



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of the Chief Information Officer
High Performance Computing and Communications

Via FOIAonline

Christopher Sproul
5135 Anza Street
San Francisco, CA 94121

Re: FOIA Request DOC-NOAA-2019-002194

Dear Mr. Sproul,

This correspondence is to inform you that we have produced an interim release to your request, which is currently in litigation. As you are aware from the recent acknowledgment letter you received, given the significant public interest in the records consistent with the 2016 FOIA Improvement Act, we are responding concurrently to all Dorian-related FOIA requests with rolling interim releases of the records through the FOIA Reading Room (<https://www.noaa.gov/foia-reading-room>).

We have located **399** records responsive to your request. This is our final interim release. Your request is now complete.

We are releasing **145** records to you in their entirety.

We are also releasing **254** records responsive to your request that contain redactions under the following exemptions:

- **155** records are being partially withheld under **5 U.S.C. 552(b)(5)**, which protects from disclosure “inter-agency or intraagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.”
- **212** records are being partially withheld under exemption **5 U.S.C. 552(b)(6)**, which protects from disclosure information about individuals in “personnel and medical files and similar files” when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.”
- **14** records are being partially withheld under **5 U.S.C. 552(b)(7)(C)**, which provides protection for law enforcement information where “disclosure could be expected to constitute an unwarranted invasion of personal privacy.”
- **Two** records are being partially withheld under **5 U.S.C. 552(b)(7)(E)**, which, if released, “would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.”

- Finally, we have located **22** records that, although topically responsive, are personal records not subject to release under the FOIA. These records consist of personal communications between a NOAA official and his family member.

You have the right to file an administrative appeal if you are not satisfied with our response to your FOIA request. All appeals should include a statement of the reasons why you believe the FOIA response was not satisfactory. An appeal based on documents in this release must be received within 90 calendar days of the date of this response letter at the following address:

Assistant General Counsel for Employment, Litigation, and Information
Attn: FOIA Appeals
U.S. Department of Commerce
1401 Constitution Ave. NW, Room 5896
Washington, DC 20230

An appeal may also be sent by e-mail to FOIAAppeals@doc.gov, or by FOIAonline at <https://foiaonline.regulations.gov/foia/action/public/home#>.

For your appeal to be complete, it must include the following items:

- a copy of the original request,
- our response to your request,
- a statement explaining why the withheld records should be made available, and why the denial of the records was in error.
- “Freedom of Information Act Appeal” must appear on your appeal letter. It should also be written on your envelope, or e-mail subject line.

FOIA appeals posted to the e-mail box, FOIAonline, or Office after normal business hours will be deemed received on the next business day. If the 90th calendar day for submitting an appeal falls on a Saturday, Sunday or legal public holiday, an appeal received by 5:00 p.m., Eastern Time, the next business day will be deemed timely.

FOIA grants requesters the right to challenge an agency's final action in federal court. Before doing so, an adjudication of an administrative appeal is ordinarily required.

The Office of Government Information Services (OGIS), an office created within the National Archives and Records Administration, offers free mediation services to FOIA requesters. They may be contacted in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001
Email: ogis@nara.gov

Phone: 301-837-1996
Fax: 301-837-0348
Toll-free: 1-877-684-6448

Because this matter is in litigation, if you have questions regarding this correspondence, please contact Jevchius Bernardoni, Assistant U.S. Attorney, the counsel of record for NOAA and the National Marine Fisheries Service in this matter, at Jevchius.Bernardoni @usdoj.gov.

Sincerely,

Mark H. Graff
FOIA Officer/Bureau Chief Privacy Officer
National Oceanic and Atmospheric Administration