As you all know, we have published our proposed FOIA regulations in the Federal Register. In those regulations, we state that we will set up a public reading room here at the ARRB.

I'm collecting documents to put in the reading room. We are required to include at least the following:

(a) Any formal rules and regulations -- or policy statements -- that the Board has issued. I don't know if we have anything like this, but if you think we might, let me know.

(b) Public hearing transcripts.

(c) Any reports to Congress.

(d) There are some other documents that may have to go into the reading room, namely "administrative staff manuals and instructions to staff that affect members of the public."

This sounds extremely broad, but it is really rather limited -- it is meant to cover a situation where the Board or senior staff make a final decision that sets out a formal procedure or mini-"law" of the agency that will affect the substantive rights of a member of the public. When agencies make final decisions that impact upon public rights, such decisions should be made public through a formal policy statement, a rule, a regulation, or a public notice. However, decision-makers do not always issue formal decision. Instead, they write a memo to staff members implementing the final decision and thereby creating agency "secret law."

I know this last category is fuzzy, but I do not expect it to encompass very many documents. If you have any documents that you think might comprise Review Board "secret law," please tell me about them.

Thanks for your help.