

From: "Shoko Hair" <Shoko.Hair@fcc.gov>
Subject: FOIA Control No.: 2009-404
Date: May 28, 2009 11:24:32 AM PDT
To: <carl@media.org>
Cc: "Patricia Quartey" <Patricia.Quartey@fcc.gov>

Carl Malamud
President & CEO
Public.Resource.Org
1005 Gravenstein Highway North
Sebastopol, CA 95472

Dear Mr. Malamud:

This acknowledges receipt of your Freedom of Information Act (FOIA) request filed with the Federal Communications Commission (FCC). Your request has been assigned FOIA control number 2009-403. Agencies are allowed 20 working days to respond to your request, extending this period for an additional 10 working days under certain circumstances. See 5 U.S.C. § 552(a)(6)(A)(i) and 5 U.S.C. § 552(a)(6)(B)(i). We anticipate responding to your request by or on June 25, 2009. If additional time is needed to respond to your requests you will be notified.

If you have any questions concerning this notice, please call the FOIA Office at (202) 418-0440.

Sincerely,

Shoko B. Hair
OMD/PERM
shoko.hair@fcc.gov
202-418-1379
Room 1-A827

From: FOIA@fec.gov
Subject: Your Freedom of Information Act Request to the Federal Election Commission 2009-52
Date: June 9, 2009 5:36:44 AM PDT
To: carl@media.org

June 9, 2009

Carl Malamud
carl@media.org

Subject: Your Freedom of Information Act Request to the Federal Election Commission

Dear Mr. Malamud:

This email acknowledges receipt of your Freedom of Information Act (FOIA) request dated May 20, 2009; received in our office May 26, 2009.

Please note that, depending upon the nature of your request, we may be able to respond to you more quickly if you are able to state your request more specifically or narrowly, either in terms of the scope of documents you have requested or by refining the timeframe of your request. If you would like to discuss this option or if you have any questions, please contact the FOIA Requester Service Center at (202) 694-1650. Please include the following tracking number in all future correspondence regarding this matter – **FOIA Request 2009-52**.

Thank you for contacting the Federal Election Commission.

Sincerely,

Candace J. Salley
FOIA Requester Service Center

From: "Coleman, Rochelle A" <Rochelle.Coleman@fda.hhs.gov>
Subject: **your FOIA request 2009-4071**
Date: June 8, 2009 9:00:54 AM PDT
To: <carl@media.org>

We received your request and there is a question: what is the PACER system?

Thanks.

Rochelle A. Coleman
Information Technician
Food and Drug Administration
Division of Freedom of Information
(301) 827-6554 Direct

From: "Hotline, OIG DoD" <HOTLINE@dodig.mil>
Subject: **Defense Hotline Case Number 109558**
Date: June 5, 2009 7:29:51 AM PDT
To: <CARL@media.org>

Dear Mr. Calamud:

This is in response to your October 5, 2008, correspondence to the Defense Hotline. An inquiry of your complaint will be conducted under Hotline case number 109558.

The time required to complete the inquiry may increase depending on the complexity of the issues and the availability of investigative resources.

We appreciate your interest in bringing these concerns to our attention.

Sincerely,

Leonard Trahan, Jr.
Director
Defense Hotline

This e-mail is from the Office of the Inspector General, Department of Defense, and may contain information that is "Law Enforcement Sensitive" {LES} or "For Official Use Only" {FOUO} or otherwise subject to the Privacy Act and/or legal and or other privileges that restrict release without appropriate legal authority.

From: "Jordan, Mary Nance CIV USA" <Mary.Jordan@us.army.mil>
Subject: FOIA request 09-0693 (UNCLASSIFIED)
Date: June 4, 2009 1:40:32 PM PDT
To: <carl@media.org>

Classification: UNCLASSIFIED
Caveats: NONE

Mr. Carl Malamud
President,
Public.Resource.Org
1005 Gravenstein Highway, North
Sebastopol, CA 95472

Dear Mr. Malamud:

This message responds to your Freedom of Information Act request dated May 20, 2009, received in our office on May 29, 2009. You requested all records in any format pertaining to Army's budget issues, costs, contracts, agreements, and materials related to the PACER System run by the Administrative Office of the Courts, dating from the year 2000 to date to include future fiscal years. You also requested records between U.S. Army management and attorneys concerning curtailment or limitations of the PACER System and other commercial information systems due to costs.

Please be advised that this office serves as the referral point and oversight office for the Department of the Army Freedom of Information entity, and is not a repository for documents for the Department of the Army. Requests for information and documents under the purview of the Army are referred to the agency most likely to have responsive records for a review in accordance with Army Regulation 25-55, The Army Freedom of Information Act Program.

Therefore, we referred your request to the following activity for review and direct response to you:

Assistant Secretary of the Army
(Financial Management and Comptroller)
ATTN: SAFM-SACO
109 Army Pentagon, Room 3E346
Washington, DC 20310-0109
Tel.: (703) 692-2500

For future questions concerning fees or the status of your request, please contact the activity referenced above. If this office can be of further assistance you may write directly or call (703) 428-6497.

Sincerely,

M. N. Jordan

Program Analyst
U.S. Army Freedom of
Information Act Office

Ms. Mary Nance Jordan
Army Freedom of Information Office
Records Management and Declassification Agency
Mary.Jordan@us.army.mil
(703) 428-6497

Classification: UNCLASSIFIED
Caveats: NONE

From: "Wehausen, Robert" <Robert.Wehausen@ed.gov>
Subject: FOIA Request No. 09-01290-F
Date: June 1, 2009 8:31:53 AM PDT
To: "carl@media.org" <carl@media.org>
1 Attachment, 740 KB

Dear Mr. Malamud:

This is an electronic-mail (e-mail) response to your letter of February 9, 2009, requesting information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, that was received in this office on May 27, 2009. Your request has been assigned case number 09-01290-F. A copy of your request is attached.

