Morris, Alexander

From: FOIA-Central@hq.doe.gov
Sent: Monday, February 23, 2009 1:50 PM
To: FOIA-Central
Subject: DOE Headquarters FOIA Request

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Name: David Smith

Organization: Cyclical Investing Publications

Address:

SCIENTIFIC/EDUCATIONAL/NEWS MEDIA
100 FREE PAGES

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Record Description:

The list of individuals and organizations outside of the U.S. Government who met with, consulted with or provided advice and recommendations to then-Vice President Cheney and the National Energy Policy Development Group in the formulation and preparation of the National Energy Policy Report submitted to President Bush on May 16, 2001.

Preferred Form or Format: Hard copy delivered by USPS

Type of Requester (if provided):

A representative of the news media affiliated with Cyclical Investing Publications and the request is made as part of news gathering and not for commercial use.

Type of Media (if provided):

Other: Online Newsletters (See: www.cyclical-investing.com and www.cassandra-chronicles.com)

Fees and Fee Waivers:

I request a waiver or reduction of fees.

Waiver or Reduction of Fees Factors (if provided):

1. The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government."

The requested information does concern the operations and activities of the government.

2. The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities.

The information to be disclosed is likely to contribute to the understanding of government operations and activities in relation to the formulation of energy policy by the G.W. Bush adminsitration.

3. The contribution to an understanding by the general public of the subject likely to result from disclosure, taking into account your ability and intent to disseminate the information to the public in a form that can further understanding of the subject matter.

The general public will achieve a better understanding of the potential biases and

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conflicts of interest that might have influenced the formulation of National Energy Policy during the past 8 years, the residue of which may still be affecting national energy policy.

4. The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities.

The disclosure is, indeed, likely to contribute significantly to the public understanding of government operations and activites regarding energy.

5. The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure, and, if so

The requester has no material commercial interest that would be furthered by the requested disclosure.

6. The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester."

No material commercial interest is identified.

Expedited Processing:

I believe a compelling need exists to warrant expedited processing because there is:

an urgency to inform the public concerning actual or alleged Federal Government activity exists (this option available ONLY for requesters primarily engaged in disseminating information)

Specific Justification for Expedited Processing:

Potential conflicts of interest and biases not in the public interest stemming from input by interested parties outside the government contributing to the Report might have influenced the formulation and implementation of the National Energy Policy adopted by the Bush administration. Some vestiges of those influences may still be in effect and without disclosure and public debate might carry over into the energy policies of the Obama administration. It is in the national interest that the national debate on energy policy be conducted with full disclosure of prior influences shaping such policies.

Moreover, the information requested should be promptly released in accordance with President Obama's Memorandum of January 21, 2009 regarding the Freedom of Information Act: "The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails. The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears. Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve. . . All agencies should adopt a presumption in favor of disclosure. . ."