



DEPARTMENT OF HEALTH & HUMAN SERVICES

Program Support Center

Division of FOIA Services  
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PSC Case No.: 11-0107  
OS Case No.: 2011-0234

December 8, 2010

***By U.S. Mail and e-mail***

Mr. Paul J. Bracher  
California Institute of Technology  
Caltech Mail Code 139-74  
1200 E. California Blvd.  
Pasadena, CA 91125

Dear Mr. Bracher:

This will acknowledge receipt of your November 29, 2010, Freedom of Information Act (FOIA) request for all documents pertinent to the investigation of scientific misconduct of Dr. Bengu Sezen of Columbia University. You also requested expedited processing and a fee waiver.

***Request for Expedited Processing***

Granting a request expedited processing gives that request priority over other requests, by moving it ahead of others and correspondingly delaying the processing of earlier requests. A request for records may be expedited upon the requester's demonstration of a compelling need. The compelling need standard is "intended to be narrowly applied." *Al-Fayed v. CIA*, 254 F.3d 300,310 (D.C.Cir. 2001). Compelling need means that (1) the failure to obtain the records on an expedited basis could pose an imminent threat to the life or physical safety of an individual, or (2) the requester is primarily engaged in the dissemination of information and there is an urgency to inform the public concerning an actual or alleged Federal government activity.

In support for your request for expedited processing, you stated that "this issue is of great concern to [your] readership." While the subject of your request may be of interest to the scientific community, you have not demonstrated that you are primarily engaged in disseminating information.

In order for a requester to qualify for expedited processing, the requester must demonstrate that he or she is "a person primarily engaged in disseminating information."<sup>1</sup> You state on your blog, ChemBark.com, that you are a National Science Foundation ACC Postdoctoral Fellow at the California Institute of Technology and that you "have limited time to devote to the site." As

<sup>1</sup> 5 U.S.C. 552(a)(6)(E)(v)(II).

