

In his Appeal, the Appellant argues that NETL should have only provided a fee estimate for two of the three FOIA requests because one of the included FOIA requests is actually being processed by the DOE Office of Public Information (OPI) instead of NETL. Appeal Letter at 1 (November 21, 2017). As such, the Appellant argues that NETL's determination letter is incorrect and NETL should issue a new determination letter that provides a reasonable fee for processing only the two other requests. *Id.*

II. Analysis

The FOIA generally requires that requesters pay fees associated with the processing of their requests. 5 U.S.C. § 552(a)(4)(A)(i); see also 10 C.F.R. § 1004.9(a). We first note that the Appellant is not challenging the reasonableness of the estimated fee; instead, the Appellant is challenging NETL's inclusion of HQ-2017-01284-F in the fee calculation because the Appellant believes that OPI is conducting the search for the request rather than NETL. Appeal at 1. As written, NETL's Determination Letter estimates the cost for its search will exceed \$5,000, which is based on the approximately sixty-five hours NETL anticipates it will initially expend conducting the search for records responsive to the aggregate request. Determination Letter; Memorandum of Telephone Conversation between NETL and OHA (November 28, 2017) (Telephone Memorandum).

We contacted OPI to determine the extent of their involvement in processing HQ-2017-01284-F. HQ-2017-01284-F can be divided into fifty-four separate information requests. Determination Letter at 3-8. OPI informed us that it is only searching for records responsive to the first of the fifty-four information requests. Email Chain between OPI and OHA (November 27, 2017).² We then contacted NETL, and it informed us that it is conducting the search for records responsive to the remaining fifty-three information requests. Telephone Memorandum. Thus, NETL is in fact conducting a majority of the agency's search for records responsive to HQ-2017-01284-F. Since NETL is processing HQ-2017-01284-F, NETL could properly include NETL's anticipated costs for processing HQ-2017-01284-F in its Determination Letter. We, therefore, do not agree with the Appellant that NETL erred by including HQ-2017-01284-F in the Determination Letter.³

III. Conclusion

² OPI also informed us that it will not issue a separate fee determination letter because it consulted with the Appellant and agreed to provide a two hour search without charge. *Id.*

³ The Appellant's request for a new determination letter is followed by a request for "a reasonable charge since the FOIA request is for non-profit purposes." Appeal at 1. In *Ayyakkannu Manivannan*, Case No. FIA-17-0020 (2017), OHA determined that the Appellant is an "all others" requester. Therefore, NETL may charge the Appellant "the full reasonable direct cost of searching for and reproducing records that are responsive to the request" after providing two hours of search time without charge. 10 C.F.R. § 1004.9. NETL's Determination Letter accounted for the complimentary hours and provided an estimate of the cost associated with conducting a portion of the extensive search contemplated by the Appellant's aggregate request, and the Appeal does not provide a basis for concluding that NETL's estimate is unreasonable. See Determination Letter at 8-9.

Based on the foregoing, we conclude that NETL was correct to issue a Determination Letter that included HQ-2017-01284-F as part of the initial fee determination. Therefore, the Appellant is not entitled to a new fee determination letter. Accordingly, we will deny the present Appeal.

IV. Order

It is hereby ordered that the Appeal filed on November 21, 2017, by Ayyakkannu Manivannan, Case No. FIA-17-0047, is denied.

This is a final order of the Department of Energy from which any aggrieved party may seek judicial review pursuant to the provisions of 5 U.S.C. § 552(a)(4)(B). Judicial review may be sought in the district in which the requester resides or has a principal place of business, or in which the agency records are situated, or in the District of Columbia.

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