



April 4, 2007

Assistant General Counsel for Administration (Office)  
Room 5898-C, U.S. Department of Commerce  
14<sup>th</sup> Street and Constitution Ave. N.W.  
Washington DC 20230

RE: Freedom of Information Act Appeal

Please accept this letter as written notice of appeal. I have enclosed a copy of the request dated December 31 2006, the response to said request, and the statement which follows as instructed.

The denial of fee waiver is in error because the request for information clearly meets the criteria for standard fee waiver, and the 6 factors necessary to meet the statutory standard are satisfied as follows:

1. *Whether the subject of the requested records concerns "the operations of activities of the government"...*

It does. The requested records concern government efforts to develop miniature power sources for implantable medical technology, and technology previously acquired via trade with Japan.

2. *Whether it is "likely to contribute" to an understanding of government operations or activities"...*

It is. This NIST award involves operations and activities performed under Special Access Program protections, and the classification and secrecy of such efforts. The government efforts performed under this award involves controversial subject matter, and there is debate as to the governments motive in pursuing this technology, and it's intended application.

3. *"Whether disclosure will contribute to the understanding of the general public..."*

It will. The requester is a freelance journalist and photographer, has years of experience as a Daily Independent staff member, has had contributed content appear front page, above the fold, is founder of [www.larsonmedia.net](http://www.larsonmedia.net), contributed a paper to the American Association of Medical Colleges (AAMC) and Presidents Board on Bioethics titled "*Financial Conflicts of Interest in Biomedical Engineering*", and has identified the need to disperse information relevant to the requested records as it is in the best interest of society and democracy to do so.

4. *Whether disclosure will contribute "significantly" to public understanding...*

There is reason to believe it will contribute quite significantly unless the actions and behavior of government personnel and/or SAP contract personnel continue to obstruct the dispersal of the requested information.

5. *"Whether the requester has a commercial interest that would be furthered by the disclosure..."*

There is none. The requester has no affiliation with any competing business, industry, investment parties, or shareholders. The motivation to acquire the requested materials is based on need, and is required because personnel at Quallion and the Alfred E. Mann Foundation, and DARPA have used this technology in a criminal manner and to cause physical harm, have abused Special Access Protections to avoid being prosecuted, and continue to

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obstruct civil efforts to resolve the matter. This has forced me to seek countermeasures and alternate methods of resolution. Clearly, there is no commercial interest on my part.

6. *"Whether any such interest outweighs public interest in disclosure..."*

This factor is null, as the requester clearly has no commercial interests, and public disclosure is necessary and pertinent to public health, safety and awareness.

In closing, it is clear that I have made this request in good faith and based on necessity. It is also clear that substantial search and duplication fees can be used as an obstruction, or disincentive to requesters who seek sensitive material for questionable purposes. In this instance, my intentions are purely humanitarian and genuine. Please grant the fee waiver as requested. A fee waiver is appropriate and this information request should not be withheld from the public.

Sincerely,

Dave Larson  
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760 364-3632  
760 793-8653

*Continued...*