



APR 30 2014

Mitchell Stoltz
Staff Attorney
Electronic Frontier Foundation
815 Eddy Street
San Francisco, CA 94109

Dear Mr. Stoltz:

This letter is the first interim response to your clarified April 9, 2014, Freedom of Information Act (FOIA) request (#2014-000658) to the National Institute of Standards and Technology (NIST) in which you requested "the following records:

1. All records (including, but not limited to, electronic records) of correspondence and/or meetings between any personnel of the NIST Engineering Laboratory and any employee, officer, agent, or representative of any of the following organizations between April 13, 2007 and the present:
 - a. American National Standard Institute (ANSI);
 - b. National Fire Protection Association (NFPA);
 - c. American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE); or
 - d. American Society for Testing and Materials (ASTM or ASTM International).

on the subject of the adoption of standards created by the above organizations as binding law by U.S. states or the federal government, including incorporation by reference.

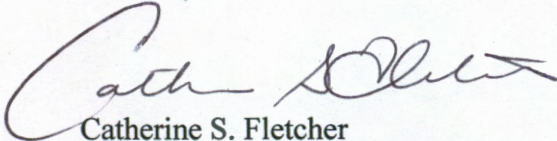
2. All records (including, but not limited to, electronic records) of correspondence and/or meetings between any personnel of the Building and Fire Research Laboratory and any employee, officer, agent, or representative of NFPA between April 13, 2007 and the present, on the subject of adoption of NFPA standards as binding law by U.S. states or the federal government, including incorporation by reference.
3. All records (including, but not limited to, electronic records) of correspondence and/or meetings between NIST official Mary Saunders and any employee, officer, agent, or representative of any of the organizations listed in request number 1 between April 13, 2007 and the present, on the subject of adoption of standards created by those organizations as binding law by U.S. states or the federal government, including incorporation by reference.

NIST continues to conduct a search of our files responsive to your FOIA request. Enclosed you will find two (2) responsive documents consisting of two (2) pages that are being released in their entirety. NIST will continue to search for additional documents related to your request and send you releasable documents on a rolling basis as they become available.

The FOIA permits an agency to extend the time limits up to 10 days in unusual circumstances. These circumstances include the need to collect records from remote locations, review large numbers of records, and consult with other agencies. To process your request we will need additional time for the search, review and duplication of responsive documents; therefore, I am invoking an automatic ten-working-day extension to respond to your pending FOIA request. Responsive documents will be forwarded to you on a rolling basis as they become available.

Thank you for your patience.

Sincerely,

A handwritten signature in dark ink, appearing to read "Cath S. Fletcher", with a stylized flourish at the end.

Catherine S. Fletcher
Freedom of Information Act Officer

Saunders, Mary H.

From: Saunders, Mary H.
Sent: Tuesday, July 02, 2013 11:59 AM
To: Scott Cooper (SCooper@ansi.org); Joe Bhatia (jbhatia@ansi.org)
Subject: FW: Section 24 (Pipelines IBR Legislation)
Attachments: IBR draft bill.pdf; Incorpor by reference redline.docx

Importance: High

PIPELINES: House bill offers 2-year extension for PHMSA on safety transparency rule (Monday, July 1, 2013)

Elana Schor, E&E reporter

A bill floated by the bipartisan leadership of the House Transportation and Infrastructure Committee would give oil and gas pipeline safety regulators two extra years to comply with a law that mandates the public availability of industry standards they use in rulemakings.

At issue is language in Congress' 2011 pipeline safety reauthorization that gave the Pipeline and Hazardous Materials Safety Administration (PHMSA) one year to carve out room for free public access to engineering safety standards that are commonly used in government rulemakings without their full text appearing in the regulation, a practice known as "incorporation by reference" (*Greenwire*, July 13, 2012).

Legislation introduced Friday by Chairman Bill Shuster (R-Pa.) and the committee's ranking Democrat, Rep. Corrine Brown of Florida, would extend by two years the deadline for PHMSA to only incorporate publicly available industry standards. The measure would also strike language requiring that the standards be posted online and limit the transparency requirement to standards used in rules, as opposed to nonbinding agency guidance.

While pipeline safety advocates have pressed for more public access to often-complex engineering standards for oil and gas transportation, industry groups and engineering trade associations have warned that such openness risks infringing on the intellectual property rights of the standards' authors.

Saunders, Mary H.

From: Saunders, Mary H.
Sent: Thursday, July 11, 2013 9:13 AM
To: Joe Bhatia; pgriffin@ansi.org
Subject: Fw: Settlement on SIBR

We should add this to the Officers' meeting agenda for next week.

From: Gillerman, Gordon
Sent: Thursday, July 11, 2013 9:04:31 AM
To: Wixon, Henry N.; Arnold, George W; Saunders, Mary H.; Jillavenkatesa, Ajit
Subject: FW: Settlement on SIBR

From: Reczek, Karen
Sent: Thursday, July 11, 2013 9:03 AM
To: Gillerman, Gordon; Phelps, Amy; Alderman, David F.; Harris, Patricia R; Donaldson, Mary
Subject: FW: Settlement on SIBR

FYI

Air-Conditioning Group Agrees Not to Claim Copyright Ownership of a Public Law
In a victory for free speech and open government, the Sheet Metal and Air Conditioning Contractors Association (SMACNA) has conceded that it will no longer use trumped up copyright claims to try to stop Public.Resource.Org (Public Resource) from publishing safety standards that have been incorporated into law. Thanks to a lawsuit filed by the Electronic Frontier Foundation (EFF), Public.Resource.Org is now free to continue its mission of improving public access to the laws that govern our daily lives.

<https://www.eff.org/press/releases/publicresourceorg-prevails-free-speech-case-over-publishing-safety-standards>