



United States Department of the Interior

U.S. GEOLOGICAL SURVEY
5522 Research Drive Park
Baltimore, MD 21228

In Reply Refer To:
U.S. Geological Survey
Attention: Freedom of Information Act Officer
5522 Research Park Drive
Baltimore, MD 21228

December 2, 2016

Ms. Karen Savage
karen.savage@journalism.cuny.edu

Re: U.S. Geological Survey (USGS) Freedom of Information Act (FOIA) Tracking
USGS-2016-00229 – Response

Dear Ms. Savage:

This is in response to your Freedom of Information Act request (FOIA) dated September 23, 2016. You requested the following records:

copies of financial disclosure filings for all employees, supervisors, managers and directors of the USGS Energy Geochemistry Laboratory's Inorganic Section in Lakewood, Colorado from 1996 to present. Please include financial disclosure filings for all supervisors, managers, and associate directors up to and including the USGS Director.

On October 11, 2016, I informed you that I forwarded your request to the Office of the Solicitor FOIA Office to process the request.

On October 14, 2016, I informed you that USGS has responsive records and that USGS will process a portion of your request. Additionally, I informed you needed to submit an OGE Form 201 (Request to Inspect or Receive Copies of Executive Branch Personnel Public Financial Disclosure Reports or Other Covered Records) to both the Department of Interior and USGS Ethics Offices to receive copies of the OGE Form 278s (Public Financial Disclosure Reports). Since the OGE Form 278s are available through the Ethics Office, we will not process them under the Freedom of Information Act. If you have not done so already, please submit your completed OGE Form 201 to the USGS Ethics Office at EthicsOffice@usgs.gov. You can find the OGE Form 201 online [here](#). For additional information about the OGE 278s, please visit the following OGE website regarding requesting public financial disclosure reports (OGE Form 278): <https://www.oge.gov/web/oge.nsf/FOIA+&+Privacy+Act?OpenView>

We have located 454 pages of the OGE 450s (Confidential Financial Disclosure Reports); however, we reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA's general rule of disclosure. We are withholding the 454 pages of OGE 450s in their entirety under FOIA Exemption (b)(3) (Exemption 3) and the *Ethics in Government Act of 1978*, 5 U.S.C. app. § 107(a). Exemption 3 allows the withholding of information protected by a nondisclosure provision in a federal statute other than FOIA.

On September 26, 2016, we approved your request for a fee waiver.

Mr. Brian A. May, U.S. Geological Survey, Freedom of Information Act Officer is responsible for this denial. Mr. Brett Myrick, Attorney-Advisor, in the Office of the Solicitor was consulted.

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the USGS's response is in error. You must also include with your appeal copies of all correspondence between you and the USGS concerning your FOIA request, including your original FOIA request and the USGS's response. Failure to include with your appeal all correspondence between you and the USGS will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal. Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information

Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240
Attn: FOIA/Privacy Act Appeals Office
Telephone: (202) 208-5339
Fax: (202) 208-6677
Email: FOIA.Appeals@sol.doi.gov

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a

non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road – OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: (202) 741-5770
Fax: (202) 741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer. You also may seek dispute resolution services from me, as our FOIA Public Liaison. If you have any questions about our response to your request, you may contact me by phone at (443) 498-5521, by electronic mail at foia@usgs.gov, or by mail at 5522 Research Park Drive, Baltimore, MD 21228.

Sincerely,

Brian A. May
U.S. Geological Survey
Freedom of Information Act Officer
FOIA Public Liaison