You have asked for a waiver of all fees, including duplication fees, associated with processing your request based on your status as a member of the news media and that the public interest exceeds the interests of your organization in the extent the Department of Education accesses the PACER system (as described in your request). That request is granted.

Your request has been assigned to the appropriate office within the Department for processing.

If you have any questions, or would like the original signed copy of this letter, please contact the FOIA Requester Service Center at (202) 401-8365 or via e-mail at EDFOIAManager@ed.gov.

Sincerely,
Robert Wehausen
FOIA Public Liaison
OM-RIMS



[09-01290-F....pdf \(740 KB\)](#)

From: "McKnight, Keisha" <kmcknight@cpsc.gov>
Subject: **U.S. CPSC FOIA Request Acknowledgment for Request #09-F-00698**
Date: May 29, 2009 8:21:53 AM PDT
To: <carl@media.org>
▶ 1 Attachment, 61.0 KB

The enclosed letter acknowledges the receipt of your Freedom of Information Act (FOIA) request by the U.S. Consumer Product Safety Commission (CPSC). Your request has been assigned FOIA tracking number, 09-F-00698. Please refer to this number in all correspondence or during telephone communications with the FOIA Staff.



[U.S. CPSC FO...oc \(61.0 KB\)](#)

U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

May 29, 2009

Mr. Carl Malamud
PUBLIC.RESOURCE.ORG
1005 Gravenstein Highway North
Sebastopol, CA 95472

RE: FOIA Request #09-F-00698: Total amount actually spent or the amount budgeted to be spent by the CPSC to access the PACER system run by the Administrative Office of the Courts, from 2000 to the present. Also, any agreements, contracts, or memoranda of understanding governing access to the PACER system by CPSC staff.

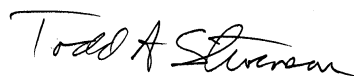
Dear Mr. Malamud:

This acknowledges receipt of your Freedom of Information Act (FOIA) request seeking records from the U.S. Consumer Product Safety Commission (CPSC) and also assigns your FOIA request number.

Due to certain procedural steps we are required to take under our statute, there may be delays in providing the records. Please be assured that every effort is being made to process each request as equitably as possible, and that the records or information that you have requested will be made available to you at the earliest possible date.

If you have any questions concerning the status of your request, contact our office and provide your assigned FOIA request number.

Sincerely,



Todd A. Stevenson
Director
Office of the Secretary

From: "Shoko Hair" <Shoko.Hair@fcc.gov>
Subject: FW: FOIA Control No.: 2009-404
Date: May 28, 2009 11:29:55 AM PDT
To: <carl@media.org>

Mr. Malamud: Please disregard the first e-mail that you received pertaining to your FOIA request filed with the FCC. I inadvertently inserted the incorrect FOIA control number in that e-mail. The correct FOIA control number for your case is FOIA control no.: 2009-404 as indicated below. Thanks,

Shoko B. Hair
OMD/PERM
shoko.hair@fcc.gov
202-418-1379
Room 1-A827

From: Shoko Hair
Sent: Thursday, May 28, 2009 2:25 PM
To: 'carl@media.org'
Cc: Patricia Quartey
Subject: FOIA Control No.: 2009-404

Carl Malamud
President & CEO
Public.Resource.Org
1005 Gravenstein Highway North
Sebastopol, CA 95472

Dear Mr. Malamud:

This acknowledges receipt of your Freedom of Information Act (FOIA) request filed with the Federal Communications Commission (FCC). Your request has been assigned FOIA control number 2009-404. Agencies are allowed 20 working days to respond to your request, extending this period for an additional 10 working days under certain circumstances. See 5 U.S.C. § 552(a)(6)(A)(i) and 5 U.S.C. § 552(a)(6)(B)(i). We anticipate responding to your request by or on June 25, 2009. If additional time is needed to respond to your requests you will be notified.

If you have any questions concerning this notice, please call the FOIA Office at (202) 418-0440.

Sincerely,

Shoko B. Hair
OMD/PERM
shoko.hair@fcc.gov
202-418-1379
Room 1-A827

From: "FOIA RESPONSE" <foia_response@lsc.gov>
Subject: **WITHDRAWN - FOIA 2009-13 (LEGAL SERVICES CORPORATION)**
Date: June 1, 2009 1:24:22 PM PDT
To: <carl@media.org>
Cc: "FOIA RESPONSE" <foia_response@lsc.gov>

Dear Mr. Malamud

Thank you for your request for records of the Legal Services Corporation ("LSC" or "Corporation"), submitted pursuant to the Freedom of Information Act ("FOIA"). Your letter was received on May 27, 2009 and requested records related to PACER, Thomson WestLaw and ReedElsiveir LexisNexis services.

As we discussed this afternoon by telephone, LSC is a private nonprofit entity - a 501(c)(3) - that is Federally funded. Despite its Federal funding, LSC is not a government entity and is subject to the FOI Act by statute.

As I mentioned during our conversation, the Corporation is a funding and oversight organization. It distributes money to other 501(c)(3) entities that provide free civil legal services to financially eligible clients; LSC is not a direct provider of legal services. LSC's Office of Legal Affairs employs three (3) attorneys. While there are other attorneys employed by the Corporation's other offices, they are utilized in the compliance oversight function of our work.

The majority of the Corporation's annual appropriation is distributed as grants to legal services providers. The combined budget for management and administration is approximately \$13 million; approximately one million of that amount is disbursed as grants to LSC grantees through a loan repayment assistance program as a means of recruiting young attorneys. LSC currently has a management and administration staff of approximately 85 employees. Our expenditure on the services of interest to you are nominal, particularly when compared to a large government entity.

