



Washington, D.C. 20505

26 May 2005

VIA FACSIMILE AND
CERTIFIED MAIL

John H. Clarke, Esquire
1717 K Street, N.W., Suite 600
Washington, D.C. 20036

Reference: No. F-2003-00449 (Civil Action No. 04-00814)

Dear Mr. Clarke:

In your letter dated 22 April 2005, you asserted that your client, Accuracy in Media (AIM), is entitled to a public interest fee waiver of costs associated with its Freedom of Information Act (FOIA) request dated 7 February 2003. Alternatively, AIM seeks placement in the "news media" fee category, which would render AIM responsible only for the copy costs, beyond the first 100 pages of reproduction, associated with its request.

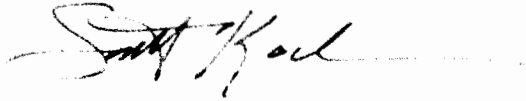
We have considered the information AIM provided in support of its request for a fee waiver. We have determined that the standards for a public interest fee waiver set forth in subpart 1900.13 of title 32 of the Code of Federal Regulations have not been met. Therefore, we deny AIM's request for a fee waiver.

With respect to AIM's request to be placed in the "news media" fee category, on 13 April 2005, the Court, in ongoing litigation related to AIM's 7 February 2003 request, determined that both AIM and co-plaintiff Roger Hall "fail to demonstrate their eligibility for fee limitations based on news media status." Because the Court has determined that AIM does not meet the criteria for "news media" fee status, we have placed AIM in the "all other" fee category. As a result, AIM will be responsible for all copy costs, beyond the first 100 pages of reproduction, and for all search costs, beyond the first two hours of search time.

If you disagree with the fee waiver denial, you may appeal the Agency's determination by filing an appeal within 45 days of the date of this letter. Please address your appeal to the Executive Secretary of the Agency Release Panel. We encourage you to provide any additional pertinent explanation or

argument in support of your fee waiver request. Agency regulations provide that either the Chair of the Agency Release Panel or the full Agency Release Panel may adjudicate appeals of denials of requests for fee waivers. Please note that, in accordance with Agency regulations, because the Agency has started to process your FOIA request, the Agency will only accept your appeal of the fee waiver denial if you agree to be responsible for the costs in the event of an adverse administrative or judicial decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Koch", with a horizontal line extending to the right.

Scott Koch
Information and Privacy Coordinator