



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

MAR - 2 2011

Re: 2009-06-169
MV:ALB

Mr. Michael Brooks
Center for Auto Safety
1825 Connecticut Ave. NW, Suite 330
Washington, DC 20009

Dear Mr. Brooks,

This is the Department of the Treasury's response to your Freedom of Information Act (FOIA) request dated June 8, 2009, in which you requested copies of "all email correspondence since January 1, 2009 in any way related to the Chrysler and General Motors bankruptcies, the events preceding those bankruptcies and the federal government's roles in and deliberations concerning those matters . . . generated and/or received from Brian Deese, Ed Montgomery, Ron Bloom, Steven Rattner, Matthew Feldman, and Timothy Geithner." I regret the considerable delay in responding to your request.

Due to the broad scope of your request, we employed an outside contractor to conduct a search of Treasury's files for responsive documents. As a result of this effort, we have identified at least 31,000 non-duplicative, responsive documents totaling approximately 170,000 pages. Please note that the cost of duplication is twenty cents per page. See 31 C.F.R. § 1.7(g)(1)(i). Accordingly, the estimated duplication fee for your request is \$33,980.00.

Regarding your request for a waiver of fees, I note as an initial matter that you qualify as an "other requester" for fee category purposes. See 31 C.F.R. § 1.5(b)(2)(v) (2010). As such, you are entitled to two hours of free search time and 100 free pages of records. See id. at § 1.7(a)(4).

The statutory standard for evaluating fee waiver requests provides that fees shall be waived or reduced "if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). The requester bears the burden of providing information that supports his fee waiver request. See, e.g., In Def. of Animals v. NIH, 543 F. Supp. 2d 83, 97 (D.D.C. 2008) (noting that "requester bears initial burden" of meeting two-prong statutory test for fee waivers).

In accordance with Treasury's regulations, I have considered the six factors set forth in the Department of Justice's fee waiver guidance issued on April 2, 1987, to determine whether you have satisfied this standard. See 31 C.F.R. § 1.7(d)(1) (incorporating by reference the

Department of Justice's fee waiver guidance). The first four of these factors concern the "public interest" requirement; the fifth and six factors concern whether your interest in the records is primarily commercial. On the basis of all of the information available to me, I am denying your request for a waiver of fees. Although the records you seek concern the operations or activities of the government, and you do not appear to have an overriding commercial interest in the records, you have not met your burden to show that any other necessary factors are satisfied.


Specifically, in support of your fee waiver request, you merely reiterate the legal standard for public interest fee waivers and state that your request "is of a very limited and highly specific nature." The case law is well-established that a requester is not entitled to a fee waiver where, as here, the only justification offered is a conclusory statement that disclosure of the requested records will serve the public interest. See, e.g., Ogelsby v. U.S. Dept' of the Army, 920 F.2d 57, 66 n.11 (D.C. Cir. 1990) (determining that requester's statement that "[t]he information requested is beneficial to the public interest" was conclusory and insufficient to support a fee waiver); Jarvick v. CIA, 495 F. Supp. 2d 67, 73 (D.D.C. 2007) (stating that a conclusory statement that information "will improve Government efficiency and culpability" will not support a fee waiver claim) (internal citations omitted); Judicial Watch, Inc. v. DOJ, 133 F. Supp. 2d 52, 54 (D.D.C. 2000) (same).

If you remain interested in pursuing your request, you must make an advance payment of the current estimated duplication fee of \$33,980.00 before the agency continues to process your request. See 31 C.F.R. § 1.7(f)(3) (permitting collection of advance payments where costs exceed \$250). Please make your check or money order payable to the "Treasury of the United States" and send it to the following address: Disclosure Services, Department of the Treasury, 1500 Pennsylvania Avenue, Washington, D.C. 20220. Once your payment is received, the agency will continue to process your request. Alternatively, you may choose to reformulate your request in order to meet your needs at a lower cost.

If we do not receive full payment of the estimated duplication fee of \$33,980.00, or an amended request, within 20 days from the date of this letter, we will assume that you are no longer interested in your request and consider it withdrawn.

If you are dissatisfied with my action on your request, you may appeal within 35 days of the date of this letter. Your appeal must be in writing, signed by you or your representative, and should contain the rationale for the appeal. Your appeal should be addressed to: Freedom of Information Appeal, Disclosure Services, DO, Department of the Treasury, Washington, D.C. 20220.

Sincerely,


 Mark Vugrinovich
 FOIA Manager
 Office of Financial Stability