Based on your receipt of this information regarding the nature of LSC and its business, you indicated that you wished to withdraw your FOIA request. This note confirms that your request is reflected as withdrawn on the Corporation's records.

Should it become necessary for you to follow up with me regarding this request, please use **FOIA reference number 2009-13** when doing so.

Thank you for your interest in the Legal Services Corporation.

Patricia D. Batie
Manager of Board Operations
& FOIA Officer
Office of Legal Affairs
Legal Services Corporation
3333 K Street, N.W.
Washington, D.C. 20007



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

Regulatory Information Management Services

June 1, 2009

Carl Malamud (carl@media.org)
Public.Resource.Org
1005 Gravenstein Highway North
Sebastopol, CA 95472

RE: FOIA Request No. 09-01290-F

Dear Mr. Malamud:

This is an electronic-mail (e-mail) response to your letter of February 9, 2009, requesting information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, that was received in this office on May 27, 2009. Your request has been assigned case number 09-01290-F. A copy of your request is attached.

You have asked for a waiver of all fees, including duplication fees, associated with processing your request based on your status as a member of the news media and that the public interest exceeds the interests of your organization in the extent the Department of Education accesses the PACER system (as described in your request). That request is granted.

Your request has been assigned to the appropriate office within the Department for processing.

If you have any questions, or would like the original signed copy of this letter, please contact the FOIA Requester Service Center at (202) 401-8365 or via e-mail at EDFOIAManager@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Wehausen".

Robert Wehausen
FOIA Public Liaison
RM-RIMS

Attachment

May 28, 2009

Carl Malamud
1005 Gravenstein Highway North
Sebastopol, CA 95472

Dear Requester:

This will acknowledge receipt of your Freedom of Information Act (FOIA) request of 5-28-09. Your request has been assigned a case number based on the date of its receipt in this office and is being processed as expeditiously as possible. The actual processing time will depend on the complexity of your request/appeal and whether sensitive records, voluminous records, extensive search, and/or consultation with other HHS components or other executive branch agencies are involved. There may be a charge for these records and, in some cases, the charges may be substantial.

If you have any questions, please call (202) 690-7453 refer to case number 2009-0610GD.

Freedom of Information/Privacy Acts Division
Office of the Assistant Secretary for Public Affairs
330 C Street S.W.
Switzer Building
Room 2221
Washington, DC 20201

05/29 Postman



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

May 28, 2009

Carl Malamud
Public.Resource.Org
1005 Gravenstein Highway North
Sebastopol, CA 95472

RE: FOIA-2009-01004
Pacer, LexisNexis, Westlaw
Expenditure Records

Dear Mr. Malamud:

This letter acknowledges the receipt of your Freedom of Information Act request dated May 20, 2009 for the documents listed below:

Pacer, LexisNexis, Westlaw Expenditure Records

If you should have any questions regarding your request, please contact Carolyn Lowry at (202)326-3055. In any call or future correspondence concerning the request, please refer to the following case number FOIA-2009-01004.

Sincerely,

A handwritten signature in black ink, appearing to read "Troy Krouse".

Troy Krouse

Postmarked 5/29



UNITED STATES DEPARTMENT OF COMMERCE
Chief Financial Officer
Assistant Secretary for Administration
Washington, D.C. 20230

May 28, 2009

Carl Malamud
Public.Resource.Org
1005 Gravenstein Highway North
Sebastopol, CA 95472

Dear Mr. Malamud:

We acknowledge receipt of your Freedom of Information Act (FOIA) request at the Department of Commerce. The FOIA case number assigned to your request is CRRIF 09-233. If you have questions regarding your request, please contact Bobbie Parsons, FOIA Officer, Immediate Office of the Secretary, Office of Management and Organization, Room H5327, Washington, D.C. 20230, 202-482-3257, email: BParsons@doc.gov.

Sincerely,

Harriette H. Boyd
Freedom of Information Act Specialist
Office of Management & Organization

1005 Gravenstein Highway North
Sebastopol, CA 95472
Public.Resource.Org
1-800-388-3734
www.Public.Resource.Org

Postmark 5/29



**U.S. Department
of Transportation**

Office of the Secretary
of Transportation

GENERAL COUNSEL

1200 New Jersey Avenue, SE
Washington, DC 20590

JUN 1 2009

Carl Malamud
PUBLIC.RESOURCE.ORG.INC.
1005 Gravenstein Highway North
Sebastopol, CA 95472

Dear Mr. Malamud:

The purpose of this letter is to acknowledge receipt of your recent request for records under the Freedom of Information Act (FOIA), 5 U.S.C. 552. You requested records related to any memoranda or budgetary documents that detail the total amount actually spent or the amount budgeted to be spent by the Department of Transportation to access the PACER system run by the Administrative Office of the Courts; the amount that was spent or was budgeted to be spent in the period from 2000 to the present, as well as budget items for the future fiscal periods. (See request).

Your letter has been given identification number 2009-137.

Please be advised that the Office of the Secretary of Transportation (OST) is currently experiencing a high number of FOIA requests and is addressing backlogged requests with all due diligence on a first-in/first-out basis. Your request will be addressed in the order it was received. We regret any inconvenience caused by the delay.

Processing fees may apply for FOIA requests as set forth in the Department of Transportation's (DOT) FOIA regulations (49 CFR Part 7.41).

If you have any questions concerning your request, please call our FOIA Requester Service Center at (202) 366-4542.

