



PUBLIC.RESOURCE.ORG ~ A Nonprofit Corporation

Public Works for a Better Government

April 1, 2015

VIA EMAIL AND FIRST CLASS MAIL

U.S. Department of Transportation
PHMSA FOIA Officer, PHC-30
East Building, 2nd Floor, E23-306
1200 New Jersey Avenue, SE
Washington, DC 20590
E-mail: PHMSA.FOIA@dot.gov

RE: Freedom of Information Act Request

Dear FOIA Officer:

On behalf of Public.Resource.Org, and pursuant to the Freedom of Information Act, **5 U.S.C. § 552**, I request a copy of American Association of Railroads *AAR Manual of Standards and Recommended Practices, Section C—Part III, Specification for Tank Cars, Specification M-1002, December 2000*, which is incorporated by reference in **49 CFR 171.7** and used in **49 CFR 179.100-9** et. seq.

Please provide the record in electronic form if possible.

If it is your position that *AAR Manual of Standards and Recommended Practices, Section C—Part III* (or portions thereof) is exempt from disclosure, please state the basis of the denial of each portion of the record withheld. In addition, please provide the nonexempt portions of the record.

Public.Resource.Org requests that all fees in connection with this FOIA request be waived in accordance with **5 U.S.C. § 552(a)(4)(A)(iii)**, because it does not seek the records for a commercial purpose and disclosure “is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government.” Because it was incorporated by reference into the Code of Federal Regulations, the requested record is part of the agency’s governing law. Accordingly, it is the essence of the “operations and activities of the government.” However, because it is not published in the Federal Register, the public does not have the same access to it that it has to other parts of the agency’s regulations. Disclosure of the record will allow the public to gain knowledge about what is included in the agency’s binding law.

Public.Resource.Org does not have a commercial interest in the requested record. Public.Resource.Org is a 501(c)(3) public charity chartered to make government information more broadly available without fee to any and all users. Public.Resource.Org has demonstrated an ability to disseminate information about

the government and its activities to the public. It is one of the largest distribution sites for public information related to the U.S. government, including over 14,000 hours of video from Congressional hearings posted at the request of the Speaker of the House, over 8 million Form 990 reports filed with the Internal Revenue Service, over 6,000 U.S. government videos posted in cooperation with the Archivist of the United States, and the historical opinions of the U.S. Court of Appeals. As the President of Public.Resource.Org, I am frequently quoted in major media publications such as **the New York Times, Business Week, the New Republic, and the Washington Post**. I also testify before Congress on issues of public access to government information and am a frequent public speaker on the subject.

Accordingly, we request that you waive all fees for locating and duplicating the requested record. If, however, a waiver is not granted, and if the fees to be assessed in connection with this request exceed \$200, please obtain my approval before any such costs are incurred.

We will expect a response within 20 working days as provided by law. If you have any questions regarding this request, please contact me at (707) 827-7290.

Thank you very much for your attention to this matter.

Sincerely,



Digitally signed by Carl
Malamud
DN: cn=Carl Malamud,
o=Public.Resource.Org
, ou,
email=carl@media.org,
c=US
Date: 2015.04.01
06:30:44 -07'00'

Carl Malamud
President & CEO
Public.Resource.Org

cc: David Halperin
Of Counsel
Public.Resource.Org