



U. S. Department of Housing and Urban Development
Washington, D.C. 20410-0500

OFFICE OF GENERAL COUNSEL

FEB 3 2003

20020513HUD001

Meredith Fuchs
General Counsel
The National Security Archive
The George Washington University
Gelman Library, Suite 701
2130 H Street, N.W.
Washington, D.C. 20037

RECEIVED FEB 11 2003

Re: Freedom of Information Act Appeal Number FI-358193

Dear Ms. Fuchs:

This office has received your letter of January 28, 2003, which you caption as a Freedom of Information Act Appeal. You are apparently treating HUD's lack of a response at this time as a denial of the request. However, HUD regulations at 24 C.F.R. §15.61(a) provide that an "appeal shall be available only from a written denial of your request..." (emphasis supplied). As there has been no denial of your document request, your request for an administrative appeal is premature and cannot be considered.

Please note that the Department processes Freedom of Information Act Requests on a first-in first-out basis. If not satisfied with the Department's response after the completion of the processing of your request, you may file an administrative appeal under HUD's regulations. Should you have any questions about the status of your request, please contact HUD's FOIA Division at:

U.S. Department of Housing and Urban Development
Office of General Counsel
Freedom of Information Act Office
451 - 7th Street, S.W., Room 10248
Washington, D.C. 20410
(202) 708-3866

Sincerely,

John P. Opitz
Assistant General Counsel for
Procurement and Administrative Law