Sincerely yours,

Darlene A. Wallace
Information Assistant
FOIA Division

CG/02 PCSTMSH



Food and Drug Administration

Rockville, MD 20857

Carl Malamud
Public Resource.Org
1005 Gravenstein Highway N
Sebastopol, CA 95472

JUN 01 2009

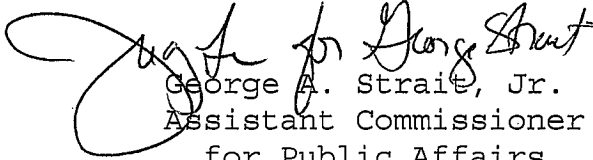
In reply refer to: 2009-4071

Dear Requester:

This is in response to your Freedom of Information request (copy enclosed) for waiver of fees for documents requested under the Freedom of Information Act.

As provided by Food and Drug Administration regulations at 21 CFR 20.46, Department of Health and Human Services' regulations at 45 CFR 5.34, and based on your justification, a waiver of fees has been granted.

Sincerely Yours,


George A. Strait, Jr.
Assistant Commissioner
for Public Affairs

Enclosures

05/02
RUSTAN



DEPARTMENT OF VETERANS AFFAIRS
Washington DC 20420

JUN 01 2009

Mr. Carl Malamud
President & CEO
Public.Resource.Org
1005 Gravenstein Highway North
Sebastopol, CA 95472

Dear Mr. Malamud:

This is in response to your Freedom of Information Act (FOIA) request dated May 20, 2009, in which you requested:

“• Any memoranda or budgetary documents that detail the total amount actually spent or the amount budgeted to be spent by the Department of Veterans Affairs to access the PACER system run by the Administrative Office of the Courts. I am interested in how much was spent or was budgeted to be spent in the period from 2000 to the present, as well as budget items for future fiscal periods.

• Any agreements, contracts, or memoranda of understanding between the Department of Veterans Affairs and the Administrative Office of the Courts governing access to the PACER system by Department of Veterans Affairs staff.

• Any memoranda or other documents from Department of Veterans Affairs management to Department of Veterans Affairs lawyers asking them to curtail, limit, or otherwise ration their use of the PACER system due to cost considerations.

• Any contracts, memoranda, or budgetary materials detailing the specific agreements and amount of money spent by the Department of Veterans Affairs with commercial legal information providers such as Thomson WestLaw or the ReedElsiveir LexisNexis service. While I understand such commercial legal information providers have more than just federal data, documents pertaining to the amount spent or budgeted, contracts, and memoranda relating to curtailing use because of cost are all relevant to this inquiry.”

The FOIA Service received your request on May 28, 2009, and assigned it FOIA number 09-00158-F. Please refer to this number when communicating with this office about your request.

06/02/09 Postmark

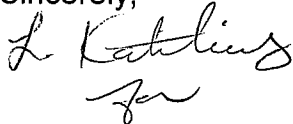
The documents you seek are not located in this office. The records you have requested, if they exist, would be maintained by the Office of the General Counsel (GC). Pursuant to our regulations (38 CFR § 1.553a), we are referring your request to GC for a file search and direct response to you. If you wish to know the status of your request, please contact:

Department of Veterans Affairs
Office of the General Counsel
General Counsel Office (026H)
Attn: David Donahue
810 Vermont Avenue, N.W.
Washington, D.C. 20420 Phone: 202-461-7705 \ Fax: 202-273-6645

This concludes our response to your request.

We appreciate your interest in the Department of Veterans Affairs. Customer service is very important to us. If you have questions about this letter, please contact Amy Gbenou of my staff at 202-461-7465 and refer to case number 09-00158-F.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Livornese".

John Livornese
Director, FOIA Service



U.S. Citizenship
and Immigration
Services

May 29, 2009

NRC2009029809

Carl Malamud
Public.Resource.Org, Inc.
1005 Gravenstein Highway North
Sebastopol, CA 95472

Dear Carl Malamud:

We received your Freedom of Information Act (FOIA) request on May 28, 2009. You are specifically requesting copies of the following information:

- Any memorandum or budgetary documents that detail the total amount actually spent or the amount budgeted to be spent by Citizenship and Immigration Services to access the PACER system run by the Administrative Office of the Courts. The timeframe for your request is from 2000 to the present, as well as budget items for future fiscal periods.
- Any agreements, contracts, or memoranda of understanding between Citizenship and Immigration Services and the Administrative Office of the Courts governing access to the PACER system by Citizenship and Immigration Services staff.
- Any memoranda or other documents from Citizenship and Immigration Services management to Citizenship and Immigration Services lawyers asking them to curtail, limit, or otherwise ration their use of the PACER system due to cost considerations.
- Any contracts, memoranda, or budgetary materials detailing the specific agreements and amount of money spent by Citizenship and Immigration Services with commercial legal information providers such as Thomson WestLaw or the ReedElsevier LexisNexis service.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. § 552). It has been assigned the following control number: NRC2009029809. Please cite this number in any further inquiry about this request.

You have asked to be recognized as a representative of the media and requested to waiver of duplication fees because the disclosure of the information is in the public interest. Your request is being held in abeyance at this time.

Additionally, we respond to requests on a first-in, first-out basis and on a multi-track system. This is to inform you that your request has been placed in the complex track. If you wish to narrow the scope or modify your request, please contact this office.

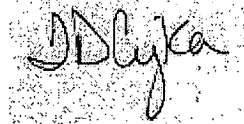
This office is now able to offer you the option of having your records copied to a Compact Disc (CD) for use on your personal computer. This option is an alternative to paper copies. The CD is readable on all computers through the use of Adobe Acrobat software. A version of Adobe Acrobat will be included on the CD. Your records can be viewed on your computer screen and can be printed onto paper. Only records 15 pages or more are eligible for CD printing.

