201 -00445 - Jim McElhatt

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

Oct. 8, 2010

Mr. Jim McElhatton
The Washington Times
319 N. Alfred Street
Alexandria, VA 22314

Re: FOIA Request No. 2010-00445
Correspondence Relating to the Deepwater Horizon Oil Spill in the Gulf of Mexico

Dear Mr. McElhatton:

This is in response to your Freedom of Information Act ("FOIA") request dated June 21, 2010, in which you requested access to copies of written correspondence from members of Congress to the National Oceanic and Atmospheric Administration (NOAA) pertaining to the Deepwater Horizon oil spill in the Gulf of Mexico since April 20, 2010. Also, thank you for allowing the Department additional time to respond to your request.

We have located approximately 152 pages of records that are responsive to your FOIA request. Of these responsive records, two documents fall within one of the nine exemptions to the FOIA's mandatory disclosure requirement. These records are draft documents and are being withheld under 5 U.S.C. § 552(b) (5). Therefore, your request is granted in part.

During our records search we also located 104 pages of responsive documents that were jointly written between the Department of Commerce (DOC) and the Department of Homeland Security (DHS). While the Department has no objection of release of these records to you; these records have been referred to the DHS in order that they may provide you with a direct response regarding the release determination of these records. A copy of the referral letter is enclosed.

Forty-four pages of accessible records are enclosed in their entity. If you are not satisfied with this response, you have the right to appeal this partial denial of the FOIA request. Your appeal must be received within 30 calendar days of the date of initial denial letter by the Assistant General Counsel for Administration. Address your appeal to the following office: Assistant General Counsel for Administration, Department of Commerce, Room 5875, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Your appeal may also be sent by e-mail to the FOIAAppeals@doc.gov or by facsimile (fax) to Area Code (202) 482-2552. Please enclose a copy of your original request and a copy of this response. Both the appeal letter and envelope should be clearly marked "FREEDOM OF INFORMATION ACT APPEAL."

The e-mail, fax machine, and Office of the General Counsel are monitored only on working days during the normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday). FOIA appeals posted to the e-mail box, fax machine, or Office of the General Counsel after normal business hours will be deemed received on the next normal business day.

The cost to process your request is less than $20.00; therefore, the fee is waived. If you have any questions regarding your request, or about the Department's FOIA regulations or procedures, please contact me on 301-713-3540, extension 209.

Sincerely,

Jean E. Carter-Johnson

Jean E. Carter-Johnson
NOAA FOIA Officer
NOAA FOIA Staff

Enclosures

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER
Audit, Internal Control and Information Management

Department of Homeland Security
Attn: William H. Holzerland, FOIA Coordinator
Building 410 STOP 0655
245 Murray Drive, S.W.
Washington, DC 20528-0655

Re: NOAA FOIA Request No. 2010-00445
Correspondence Relating to the Deepwater Horizon
Oil Spill in the Gulf of Mexico

Dear Mr. Holzerland:

The National Oceanic and Atmospheric Administration received an June 21, 2010. Freedom of Information Act request from Jim McElhatton of the Washington Times, in which he requested access to copies of written correspondence from members of Congress to the National Oceanic and Atmospheric Administration pertaining to the Deepwater Horizon oil spill in the Gulf of Mexico.

During our records search we located 104 pages of responsive documents that were jointly written between the Department of Commerce (DOC) and the Department of Homeland Security. Therefore, according to DOC regulations 15 CFR § 4.5(b), we are referring this request and the subject responsive documents to your office, for your release determination and response to Mr. McElhatton. We have advised the requester that he will receive a direct response from your office.

Thank you in advance for sending this office a copy of your response for our records. If you have any questions concerning this matter, please contact me at 301-713-3540, extension 209.

Sincerely,

Jean E. Carter-Johnson
NOAA FOIA Officer
NOAA FOIA Staff

Enclosures

cc: Jim McElhatton

2010-00445
Due: 7/1

Marie H. Marks

From: Jim McElhatton [jmcelhatton@washingtontimes.com]
Sent: Monday, June 21, 2010 4:37 PM
To: FOIA@noaa.gov
Subject: FOIA request

FOI

Jim McElhatton
319 N. Alfred St.
Alexandria, Va. 22314
(202) 641-1385

June 21, 2010

National Oceanic and Atmospheric Administration
Public Reference Facility (OFA56)
1315 East West Highway (SSMC3)
Room 10730
Silver Spring, MD 20910

Dear FOIA Officer:

This letter constitutes a request under the Freedom of Information Act, 5 U.S.C. § 552 on behalf of The Washington Times, a general interest newspaper with a place of business at 3600 New York Avenue NE, Washington DC 20002. The requester is a member of the news media within the statutory and regulatory mandate.

The requester seeks disclosure of written correspondence from members of Congress to NOAA, along with agency responses, pertaining to the Deepwater Horizon oil spill in the Gulf of Mexico of April 20, 2010, to date. If possible, I seek copies of responsive records in electronic format, but if hard copies are easier to process then that is fine, too.

The Washington Times seeks a waiver of all costs as disclosure of this information is in the public interest: specifically, the records would shed light on the federal response, including the actions of members of Congress, in response to the oil spill, an issue affecting millions of U.S. citizens. The records requested are not sought for commercial use. Expedited processing is sought because there is a timely and urgent need to inform the public about this issue, as there is not only widespread public concern about the oil spill but official reaction as well. The oil spill is a breaking and unfolding story and it remains a top concern from affected citizens to the White House. The public has a right and need to know about the actions, and interactions, of its elected officials and federal agencies such as NOAA concerning the oil spill.

Pursuant to applicable regulations and statute, the Washington Times expects the determination of this request for expedited processing within 10 calendar days and the determination of this request for documents within 20 days. If this request is denied in whole or in part, I ask that you justify all deletions by reference to specific exemptions to FOIA. I also expect the release of all segregable

portions of otherwise exempt material. I also ask that you inform me, if my request for a fee waiver is denied, if fees are expected to exceed $25.

Thank you for your prompt attention to this matter. Please furnish all applicable records to:

Jim McElhatton,
Washington Times reporter
319 N. Alfred St.
Alexandria, Va. 22314
jimmcelhat@yahoo.com / jmcelhatton@washingtontimes.com

Sincerely,

Jim McElhatton
Washington Times
(202) 641-1385

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