and 7.32 may be extended by written notice to the person making the request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. Such notice may not specify a date that would result in a cumulative extension of more than ten Federal working days. As used in this paragraph, “unusual circumstances” means, but only to the extent reasonably necessary to the proper processing of the particular request:

(a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(c) The need for consultation, which will be conducted with all practicable speed, with any other agency of DOT element having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

### Subpart F—Fees

#### § 7.41 General.

(a) This subpart prescribes fees for services performed for the public under subparts B and C of this part by the Department.

(b) All terms defined by the Freedom of Information Act apply to this subpart, and the term “hourly rate” means the actual hourly base pay for a civilian employee or, for members of the Coast Guard, the equivalent hourly pay rate computed using a 40-hour week and the member’s normal basic pay and allowances.

(c) This subpart applies to all employees of the Department, including those of non-appropriated fund activities of the Coast Guard and the Maritime Administration.

(d) This subpart does not apply to any special study, special statistical