



United States Department of the Interior

OFFICE OF THE SOLICITOR

Washington, D.C. 20240

IN REPLY REFER TO:

MAR 7 2005

Richard Condit
Public Employees for Environmental
Responsibility
2001 S Street, N.W., Suite 570
Washington, D.C. 20009

Dear Mr. Condit:

This responds to your January 26, 2004, Freedom of Information Act ("FOIA") appeal ("appeal") to the Department of the Interior ("Department"), which was received on February 7, 2005, and filed on behalf of Teresa Chambers. Your appeal concerns the National Park Service's ("NPS") determination that it does not possess records that are responsive to your October 26, 2004, FOIA request, which sought the following documents:

1. A draft employee evaluation written by Deputy Director Donald Murphy concerning Chief Teresa Chambers during the time period covering 2002 and/or 2003.
2. All routings or transmittal documents indicating what officials received copies of the draft evaluation referred to in paragraph 1."

Your appeal has been assigned **Appeal Number 2005-069**. Please cite this number in any future correspondence you send to the Department regarding this appeal.

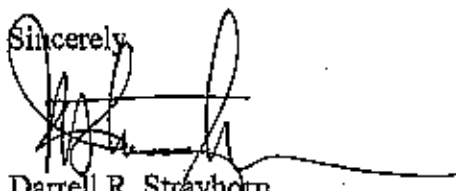
You attached to your appeal a transcript of the deposition of Deputy Director Murphy, which clarifies the information you were seeking in your October 26, 2004, FOIA request. In addition, on February 4, 2005, you submitted a new FOIA request to the NPS seeking "all versions or copies of the written performance appraisal for Chief Chambers that was prepared by Deputy Director Donald Murphy," which also clarified for the NPS the information you were seeking in the October 26, 2004, FOIA request.

The NPS has advised the Department that based on these clarifications it conducted another search of its files and located responsive information. The NPS is currently making a determination on whether to release the information it located. You should receive a response from the NPS on the release of this information shortly.

Because the NPS conducted another search of its files based on the clarifications you provided and located responsive information, the Department concludes that the issue presented in this appeal (that the NPS does not possess documents that are responsive to your October 26, 2004, FOIA request) has been resolved. Therefore, the Department is closing its files on the appeal.

If you have any questions regarding this decision, you may call me at (202) 208-5339.

Sincerely,



Darrell R. Strayhorn
FOIA Appeals Officer
Department of the Interior

cc: Diane Cooke, FOIA Officer, NPS
Timothy Murphy, Assistant Solicitor, SOL-DGL (GLS)
Alexandra Mallus, Departmental FOIA Officer