



# United States Department of the Interior

NATIONAL PARK SERVICE  
1849 C Street, N.W.  
Washington, D.C. 20240

IN REPLY REFER TO:

A7221(2605)

MAR 14 2005

Mr. Richard Condit  
General Counsel  
Public Employees for Environmental  
Responsibility  
2001 S Street, NW., Suite 570  
Washington, D.C. 20009

Dear Mr. Condit:

This is in response to your Freedom of Information Act (FOIA)/Privacy Act request dated February 4, 2005, requesting all versions or copies of the written performance appraisal for Chief Chambers that was prepared by Deputy Director Donald Murphy. This request further clarifies your previous request of October 26, 2004.

The FOIA, 5 U.S.C. § 552, generally provides that the Government shall make documents available to the public for inspection and copying to the widest extent possible. Certain classes of documents, however, may be exempt if sound legal grounds exist for invoking an exemption. The FOIA does not require that new records be created in response to a request and only applies to records in existence at the time of the request.

We have searched our files and found one document that is potentially responsive to your request. We are releasing this draft document entitled "U.S. Department of the Interior Senior Executive Service Performance Plan" dated February 11, 2003, in its entirety (3 pages). You have the right to appeal this decision by writing to the Freedom of Information Act Appeals Officer, U.S. Department of the Interior, 1849 C Street, NW, MS-7456, MIB, Washington, D.C. 20240. Your appeal must be in writing and received no later than 30 workdays after the date of this letter (Saturday, Sunday, and public holidays excepted). A copy of your original request and this letter should accompany the appeal as well as a brief statement of the reasons why you believe this initial decision to be in error. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. Please provide them with any other information you may have if you believe that any other requested records not located do, in fact exist, including where they might be found, if the location is known to you.

Mr. Richard Condit

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Finally, Randolph J. Myers, Senior Attorney, Branch of National Parks, Office of the Solicitor, was consulted regarding this issue.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Alfred J. Poole III', followed by a horizontal flourish.

Alfred J. Poole III  
Acting Associate Director, Administration,  
Business Practices, and Workforce Development

Enclosure