

FOIA request: Copy of NIST's response to the House Oversight Committee's 3/10/2016 inquiry letter regarding incidents involving radioactive materials

Incoming FOIA Request
#DOC-NIST-2016-001487

Reilly, Stephen <sreilly@usatoday.com>

Thu 7/21/2016 12:18 PM

To: foia <foia@nist.gov>;

CASE NO: 2017-0214
DATE REC'D: 12/30/16
SPECIALIST:
RELATED CASE:

July 21, 2016

National Institute of Standards and Technology
Catherine S. Fletcher, FOIA & Privacy Act Officer
100 Bureau Drive, STOP 1710
Gaithersburg, MD 20899-1710

VIA EMAIL: foia@nist.gov

Re: Freedom of Information Act request

To whom it may concern:

This is a request for records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, et seq. I am seeking the following records:

A copy of the National Institute of Standards and Technology's full response to the March 16, 2016 inquiry letter from the House Committee on Oversight and Government Reform ("the Committee") requesting information regarding incidents involving radioactive materials. Please include a copy of all data and documents provided to the Committee in response to the letter.

For your reference, a copy of the aforementioned inquiry letter is available online at https://science.house.gov/sites/republicans.science.house.gov/files/documents/Letters/031616_Smith%20letter%20to%20NIST%20Director%20re%20plutonium.pdf.

For purposes of determining my status with respect to any fees that may be applicable to this request, please be advised that I am employed full-time as reporter based in McLean, Virginia for USA TODAY and its network of more than 90 partner daily newspapers owned and operated by Gannett Co. Inc., collectively known as the USA TODAY Network, and that the purpose of this request is to gather information of potential interest to a segment of the public and use my editorial abilities to turn the raw materials into a distinct work with the intent to distribute that work to an audience of newspaper readers throughout the United States. Links to my most recently published material may be found here: <http://www.usatoday.com/staff/30847/steve-reilly/>. I hereby certify that the above is true and accurate to the best of my knowledge and ability.

Where possible, please furnish the requested records in an electronic format pursuant to 5 U.S.C. § 552(a)(3)(B)-(C).

Because this is a request by a member of the news media for information of significant public interest, I ask that

you waive any search fees in accordance with §552(a)(4)(A)(ii)(II). If there is a cost associated with granting access to the requested records, please notify me before filling this request. I may be reached by phone at (610) 547-0001, or by electronic mail at sreilly@usatoday.com.

If for any reason any portion of this request is denied, please provide written notice of the specific records or portions of records that were withheld, and the specific statutory basis for the withholding. Please also provide the name and address of the officer or body to which my appeal may be directed.

In addition, I draw your attention to President Obama's January 21, 2009 Memorandum for the Heads of Executive Departments and Agencies, directing federal agencies to adopt a presumption in favor of disclosure and stating that government information should not be kept confidential "merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears."

As you know, the Act, in § 552(a)(6), grants an agency no more than twenty working days in which to respond to this request. See *Oglesby v. U.S. Dep't of Army*, 920 F.2d 57, 65 (D.C. Cir. 1990) ("Congress adopted the time limit provision in the FOIA in order to 'contribute to the fuller and faster release of information, which is the basic objective of the Act.'" (quoting H.R. Rep. No. 93-876, March 5, 1974., reprinted (1974) U.S. Code Cong. & Ad. News 6267 at 6271)).

I thank you sincerely for your prompt attention to this request and look forward to your timely reply. Please do not hesitate to contact me at (610) 547-0001 or by email if you have any questions or would like to discuss this request.

Steve Reilly

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