



Occupational Safety and Health Administration
OSHA Training Institute
2020 S. Arlington Heights Road
Arlington Heights, IL 60005-4102

September 28, 2010

Mr. William Wilson
President
Americans for Limited Government
9900 Main Street, Suite 303
Fairfax, VA 22031-3907

Dear Mr. Wilson:

This is in response to your letter to the Occupational Safety and Health Administration (OSHA) National Office dated September 17, 2010, requesting information regarding "all documents that refer to, reflect or mention communications discussing the selection of OSHA's 2010 Susan Harwood Grant Awardees," and "all documents reflecting any meeting, phone call, email, letter or other communication including handwritten communications regarding the selection of OSHA 2010 Susan Harwood Grant Awardees," and "all evaluations used in determining the selection of OSHA's 2010 Susan Harwood Awardees." Your letter was referred to the OSHA Directorate of Training and Education for response and was received by this office on September 17, 2010. Your FOIA request has been assigned Correspondence Number 621346. Please include this number in future correspondence.

Your organization has requested a full or partial waiver of fees in connection with your FOIA request. To thoroughly examine any request for a full or partial waiver of fees, your organization must address the following factors to the satisfaction of OSHA.

The Freedom of Information Act provides a two-part test to determine if fees should be waived or reduced. Fees shall be waived if:

1. Disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations of activities of the government.
2. Disclosure is not primarily in the commercial interest of the requester (5 USC 552(a)(4)(A)(iii)).

The U.S. Department of Justice has issued guidance instructing agencies in interpreting this provision of the FOIA. (See *FOIA Update*, Winter/Spring 1987) In addition, the U.S. Department of Labor has promulgated regulations in accordance with these guidelines. (See *29 CFR 70.41*) FOIA fees are also determined based upon the category of the requester. Fee waivers or reductions are considered by OSHA on a case-by-case basis.

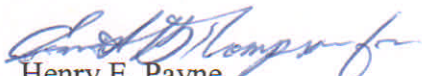
In applying the test, OSHA examines each FOIA request to determine if the following four factors are met. All of these factors must be satisfied for a full or partial fee waiver to be warranted.

1. Subject of the Request. Whether the subject of the requested records concerns “operations or activities of the government.”
2. Informative Value of the Information to be Disclosed to the Requester. Whether the disclosure of the requested records is “likely to contribute” to an understanding of government operations or activities.
3. Contribution to an Understanding of the Subject by the General Public is Likely to Result from the Disclosure. Whether the disclosure of the requested information will contribute to the “public understanding” of the operations or activities of the government.
4. Significance of the Contribution to Public Understanding. Whether the disclosure is likely to contribute “significantly” to public understanding or government operations or activities.

Please provide written details to this office regarding these four factors within 15 business days from the date this letter is received. You may also revise the scope of your FOIA request in order to reduce the costs to process your request. OSHA requires that if the Directorate of Training and Education does not receive your information by that time, your FOIA must be administratively closed.

Please contact Mr. James Barnes at Barnes.jim@dol.gov for any additional information or clarification regarding your FOIA request.

Sincerely,


Henry E. Payne
Disclosure Officer