



Washington, D.C. 20505

19 July 2005

VIA FACSIMILE AND
CERTIFIED MAIL

John H. Clarke
1717 K Street, NW
Suite 600
Washington, D.C. 20036

Reference: F-2005-01217 (Civil Action No. 04-00814)

Dear Mr. Clarke:

On 8 July 2005, we received your letter of 29 June 2005 appealing our denial of your request for a fee waiver. You also requested that we reconsider the fee category in which we placed you based on the information in your 7 February 2003 and 26 April 2005 FOIA requests. These letters relate to the current litigation (CV 00814).

As we explained in our 1 June 2005 letter, pursuant to Agency regulations, we will not accept an administrative appeal where the information that the requestor is seeking is the subject of pending litigation. With regard to the 8 items contained in your separate FOIA requests referenced above, the items are subject of the current litigation (00814). Therefore, we are limiting our acceptance of your appeal to the issue of the denial of the fee waiver request.

Your appeal will be processed in accordance with Agency regulations and will include consideration of the additional information you provided in your appeal letter. We will notify you of the results of that deliberation as soon as we are able to do so.

Sincerely,

A handwritten signature in black ink that reads "Scott Koch".

Scott Koch

Executive Secretary, Agency Release Panel