NRC2009029809

Page 2

You may check the status of your FOIA request online, at www.uscis.gov. Go to the "Freedom of Information Act" link at the bottom of the web page and then click on "FOIA Request Status Check" listed under the "Related Links" and follow the instructions. If you have any questions concerning your pending FOIA/PA request, please address them to this office, Attention: FOIA/PA Officer, or call us at 816-350-5570, or fax any FOIA/PA related correspondence to 816-350-5785

Sincerely,



T. Diane Cejka
Director

66/03/09
post mem



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

IN REPLY REFER TO:

5720
ARSF-CT/9U100570
June 1, 2009

MR CARL MALAMUD
PUBLIC RESOURCE ORG
1005 GRAVENSTEIN HIGHWAY NORTH
SEBASTOPOL CA 95472

Dear Mr. Malamud,

This refers to your May 20, 2009, Freedom of Information Act (FOIA) request by which you seek to obtain copies of documents maintained in U.S. Marine Corps (USMC) files. Your request was received by this Headquarters on May 28, 2009, and is controlled under file number HQMC-200900561.

You state that you are seeking records in order to determine how much money the USMC is spending on access to federal court documents and other primary legal materials. Specifically, you seek to obtain copies of "any memoranda or budgetary documents that detail the total amount actually spent or the amount budgeted to be spend by the USMC to access the PACER system run by the Administrative Office of the Courts," "any agreements, contracts, or memoranda of under-standing between the USMC and the Administrative Office of the Courts governing access to the PACER system by USMC staff," "any memoranda or other documents from USMC management to USMC lawyers asking them to curtail, limit, or otherwise ration their use of the PACER system due to cost considerations," "any contracts, memoranda, or budgetary materials detailing the specific agreements and amount of money spent by the USMC with commercial legal information providers such as Thomson WestLaw or the ReedElsiveir LexisNexis service."

You have also requested media requester status, stating that you qualify as a representative of the news media because you are a public charity chartered to create public works projects on the Internet with a particular focus on making government information more broadly available without fees to any and all users. You also state that the requested documents will be promptly "published" to your Internet site. Please be advised that in order to qualify as representative of the news media, you must state how you plan to create and disseminate a unique editorialized product upon receipt of the documents. Simply posting documents on an Internet site does not qualify as editorializing. After carefully considering your request, I have determined that you have not demonstrated your eligibility for media status.

We have determined you to be an "Other Requester" for the purpose of assessing FOIA processing fees. As such, you are entitled to two hours of search and 100 pages of duplication

05/03/09 POSTM-54

5720
ARSF-CT/9U100570
June 1, 2009

free of charge but are responsible for any search and/or duplication costs incurred subsequent to your free entitlement. Subsequent processing fees are assessed at the established Department of Defense fee rate of \$20.00 per hour for clerical search, \$44.00 per hour for professional search, \$75.00 per hour for executive search, and document duplication at \$.15 per page.

It is noted that you have requested a waiver of all fees based on the fact that disclosure of the requested information is "in the public interest," "will contribute significantly to the public understanding of the operations or activities of the government," and that, as a nonprofit organization, will derive no commercial benefit from the requested documents. However, after reviewing your request, we find that you have not adequately demonstrated how your request will "significantly" contribute to the public understanding of government operations or activities. Further, your request for a fee waiver should address the current level of public attention to the general subject to which the information relates, along with a specific description of who in the public would be benefited upon the release of those documents. Your request should also address your expertise in the subject area of the request and your ability and intention to disseminate the information to the public. Additionally, you must specifically describe who in the public would be benefited upon the release of those documents. Because you have not demonstrated the criteria described above, your request for a fee waiver is denied.

Finally, absent your alternate commitment to pay for appropriate incurred processing fees, we are unable to proceed with the processing of your request at this time. Your request, as currently described, is a complex request which would require an extensive search of Department of Defense components and potential collection of records from component facilities that are separate from this Office. Should responsive records be identified, they may also require consultation with other agencies or submitters having a substantial interest in the determination.


Because I have denied your requests for news media status and a full waiver of fees, you may consider this an adverse determination that may be appealed to the General Counsel of the Navy, FOIA/PA Appeals Office, 1000 Navy Pentagon, Room 4E635, Washington, DC 20350-1000. Your appeal, if any, must be postmarked within 60 calendar days from the date of this letter to be considered and copies of your initial request and this letter should be attached. Additionally, your appeal correspondence should include a written statement indicating why you believe your appeal should be granted. I recommend that your appeal and its envelope both bear the notation "Freedom of Information Act Appeal."

Upon receipt of your written commitment to pay for incurred search and duplication costs, we will initiate a search for documents responsive to your request. However, you may wish to reduce incurred processing fees by narrowing the scope of your request.

5720
ARSF-CT/9U100570
June 1, 2009

If we do not hear from you by close-of-business on June 30, 2009, we will close your request file as "unperfected" with no further action required. Questions concerning this action may be directed to Georges Eid of my staff at (703) 614-4008.

I am the official responsible for the adverse determination of your request.

Sincerely,


TERESA D. ROSS
Head, FOIA/PA Section (ARSF)
Security Programs & Info Mgmt Branch
Administration and Resource Mgmt Division
By direction of the
Commandant of the Marine Corps



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

June 3, 2009

RE: 2009-06-015

Mr. Carl Malamud
President & CEO
Public.Resources.Org
1005 Gravenstein Highway North
Sebastopol, CA 95472

Dear Mr. Malamud:

This concerns your Freedom of Information Act (FOIA) request dated May 20, 2009, which was received in this office and given the identification number listed above.

Your request is being forwarded to the Financial Management Service (FMS). They will respond directly to you.

