

would be furthered by the disclosure of the requested agency records; and

(6) If the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

(e) If the written request for a waiver or reduction of fees does not meet the requirements of this section, the NRC will inform the requester that the request for waiver or reduction of fees is being denied and set forth the appeal rights under §9.29 to the requester.

[52 FR 49356, Dec. 31, 1987, as amended at 53 FR 52993, Dec. 30, 1988; 54 FR 53316, Dec. 28, 1989]

**§9.43 Processing of requests for a waiver or reduction of fees.**

(a) Within 10 working days after receipt of a request for access to agency records for which the NRC agrees to waive fees under §9.39(a) through (d) or §9.41(c), the NRC shall respond to the request as provided in §9.25.

(b) In making a request for a waiver or reduction of fees, a requester shall provide the information required by §9.41(b).

(c) After receipt of a request for the waiver or reduction of fees made in accordance with §9.41, the NRC shall either waive or reduce the fees and notify the requester of the NRC's intent to promptly provide the agency records or deny the request and provide a statement to the requester explaining why the request does not meet the requirements of §9.41(b).

(d) As provided in §9.29, a requester may appeal a denial of a request to waive or reduce fees within 30 days to the Executive Director for Operations.

**§9.45 Annual report to Congress.**

(a) On or before March 1 of each calendar year, the Chairman of the NRC will submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report includes—

(1) The number of determinations made by the NRC to deny requests for records made to the NRC under this

part and the reasons for each determination;

(2) The number of appeals made by persons under §9.29, the results of the appeals, and the reason for the action taken on each appeal that results in a denial of information;

(3) The names and titles or positions of each person responsible for the denial of records requested under this section, and the number of instances of participation for each;

(4) The results of each proceeding conducted pursuant to 5 U.S.C. 552(a)(4)(F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records, or an explanation of why disciplinary action was not taken;

(5) A copy of every rule the NRC published affecting this part;

(6) A copy of the fee schedule and the total amount of fees collected by the NRC for making records available under this part; and

(7) Any other information that indicates efforts to administer fully the provisions of 5 U.S.C. 552.

(b) The NRC shall make a copy of each report submitted to the Congress under paragraph (a) of this section available for public inspection and copying in the NRC Public Document Room.

**Subpart B—Privacy Act Regulations**

SOURCE: 40 FR 44484, Sept. 26, 1975, unless otherwise noted.

**§9.50 Scope of subpart.**

This subpart implements the provisions of section 3 of the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a, with respect to (a) the procedures by which individuals may determine the existence of, seek access to and request correction of NRC records concerning themselves, and (b) the requirements applicable to NRC personnel with respect to the use and dissemination of such records. The regulations in this subpart apply to all records which are retrievable from a system of records under the control of the Nuclear Regulatory Commission by the use of an individual's name or of an identifying