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DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville MD 20857

APR 19 2006

Rob Waters
Bloomberg News
345 California St., 35th Floor
San Francisco, CA 94104

In Reply Refer To: 06-2876

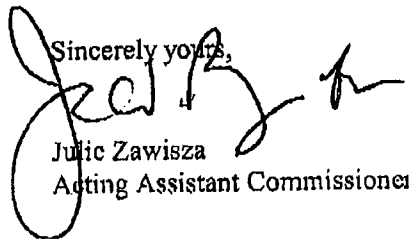
Dear Mr. Waters:

This is in response to your request for expedited processing of your Freedom of Information Act (FOIA) request for copies of documents regarding Neurontin from January 1, 2004 to present.

The Electronic Freedom of Information Act (EFOIA) Amendments of 1996 amended the FOIA by adding section (a)(6)(E), 5 U.S.C. 552(a)(6)(E), to require agencies to consider requests for expedited processing and grant them whenever a "compelling need" is shown and in other cases as determined by the agency. The term "compelling need" is defined as (1) involving "an imminent threat to the life or physical safety of an individual," or (2) in the case of a request made by "a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity."

I have determined that your request for expedited processing does not meet the criteria under the FOIA. You have not demonstrated a compelling need that involves an imminent threat to the life or physical safety of an individual. Neither have you demonstrated that there exists an urgency to inform the public concerning actual or alleged Federal Government activity. Therefore, I am denying your request for expedited processing. The responding agency office will process your request in the order in which it was received.

You may appeal this decision not to provide expedited processing of your request by writing to the Deputy Assistant Secretary for Public Affairs (Media), U.S. Department of Health and Human Services, Room 17A46, 5600 Fishers Lane, Rockville, MD 20857. You should file any such appeal within 30 days.

Sincerely yours,


Julie Zawisza
Acting Assistant Commissioner for Public Affairs