



**U.S. Department of Justice
Federal Bureau of Prisons
Western Regional Office**

7950 Dublin Boulevard, Third Floor
Dublin, California 94568

May 28, 2005

E.J. Hurst II
P.O. Box 1687
Lexington, Kentucky 40588-1687

RE: Request for Records, Request No. 2005-03244
FCC Victorville

Dear Mr. Hurst:

This is in response to your revised request, dated May 9, 2005, for copies of videotapes, supplements, rosters, training records, duty logs, special housing reports, medical staff documents, medical reports, psychological records, and names of recruitment attendees, limited to records of operations at the USP Victorville, and the FCI Victorville II.

We have been informed by institution staff that the search time (this is not review time) to locate these documents at both institutions will be approximately 252 hours. According to the Freedom of Information Act, 5 U.S.C. § 552 and the Department of Justice Regulations concerning fees for the production of records, 28 C.F.R. § 16.11, two hours of search time will be provided, then \$4.00 for each quarter hour will be charged. The search fee for providing you with the requested records will be approximately \$4,000.00, not including duplication fees.

Your renewed request for a fee waiver is denied. Your request failed meet your burden to establish that you have the *expertise* and *ability* to disseminate the information to a *reasonably broad audience* of persons interested in the subject, such that disclosure is likely to contribute significantly to public understanding about government activities. 28 C.F.R. § 16.11(k)(2)(iii). In addition, your request failed to meet your burden to establish that the primary interest is public and not commercial. 28 C.F.R. § 16.11(k)(3)(ii).

Your request for reduction of fees as a representative of the media has also been denied. Your request again failed to meet your burden to demonstrate that you are a representative of the media, as defined by 28 C.F.R. § 16.11(b)(6).

Your request for expedited processing is also denied. Your request

has failed to demonstrate that one of the compelling reasons listed in 28 C.F.R. § 16.05 is present so as to justify a grant of expedited processing. Your request that we process for release those records that are readily available prior to your payment of the search fee is also denied.

In order to process this request, we must receive a written promise to pay and an advance payment of \$1,000.00 in a check or money order payable to Treasury of the United States. Please send your payment to the Federal Bureau of Prisons, Western Regional Office, 7950 Dublin Boulevard, 3rd Floor, Dublin, CA 94568, Attn: Harlan W. Penn, Regional Counsel, or you may amend your request to reduce the financial burden. Please notify us of your decision within 30 days of the date of this letter or this case will be considered closed. Should you file and prevail on an appeal as described in the next paragraph, your file will then be reopened.

Pursuant to 28 C.F.R. § 16.9(a), you may appeal this decision in writing 60 days from the date of this letter. It should be addressed to the Office of Information and Privacy, U.S. Department of Justice, Flag Building, Suite 570, Washington D.C., 20530-0001. If you prefer, you may contact this office, pursuant to 28 C.F.R. § 16.11(e), to discuss reformulating your request to meet your needs at a lower cost.

Sincerely,



Harlan Penn
Regional Counsel

HWP