Further inquires to the FMS concerning these requests should be directed to the address below:

Financial Management Service (FMS)
Disclosure Branch
401 14th Street, SW
Washington, DC 20227

Sincerely,

Hugh Gilmore
Director, Disclosure Services

cc/04 Postmaster



SOCIAL SECURITY

Refer to:
S9H: AC4610

06/04/2009

Carl Malamud
Public.Resource. Org, Inc.
1005 Gravenstein Highway North
Sebastopol, CA 95472

Dear Carl Malamud:

We have received your request for records and will process it as soon as possible. If you need to contact us about your request, please be sure to refer to the above control number. If you have not heard from us in 30 days and wish to check on the status of your request, you may call 410-965-1727. Leave a message and your telephone number. Someone will return your call as soon as possible.

Sincerely,

Dawn S. Wiggins
Freedom of Information Officer

06/09/09 Postman



U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

June 15, 2009

Mr. Carl Malamud
Public.Resource.Org
1005 Gravenstein Highway North
Sebastopol, CA 95472

Dear Mr. Malamud:

This concerns your Freedom of Information Act request dated May 20, 2009, which was misdirected to this Office. This Office processes requests on behalf of the Offices of the Attorney General, Deputy Attorney General, Associate Attorney General, Public Affairs, Legislative Affairs, Legal Policy, and Intergovernmental and Public Liaison. It appears that your request seeks records from the Justice Management Division. Accordingly, we have forwarded your request to that component for processing and direct response to you. You may contact the Justice Management Division at the following address:

Ms. Joan Lapara
FOIA Contact
Justice Management Division
Department of Justice
Room 1111 RFK
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Sincerely,

Linda C. Jemison
Secretary

6/15
PM



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-3000

OFFICE OF ADMINISTRATION

JUN -4 2009

6/16 PM

Mr. Carl Malamud
President and CEO
Public.Resource.Org
1005 Gravenstein Highway North
Sebastopol, CA 95472

RE: Freedom of Information Act Request
FOIA Control Nos.: 09-FI-HQ-01586 and FI-478396

Dear Mr. Malamud:

This letter acknowledges the Department of Housing and Urban Development's receipt of your Freedom of Information Act (FOIA) request dated May 20, 2009. Your request was received in the Department's FOIA Office on May 26, 2009.

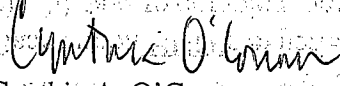
Pursuant to the FOIA, 5 USC 552(a)(6)(A)(i), once HUD properly receives a FOIA request, the Department has 20 working days within which to make a determination on the request unless unusual circumstances exist. Under unusual circumstances, such as an agency's backlog, or the need to examine a voluminous amount of records required by the request, HUD can extend the 20-day time limit for processing a request. As of June 1, 2009, HUD's FOIA Office had 230 open FOIA requests. Based upon HUD's experience and current inventory, it is estimated that it may take approximately 30 days to complete processing of your request.

HUD's policy is to process FOIA requests using "multi-track processing," which allows the Department to process FOIA requests on a first-in/first-out basis, within each track. HUD places FOIA requests in its routine or complex track based on the amount of work and time involved in processing the request. The criteria for assignment to a specific track are found in HUD's FOIA regulations, 24 CFR 15.105(a), which were published in the Federal Register on January 22, 2001, at 66 FR 6964. Your request is being processed on the routine track. Please note that upon further evaluation of your request, you may be notified that your request has been transferred to another track.

The Department will comply with your request to the extent permissible by law. Any records not subject to an exemption will be forwarded to you promptly upon the completion of HUD's search and review process. Your request has been assigned to Ms. Joan Gill for processing. If you have any questions regarding your request, please contact Ms. Gill at (202) 402-5082.

Thank you for your interest in the Department's programs and policies.

Sincerely,


Cynthia A. O'Connor
Executive Secretary



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

June 12, 2009

RE: 2009-06-015

Mr. Carl Malamud
President & CEO
Public.Resources.Org
1005 Gravenstein Highway North
Sebastopol, CA 95472

Dear Mr. Malamud:

This concerns your Freedom of Information Act (FOIA) request dated May 20, 2009, which was forwarded to the Financial Management Services (FMS) for processing.

Our office has been advised that your request was inappropriately assigned to Financial Management Services (FMS). Your request deals with the U.S. Courts which also has a PACER program called Public Access to Court Electronic Records (PACER) which is an electronic public access service that allows users to obtain case and docket information from Federal Appellate, District and Bankruptcy courts, and the U.S. Party/Case index via the Internet. The website is <http://pacer.psc.uscourts.gov/>.

We apologize for any inconvenience you may have experienced and suggest that you contact the U.S. Courts concerning the records you are seeking.

Sincerely,

Hugh Gilmore
Director, Disclosure Services

RAM
5/16



U.S. Immigration
and Customs
Enforcement

June 4, 2009

Carl Malamud
Public Resource
1005 Gravenstein Highway North
Sebastopol, CA 95472

Re: 2009FOIA3721

Dear Ms. Malamud:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the Immigration and Customs Enforcement (ICE), dated May 20, 2009, and to your request for a waiver of all assessable FOIA fees. Your request was received in this office on June 4, 2009. Specifically, you requested any memoranda or budgetary documents that detail the total amount actually spent or the amount budgeted to be spent by the ICE to access the PACER system run by the Administrative Office of the Courts from 2000 to the present, as well as budget items for the future fiscal periods. Any agreements, contracts or memorandum of understanding between ICE and the Administrative Office of the Courts governing access to the PACER system by ICE staff. Any memoranda or other documents from ICE management to ICE lawyers asking them to curtail, limit or otherwise ration their use of the PACER system due to cost considerations. Any contracts, memoranda, or budgetary materials detailing the specific agreements and the amount of money spent by ICE with commercial legal information providers such as Thomas Westlaw or the ReedElsiver LexisNexis service.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, DHS will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner; however, there are currently 598 open requests ahead of yours.

