



DEPARTMENT OF THE NAVY

NAVAL SAFETY CENTER  
375 A STREET  
NORFOLK, VIRGINIA 23511-4399

5720

Ser 055/F0224

December 12, 2008

Mr. Peter Stekel  
Wilderness Press  
3048 62<sup>nd</sup> Avenue, SW  
Seattle, WA 98116-2706

Dear Mr. Stekel:

This is in response to your e-mail of November 10, 2008, which was originally addressed to the Office of the General Counsel, Washington, DC and was forwarded to this command by the Office of the Chief of Naval Operations, asking, pursuant to the Freedom of Information Act (FOIA), for a copy of the accident investigation report regarding a plane crash in the Sierra Nevada mountains off California on October 23, 1983. In your letter you submitted information which you contend establishes entitlement to a waiver of fees normally charged in processing requests under FOIA. Your request was received at this command on November 24, 2008.

This command can provide you with the redacted Safety Investigation Report (SIR), however, your request for a waiver of fees is denied. Based on the information you provided, we are unable to determine if and how you intend to disseminate the requested information to the general public. Specifically, your letter fails to indicate how you intend to disseminate the information to the general public rather than a limited list of subscribing individuals or a group. Your justification does not demonstrate that disclosure of the requested information is likely to contribute significantly to the general public's understanding of the information you are seeking. Therefore, we have determined you qualify as a commercial use requester under 32 C.F.R. 286.28(d). As a commercial requester, you are required to pay all search, review and duplication fees associated with the processing of your request. We have estimated that the cost of obtaining the SIR will be approximately \$300.00. Please advise this office of your willingness to pay these fees. Until this office receives your response, no further processing of your request will take place.

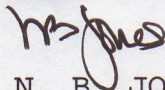


Under 32 CFR 701.12(a), you may appeal this denial of your fee waiver request by writing to:

Judge Advocate General (Code 14)  
Navy Department  
1322 Patterson Ave., S.E.  
Suite 3000  
Washington, DC 20374-5066

If you have any questions, you may call (757) 444-3520 Ext 7047. Please refer to case number 2009-NSC-22 when inquiring about your request.

Sincerely,



N. B. JONES  
Staff Attorney  
By direction of the Commander