



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240



20020533DOI001

January 30, 2003

Mr. William Ferroggiaro
Director, Freedom of Information Project
National Security Archive
George Washington University
Gellman Library, Suite 701
2130 H Street, N.W.
Washington, DC 20037

Dear Mr. Ferroggiaro:

On September 4, 2002, you filed a Freedom of Information Act (FOIA) request, addressed to the Departmental FOIA Officer, asking for a copy of "all records, including but not limited to guidance or directives, memoranda, training materials, or legal analyses, concerning the US Department of the Interior's implementation of US Attorney General John Ashcroft's October 12, 2001 memorandum on the US Freedom of Information Act."

Your request was received in the Office of the Secretary FOIA office on September 13, 2002, and assigned control number 2002-C-376. Please cite this number in any future correspondence or communications with the Department regarding your request.

With respect to your request:

- (1) Please accept our most sincere apologies for the delay in acknowledging your FOIA request. An extremely heavy workload in the Office of the Secretary FOIA office, together with a shortage of staff, has created a backlog of FOIA requests waiting to be processed in the Office of the Secretary. We regret this delay and have taken steps to provide you with better service in the future.
- (2) The Office of the Secretary FOIA office is responding to your request on behalf of the entire Department.
- (3) We have classed your request as a media-use request. As a media-use

requester, you are entitled to receive 100 pages of duplication of responsive records without charge before being asked to pay for the copying of any additional records released. As a matter of policy, however, the Department of the Interior does not bill requesters for FOIA fees incurred in processing requests when their fees do not exceed \$15.00 because the cost of collection would be greater than the fee collected. (CFR 2.20(a)(2)).

- (4) You have also asked for a fee waiver and have provided us with an upper limit of what we are to incur, on your behalf, in processing your request, should your request for a fee waiver not be granted: \$100.00.

At this point, we have made no formal decision on your request for a fee waiver. We are, however, proceeding to process your request because it appears likely that your entitlements will be sufficient to cover the cost of your request.

- (5) You have asked that we release copies of documents found to be responsive to your request to you on an interim basis, as our review of them is completed, rather than waiting until our response is complete. For that reason, we are issuing our first interim response to your request.

Enclosed in full are 5 documents, totaling 16 pages.

- (6) The FOIA fee for the processing of your request, thus far, within the Department of the Interior, \$20.68, calculated as follows:

| | |
|------------------------------------|-----------------------|
| 1 hour of professional search time | @ \$4.65 per 1/4 hour |
| 16 pages of photocopying | @ \$.13 per page |

However, insofar as we have classed your request as a media-use request, and have determined that you are entitled not to be charged for the cost of search time and are entitled to receive 100 pages of document reproduction without charge before you can be asked to pay a portion of the fees incurred in the processing of your request, your fee thus far, after the subtraction of your entitlements, is \$0.00, rendering your request for a fee waiver moot at this point.

This completes our first interim response to your request. We hope to be able to issue the remainder of our response shortly.

If you have any questions regarding any of the issues discussed in this letter, you may contact me by phone at 202-208-6045, by fax at 202-219-2374, by e-mail at osfoia@nbc.gov, or by mail at U.S. Department of the Interior, MS 1413 MIB, Washington, D.C. 20240. Alternatively, you can provide us with a phone number at which you can be reached, along with the time of day that you prefer to be contacted, and we can attempt to contact you, at our expense, to answer any questions that you might have, regarding your request. Within the Office of the Secretary, we are committed to providing you, our customer, with the highest quality of service possible.

Sincerely,



Enclosures

Sue Ellen Sloca
Office of the Secretary
FOIA Officer

PRIVACY ACT notice: Before you choose to contact us, electronically, there are a few things you should know. The information you submit, including your electronic address, may be seen by various people. We will scan a copy of your request into our electronic OS FOIA administrative/image file. We will key the information that you provide to us into our electronic OS FOIA tracking file. We may share it with other individuals, both within and without the Department, involved in Freedom of Information Act administration. You may be contacted by any of these individuals. In other limited circumstances, including requests from Congress or private individuals, we may be required by law to disclose some of the information you submit. Also, e-mail is not necessarily secure against interception. If your communication is very sensitive, or includes personal information like your bank account, charge card, or social security number, you might want to send it by postal mail, instead.