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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]

§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 commer-

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cial 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 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, MD are as follows:

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(i) Paper-to-paper reproduction is \$0.15 per page for standard size (up to 11"×14"). Pages 11"×17" are \$0.30 per page. Pages larger than 11"×17", including engineering drawings, are \$2.50 per square foot.

(ii) Color drawings are \$2.00 per 8½"×11" page. Pages larger than 8½"×11" are \$12.00 per square foot.

(iii) Microfiche-to-paper reproduction is \$0.15 per page. Aperture cards are \$2.50 per square foot.

(iv) 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 \$0.15 per page.

(B) Electronic Full Text (EFT) copying of ADAMS documents to CD-ROM is \$10.00 for the first document on the CD-ROM and \$5.00 for each additional document per accession number on the same CD-ROM.

(C) CD-ROM-to-paper reproduction is \$0.15 per page.

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

(A) The priority rate is offered for standard size paper-to-paper reproduction, microfiche-to-paper reproduction, electronic full text (EFT) copying of ADAMS documents to paper, and CD-ROM-to-paper production at \$0.20 per page. The priority rate for standard size color prints is \$2.50 per print. The priority rate for color drawings larger than 8½"×11" is \$15.00 per square foot.

(B) The priority rate for aperture cards is \$3.50 per square foot. The priority rate for electronic full text (EFT) to CD-ROM is \$15.00 for the first document on the CD-ROM and \$7.50 per each additional document on the same CD-ROM.

(vi) Facsimile charges are \$0.30 per page for local calls; \$0.50 per page for U.S. long distance calls, and \$1.00 per page for foreign long distance calls.

(2) Self-service duplicating machines are available at the NRC Public Document Room for the use of the public. Paper to paper copy is \$0.08 per page. Microfiche to paper is \$0.10 per page on the reader printers.

(3) 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.

(4) 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.

(5) 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 rule in the FEDERAL REGISTER that includes the new charges within 15 working days from the beginning of the interim period.

(b) The NRC will assess the following charges for copies of records to be duplicated by the NRC at locations other than the NRC Public Document Room located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

(1) Sizes up to 8½×14 inches made on office copying machines—\$0.20 per page of copy; and

(2) The charge for duplicating records other than those specified in paragraphs (a) and (b) of this section is computed on the basis of NRC's direct costs.

(c) In compliance with the Federal Advisory Committee Act, a requester may purchase copies of transcripts of testimony in NRC Advisory Committee proceedings, which are transcribed by a reporting firm under contract with the NRC directly from the reporting firm at the cost of reproduction as provided for in the contract with the reporting firm. A requester may also purchase transcripts from the NRC at the cost of reproduction as set out in paragraphs (a) and (b) of this section.

(d) Copyrighted material may not be reproduced in violation of the copyright laws. Requesters will be given the citation to any copyrighted publication and advised to contact the NRC Public

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Document Room to arrange to view the publication.

[63 FR 2876, Jan. 20, 1998, as amended at 64 FR 48951, Sept. 9, 1999; 66 FR 22907, May 7, 2001; 67 FR 67098, Nov. 4, 2002; 70 FR 34308, June 14, 2005]

§9.37 Fees for search and review of agency records by NRC personnel.

The NRC will charge the following hourly rates for search and review of agency records by NRC personnel:

- (a) Clerical search and review at a salary rate that is equivalent to a GG-7/step 7, plus 16 percent fringe benefits;
- (b) Professional/managerial search and review at a salary rate that is equivalent to a GG-13/step 6, plus 16 percent fringe benefits; and
- (c) Senior executive or Commissioner search and review at a salary rate that is equivalent to an ES-4, plus 16 percent fringe benefits.

§9.39 Search and duplication provided without charge.

(a) The NRC will search for agency records requested under §9.23(b) without charges when agency records are not sought for commercial use and the records are requested by an educational or noncommercial scientific institution, or a representative of the news media.

(b) The NRC will search for agency records requested under §9.23(b) without charges for the first two hours of search for any request not sought for commercial use and not covered in paragraph (a) of this section.

(c) The NRC will duplicate agency records requested under §9.23(b) without charge for the first 100 pages of standard paper copies, or the equivalent cost of 100 pages of standard paper copies when providing the requester copies in microfiche or electronic form such as computer disks, if the requester is not a commercial use requester.

(d) The NRC may not bill any requester for fees if the cost of collecting the fee would be equal to or greater than the fee itself.

(e) The NRC may aggregate requests in determining search and duplication to be provided without charge as provided in paragraphs (a) and (b) of this section, if the NRC finds a requester or

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group of requesters acting in concert, has filed multiple requests that actually constitute a single request, and that the requests involve clearly-related matters.

§9.40 Assessment of fees.

(a) If the request is expected to require the NRC to assess fees in excess of \$25 for search and/or duplication, the NRC will notify the requester that fees will be assessed unless the requester has indicated in advance his or her willingness to pay fees as high as estimated.

(b) In the notification, the NRC will include the estimated cost of search fees and the nature of the search required and estimated cost of duplicating fees.

(c) The NRC will encourage requesters to discuss with the NRC the possibility of narrowing the scope of the request with the goal of reducing the cost while retaining the requester's original objective.

(d) If the fee is determined to be in excess of \$250, the NRC will require an advance payment.

(e) Unless a requester has agreed to pay the estimated fees or, as provided for in paragraph (d) of this section, the requester has paid an estimated fee in excess of \$250, the NRC may not begin to process the request.

(f) If the NRC receives a new request and determines that the requester has previously failed to pay a properly charged fee under the Freedom of Information Act to the NRC or other Federal agency within 30 calendar days of receipt of the bill on a previous request, the NRC may refuse to accept the new request for processing until payment is made of the full amount owed on the prior request, plus any applicable interest assessed as provided in §9.34.

(g) Within 10 working days of the receipt of NRC's notice that fees will be assessed, the requester will provide advance payment if required, notify the NRC in writing that the requester agrees to bear the estimated costs, or submit a request for a waiver or reduction of fees pursuant to §9.41.

[63 FR 2876, Jan. 20, 1998, as amended at 70 FR 34308, June 14, 2005]