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Abrahm Lustgarten
ProPublica
55 Broadway, 23rd Flr
New York, NY 10006
917-512-0254/abrahm@propublica.org

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April 30, 2009

John Montgomery
John.Montgomery@LM.doe.gov
(304) 285-0937
The Chief Freedom of Information Officer
U.S. Department of Energy
1000 Independence Avenue, SW
Room 1G-051
Washington, DC 20585

FOIA REQUEST
Fee benefit requested, Fee waiver requested, Expedited review requested

Dear FOI Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request the following, all regarding the Project Rulison nuclear blast site.

1. Any and all releasable research conducted, prepared, or published, including in personal hand and computer notes, between Sept. 1, 2007 and April 30, 2009 concerning the transport model or general ability of contaminants including radionucleides to travel underground from the test site.
2. Any and all communications between Jack Craig or other members of the Department of Legacy Management's staff and outside parties including but not limited to public officials, private citizens, businesses, etc, concerning the natural gas drilling activities in or near the Project Rulison blast site.
3. Any documented discussion, whether in notes, emails, audio recordings, etc, concerning deliberation over natural gas exploration, drilling, hydraulic fracturing, and related business activity at or near the Rulison blast site.

As a representative of the news media I am only required to pay for the direct cost of duplication after the first 100 pages. Through this request, I am gathering information on the Department of Energy's Office of Legacy Management that is of current interest to the public because it directly influences a decisions on the future use and development of Rulison, CO. This information is being sought on behalf of *ProPublica* for dissemination to the general public.

Please waive any applicable fees. Release of the information is in the public interest and will contribute significantly to public understanding of government operations and activities. Please notify me before assessing any fees.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a journalist and this information is of timely value, I would appreciate your communicating with me by telephone or email, rather than by mail, if you have questions regarding this request.

Please provide expedited review of this request which concerns a matter of urgency. As a journalist, I am primarily engaged in disseminating information. I work for a not-for-profit news organization that has no commercial interests. The public has an urgent need for information about the Office of Legacy Management and its research into Project Rulison because decisions about what activities can take place safely at the site are imminent. I certify that my statements concerning the need for expedited review are true and correct to the best of my knowledge and belief.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

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Vera

Sincerely,
Abrahm Lustgarten