

The National Security Archive

The George Washington University
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Via Facsimile

January 28, 2003

Patricia Riep-Dice
Chief, FOIA Division (C-12/5432)
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

**RE: FOIA Appeal
FOIA Request 20020516DOT001
Dept. of Transportation Request Number: FY2002-451**

To Ms. Reip-Dice:

This letter constitutes an administrative appeal under the US Freedom of Information Act.

On September 4, 2002, William Ferroggiaro, on behalf of the National Security Archive, filed a FOIA request via fax to your office.

That request sought:

“All records, including but not limited to guidance or directives, memoranda, training materials, or legal analyses, concerning the US Department of Justice's implementation of US Attorney General John Ashcroft's October 12, 2001 memorandum on the US Freedom of Information Act.”

As of this writing, we have not received a substantive reply to our request. This request is a simple request concerning a specific topic, i.e., the Attorney General's October 12, 2001 memo on FOIA, which likely generated a finite amount of material. As encouraged in the Electronic FOIA Amendments of 1996, this request ought be processed in a 'simple' queue. The records requested should primarily be maintained within the FOIA office of your agency and, thus, only a minimal amount of time should be necessary to identify responsive materials. Furthermore, there is nothing in the material sought that could be considered sensitive according to the Attorney General's October 12, 2001 memorandum. Therefore, as your agency has had more than the 20 statutory days—indeed, more than 90 days—to process this request, we appeal your lack of response.

We look forward to a decision on this appeal within the statutory deadline of 20 days.

Sincerely,



Meredith Fuchs
General Counsel

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FAX COVER SHEET

Date: January 28, 2003

To: Patricia Riep-Dice -- Chief, FOIA Division -- Attn: Appeals Division

Organization: Department of Transportation

From: The National Security Archive

Number of pages (including cover sheet) 2

If there is a problem with this transmission, please call us at 202-994-7000 as soon as possible.

Message: FOIA Appeal Attached.