As it relates to your fee waiver request, your request will be held in abeyance pending the quantification of responsive records. The DHS FOIA Regulations, 6 CFR § 5.11(k)(2), set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns "the operations or activities of the government;" (2) Whether the disclosure is "likely to contribute" to an understanding

6/11/PM

of government operations or activities; (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons; (4) Whether the contribution to public understanding of government operations or activities will be "significant;" (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor. If any responsive records are located, we will consider these factors in our evaluation of your request for a fee waiver.

In the event that your fee waiver is denied, we shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to media requestors. As a media requestor you will be charged 10-cents a page for duplication, although the first 100 pages are free. You will be promptly notified once a determination is made regarding your fee waiver request.

Per section 5.5(a) of the DHS-FOIA regulations, 6 C.F.R. Part 5, the Department processes FOIA requests according to their order of receipt. We will make every effort to comply with your request in a timely manner; however, there are currently 598 open requests ahead of yours. Nevertheless, please be assured that one of the processors in our office will respond to your request as expeditiously as possible.

Your request has been assigned reference number **2009FOIA3721**. Please refer to this identifier in any future correspondence. You may contact this office at (202) 732-0300 or (866) 633-1182.

Sincerely,



Catrina M. Pavlik-Keenan

FOIA Director



Homeland Security

Privacy Office, Mail Stop 0655

June 9, 2009

Mr. Carl Malamud
President & CEO
Public.Resource.Org
1005 Gravenstein Hwy North
Sebastopol, CA 95472

Re: **DHS/OS/PRIV 09-652**

Dear Mr. Malamud:

This acknowledges receipt of your May 28, 2009, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Privacy Office, in which you seek records that would assist you in determining the amount of money the Department spends on access to federal court documents and other primary legal materials, to include the following:

1. "Any memoranda or budgetary documents that detail the total amount actually spent or the amount budgeted to be spent by the Department of Homeland Security to access the PACER system run by the Administrative Office of the Courts," to specifically include records detailing "how much was spent or was budgeted to be spent in the period from 2000 to the present, as well as budget items for future fiscal periods."
2. "Any agreements, contracts, or memoranda of understanding between the Department of Homeland Security and the Administrative Office of the Courts governing access to the PACER system by Department of Homeland Security staff."
3. "Any memoranda or other documents from the Department of Homeland Security management to Department of Homeland Security layers asking them to curtail, limit, or otherwise ration their use of the PACER system due to cost considerations."
4. "Any contracts, memoranda, or budgetary materials detailing the specific agreements and amounts of money spent by the Department of Homeland Security with commercial legal information providers such as Thomson WestLaw or the ReedElsiveir LexisNexis service."

Please be advised that DHS was created January 24, 2003; therefore, no DHS records exist prior to that date. Records created prior to the establishment of DHS by any of the organizational components of DHS would be maintained by those components. Further, DHS does not maintain a central database of records that would capture all of the information you are seeking. For this reason, §5.3(b) of the DHS regulations, 6 C.F.R. Part 5, require that you describe the records you are seeking with as much information as possible to ensure that our search can locate them with a reasonable amount of effort. Whenever possible, a request should include specific information about each record sought, such as the date, title or name, author, recipients, and subject matter of the records, if known, or the DHS component or office you believe created and/or controls the record.

Per telephone conversation with this office today, you indicated that you had already submitted your request directly to the DHS components of interest, such as the immigration components. As it relates to

6/11/09

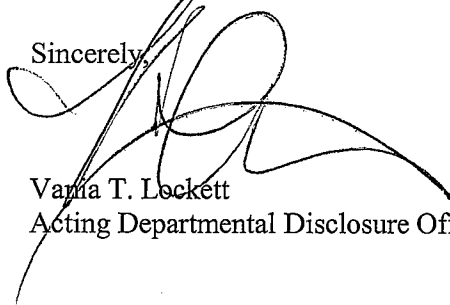
DHS Headquarters, I have referred your request to the Office of the General Counsel (OGC) and the Office of Inspector General (OIG), the two Headquarters components most likely to have records responsive to your request. Each of these offices will process your request independently and provide a direct response to you. You may contact the FOIA Officer for OGC, Charlie Borrero, in writing at U.S. Department of Homeland Security, Office of the General Counsel, Washington, D.C. 20528 or via telephone at 202-282-9822. You may contact the FOIA officer for OIG, Kathy Gallo, in writing at U.S. Department of Homeland Security, Office of the Inspector General, 245 Murray Drive, Bldg. 410, Mail Stop - 2600, Washington, D.C. 20528-0001 or via telephone at 202-254-4001.

Should you desire a search of any additional components of this Department, please contact this office or submit your request directly to the components of interest. You may wish to review a list of DHS disclosure contacts, which may be accessed from http://www.dhs.gov/xfoia/Copy_of_editorial_0318.shtm; Internet, accessed June 3, 2009.

Please be advised that your request for designation as a representative of the news media has been granted in this instance; however, your request for a waiver of fees will be held in abeyance pending the quantification of responsive records. Each of the DHS components handling your request will respond directly to you regarding the results of their searches for records and whether a waiver of fees is appropriate. In the event that your fee waiver is denied, you will be charged 10-cents a page for duplication, although the first 100 pages are free.

If you need to contact this office again regarding this request, please reference **DHS/OS/PRIV 09-235** in any future correspondence. You may contact this office at 866-431-0486.

