

NATIONAL SCIENCE FOUNDATION

4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230



20020535NSF001

OFFICE OF THE
GENERAL COUNSEL

Case #02-199F

RECEIVED SEP 06 2002

September 5, 2002

Mr. William Ferroggiaro
Director
Freedom of Information Project
The National Security Archive
The George Washington University
Gelman Library, Suite 701
2130 H Street, NW
Washington, DC 20037

Dear Mr. Ferroggiaro:

This is in response to your September 4, 2002 Faxed Freedom of Information Act (FOIA) request for records concerning the National Science Foundation's implementation of US Attorney General John Ashcroft's October 12, 2001 memorandum on the Freedom of Information Act.

After a careful review of all relevant filing systems, no records were located that fall within the scope of your request. You have the right to appeal the adequacy of the NSF's search for records. Should you wish to do so, please send your appeal as set forth in Section 612.9 of the NSF FOIA regulation (copy enclosed).

There are no fees for FOIA services in this instance in accordance with 5 U.S.C. 552(a)(4)(A)(i) et seq.

Please contact me if you have further questions.

Sincerely,

A handwritten signature in cursive script that reads 'Leslie A. Jensen'.

Leslie A. Jensen
FOIA/Privacy Act Officer

Enclosure

§612.9 Appeals.

(a) Appeals of denials. You may appeal a denial of your request to the General Counsel, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, VA 22230.

You must make your appeal in writing and it must be received by the Office of the General Counsel within ten days of the receipt of the denial (weekends, legal holidays, and the date of receipt excluded). Clearly mark your appeal letter and the envelope "Freedom of Information Act Appeal." Your appeal letter must include a copy of your written request and the denial together with any written argument you wish to submit.

(b) Responses to appeals. A written decision on your appeal will be made by the General Counsel. A decision affirming an adverse determination in whole or in part will contain a statement of the reason(s) for the affirmance, including any FOIA exemption(s) applied, and will inform you of the FOIA provisions for court review of the decision. If the adverse determination is reversed or modified on appeal, in whole or in part, you will be notified in a written decision and your request will be reprocessed in accordance with that appeal decision.

(c) When appeal is required. If you wish to seek review by a court of any denial, you must first appeal it under this section.