



UNITED STATES DEPARTMENT OF COMMERCE
Chief Financial Officer
Assistant Secretary for Administration
Washington, D.C. 20230

April 25, 2011

Pamela Lafreniere
13R Hamilton Street
New Bedford, MA, 02740

RE: Freedom of Information/Act Request CRRIF 11-284

Dear Ms. Lafreniere:

I am writing in response to your Freedom of Information Act (FOIA) request dated April 19, 2011, to the Department of Commerce requesting:

A complete and unredacted copy of Hon. Charles B. Swartwood's final draft report (including appendixes, exhibits, attachments and/or enclosures) described in the . . . February 24th correspondence to Hon. Gary F. Locke concerning any and/or all of the first thirty-one (31) cases he reviewed.

As you are aware, Special Master Swartwood recently submitted his final report to Secretary Locke. The Secretary will conduct a careful and thorough review of the Special Master's recommendations and make his final determinations as expeditiously as possible. While his decision is pending, the Special Master's final report is being withheld pursuant to 5 U.S.C. § 552 exemption (b)(5), which protects from disclosure "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." This exemption protects the deliberative process. See *Petroleum Info. Corp. v. U.S. Dep't. of Interior*, 976 F.2d 1429, 1434 (D.C. Cir. 1992). Subsequent to the Secretary's review and consideration, the Department will make the Special Master's report public in a manner consistent with the FOIA and the Privacy Act's legal constraints.

You have the right to appeal this denial of your FOIA request. An appeal must be received within 30 calendar days of the date of this response letter by the Assistant General Counsel for Administration (Office), Room 5898-C, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230. Your appeal may also be sent by e-mail to FOIAAppeals@doc.gov or by facsimile (fax) to 202-482-2552. The appeal must include a copy of the original request, this response to the request and a statement of the reason why the withheld records should be made available and why denial of the records was in error. Without these required attachments, a submission

(including email and fax submissions) will not be considered complete. The appeal letter, the envelope, the email subject line, and the fax cover sheet should be clearly marked "Freedom of Information Act Appeal." The email, fax machine, and Office are monitored only on working days during normal business hours (8:30 a.m. to 5:00p.m., Eastern Time, Monday through Friday). FOIA appeals posted to the e-mail box, fax machine or Office after normal business hours will be deemed received on the next normal business day.

Sincerely,

A handwritten signature in cursive script that reads "Brenda Dolan".

Brenda Dolan
Departmental Freedom of Information
and Privacy Act Officer