



United States Department of the Interior



MINERALS MANAGEMENT SERVICE
Minerals Revenue Management
P.O. Box 25165
Denver, Colorado 80225-0165
www.mrm.mms.gov

JUN 29 2007

MRM/ITC/IMG/FOIA
Mail Stop 340A1
MRM FOIA No. 2007-021
MMS FOIA No. 2007-00151

Ms. Beth Daley
Director of Investigation
Project on Government Oversight
666 11th Street, NW, #900
Washington, DC 20001

Dear Ms. Daley:

This is in response to your March 8, 2007, Freedom of Information Act (FOIA) request, included as Enclosure 1, which has been assigned Minerals Revenue Management (MRM) FOIA No. 2007-021. Enclosure 2 is 29 pages of material responsive to your request.

Information in the enclosed material has been withheld under FOIA Exemption 2. Portions of the enclosed records have been redacted and replaced with the notation (b)(2) high. The provisions of 5 U.S.C. 552(b)(2) exempt from release information which is "predominantly internal" and its disclosure, "significantly risks circumvention of agency regulations or statutes. Release of various categories of information . . . [have] been found likely to result in harmful circumvention . . . [such as] . . . agency audit guidelines." We have applied this exemption to certain portions of documents which contain audit guidelines and strategies. Release of this data could limit our ability to collect royalties, and pursue enforcement actions in the future. Other portions of the enclosed records have been redacted and replaced with the notation (b)(2) low. This information is not a matter of any genuine and significant public interest and is for internal agency use. The provisions of 5 U.S.C. 552(b)(2) exempt from release information pertaining to matters that are " . . . related solely to the internal personnel rules and practices of an agency."

Information in the enclosed material has also been withheld under FOIA Exemption 5. Redactions are marked as (b)(5) to indicate exemptions under the deliberative process privilege. We are withholding these materials because they reflect the personal opinions, recommendations or advice of staff members, as well as pre-decisional deliberations between DOI employees and others, and were used to arrive at a final agency decision. Disclosure of such material would inhibit the open and candid expression of such views in similar future deliberations, confuse the public as to the official agency position on an issue, and have a detrimental effect on our decision

TAKE PRIDE[®]
IN AMERICA 

making process. Legitimate reasons exist for withholding the materials under Exemption 5 of FOIA (5 U.S.C. 552(b)(5)), which permits an agency to withhold “. . . interagency or intra-agency memorandums or letters that would not be available by law to a party . . . in litigation with the agency.”

This decision was made in consultation with Rodney J. Vieira, Division of Mineral Resources, Office of the Solicitor. If you disagree with this determination, you have the right under Department of the Interior regulations at 43 C.F.R. § 2.28 (2006) to appeal to:

Freedom of Information Act Appeals Officer
Office of the Solicitor
1849 C Street, NW, Mail Stop 6556
Washington, DC 20240

Attn: FOIA Appeals Office

Your written appeal must be delivered to the FOIA Appeals Officer no later than 30 working days from the date of this letter. The appeal must include copies of your original request and of the initial denial. To expedite the appellate process and to ensure full consideration of your appeal, include a brief statement as to why you believe this decision is in error. Both the envelope containing the appeal and the face of the appeal itself should include the legend “FREEDOM OF INFORMATION ACT APPEAL.”

In accordance with 43 C.F.R. § 2.16 (2006), we assess user fees to fulfill a FOIA request. Personnel charges cover our costs to conduct document searches and to review, identify, and delete privileged and confidential information. Other charges cover the direct costs of providing the material. The fee waiver granted to POGO covers all charges for this FOIA.

If you have any questions, please contact Jayne Barton at 303-231-3706.

Sincerely,



 Gregory K. Kann
Freedom of Information Act Officer

Enclosures