Sincerely,



Vania T. Lockett
Acting Departmental Disclosure Officer



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

Office of
Legal Counsel

JUN 10 2009

Carl Malamud, President & CEO
Public.Resource.Org
1005 Gravenstein Highway North
Sebastopol, CA 95472

Re: FOIA No. A9-08-FOIA-267

Dear Mr. Malamud:

This letter responds to your request for a waiver of any fees associated with processing the above Freedom of Information Act (FOIA) request. Clarifying information is needed from you in order to complete the processing of your FOIA request received in this office on May 26, 2009. The information or records requested are identified below. The 20 working days provided in the FOIA to respond to your request are being suspended from the date of this letter until the date that this office receives a written response to our request. 5 U.S.C. § 552(6)(a)(1).

Your status as a non-profit organization does not automatically qualify you or Public.Resource.Org for a fee waiver, and you have failed to provide sufficient other information for EEOC consideration in making a decision as to whether it would be appropriate to grant you a fee waiver for the costs of servicing these requests. Accordingly, consideration of your fee waiver request is being deferred pending the submission of all necessary supplemental or clarifying information to this office.

The FOIA requires that two basic requirements be satisfied in order to grant a request for a fee waiver. First, it must be established that disclosure of the requested information is in the "public interest" because it is likely to contribute significantly to the public understanding of the operations or activities of the Government. Second, it must be established that disclosure of the information requested is not primarily in the "commercial interest" of the requester. 5 U.S.C. 552 § (4)(A)(iii); 29 CFR sec.1610.14(a).

Agencies consider a total of six analytical factors in determining whether the fee waiver requirement has been met; four factors with regard to the first criterion mentioned above, and two with regard to the second. The four factors to be considered in determining the "public interest" in the subject matter requested are whether: 1) the subject matter of the request specifically concerns identifiable operations or activities of the Government; 2) disclosure of the requested information will likely contribute to the public's understanding of specific Government operations or activities; 3) disclosure will contribute significantly to the understanding of the public at large, as opposed to a narrow segment of interested persons; and 4) disclosure of the requested information will significantly enhance the level of public understanding of government operations or activities.

5/11/PM

The "commercial interest" criterion requires a determination of the following two factors: whether disclosure of the requested information would further the commercial interest of the requester; and if "yes," whether, on balance, the public interest in disclosure of the subject matter is paramount to any commercial interest of the requester.

To ensure that your request is in the public interest, i.e., that the public will benefit from any expenditure of public funds for the disclosure of public records to you, I am requesting that you forward to my attention within (5) business days of your receipt of this letter particularized information describing:

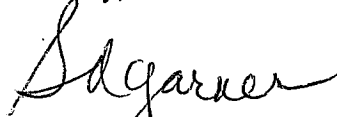
- how the subject matter of your request relates to defined operations or activities of the EEOC;
- your ability to disseminate, and the proposed means of actually disseminating, the requested information to the public at large, i.e., how the general public will benefit from the release of the requested records;
- how the public's understanding of the EEOC's activities and operations, as compared to the level of public understanding existing prior to the disclosure of the requested records, would be enhanced to a significant extent by the disclosure;
- explain how your organization qualifies as a "representative of the new media";
- whether the commercial interest of Public.Resource.Org or your own will be furthered by the disclosure of the request information; and
- all tracking systems and/or search engines that are used on Public.Resource.Org's internet site for the public at large to access; and
- Public.Resource.Org's extensive publication activities.

Upon review of your supporting information, a determination will be made on your fee waiver request promptly.

Please direct your written response to my attention in the Office of Legal Counsel, FOIA Programs, Equal Employment Opportunity Commission, 131 M Street, N.E., Suite 5NW02E, Washington, D.C. 20507.

Thank you for your attention to this request.

Sincerely,



Stephanie D. Garner
Assistant Legal Counsel / FOIA Programs



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

June 4, 2009

OFFICE OF
ENVIRONMENTAL INFORMATION

Mr. Carl Malamud
President & CEO
Public.Resource.Org
1005 Gravenstein Highway North
Sebastopol, CA 95472

RE: Request Number HQ-RIN-01320-09

Dear Mr. Malamud:

This is in response to your request for a fee waiver in connection with your Freedom of Information Act (FOIA), 5 U.S.C. 552 request seeking information on how much money the EPA is spending on access to federal court documents and other primary legal materials.

We have reviewed your fee waiver justification and based upon the information you provided, your request for a fee waiver is denied. More specifically you have failed to demonstrate that the release of the information requested significantly increase to the public understanding of government operations or activities.

Under the FOIA, you have the right to appeal my fee waiver denial determination to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the RIN listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any questions concerning this please contact me at (202) 566-1667.

Sincerely,



Larry F. Gottesman
National FOIA Officer



DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville, MD 20857

PUBLIC RESOURCE ORG INC
CARL MALAMUD
1005 GRAVENSTEIN HIGHWAY N
SEBASTOPOL CA 95472 USA

05/27/2009

In Reply refer to:
2009-4071
Your reference:

Dear Requester:

The Food and Drug Administration (FDA) has received your Freedom of Information Act (FOIA) request for records regarding:

COST OF FEDERAL RECS & OTHER LEGAL MATERIAL - CONTRACTS, MEMOS,
DATA

We will respond as soon as possible and may charge you a fee for processing your request. If your informational needs change, and you no longer need the requested records, please contact the undersigned to cancel your request, as charges may be incurred once processing of your request has begun. For more information on processing fees, please see <http://www.fda.gov/opacom/backgrounders/foiahand.html#fees>. If you have any questions about your request, please call Claire B. Brodsky, Information Technician, at (301) 827-6565 or write to us at:

Food and Drug Administration
Division of Freedom of Information
5600 Fishers Lane, HFI-35
Rockville, MD 20857

If you call or write, use the reference number above which will help us to answer your questions more quickly.

Sincerely,

Claire B. Brodsky
Information Technician

5/28 Postmark