

OFFICE OF GENERAL COUNSEL  
U.S. Department of Transportation  
400 Seventh Street, S.W.,  
C-10, Room 10102  
Washington, D.C. 20590

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DATE: February 28, 2003

TO: Barbara Elias, National Security Archive

TEL. NO: 202-994-7000

FAX.NO: 202-994-7005

FROM: Steve Metoyer

TEL. NO: 202-366-9160

FAX. NO: (202) 366-9170

NO. PAGES (including cover sheet): 5

COMMENTS:

Here is the Deputy General Counsel's Decision on FOIA File FY2002-451

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**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

GENERAL COUNSEL

400 Seventh St., S.W.  
Washington, D.C. 20590

FEB 27 2003

Meredith Fuchs, Esq.  
The National Security Archive  
The George Washington University  
Gelman Library, Suite 701  
2130 H Street, NW  
Washington, DC 20037

RE: FOIA File FY2002-451

Dear Ms. Fuchs:

This responds to The National Security Archive's (NSA) January 28, 2003 Freedom of Information Act (FOIA) appeal. There you appealed the lack of a substantive response to NSA's September 4, 2002 FOIA request. In that request, NSA sought:

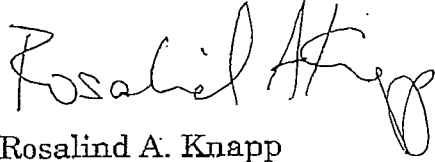
All records, including but not limited to guidance or directives, memoranda, training materials, or legal analyses, concerning the U.S. Department of Transportation's implementation of U.S. Attorney General John Ashcroft's October 12, 2001 memorandum on the U.S. Freedom of Information Act.

A search of offices within the Office of the Secretary of Transportation (OST) disclosed only a two-page document. The first page is an October 25, 2001 memorandum from General Counsel Kirk K. Van Tine to the Chief of Staff and the Director of Public Affairs. The memorandum gives the General Counsel's summary of what he considered the Attorney General's major points in the October 12 memo. The second page is an attachment summarizing FOIA exemptions.

The memo refers to two attachments: one is the summary of the exemptions; and the other is the Attorney General's October 12 memorandum. A copy of the Attorney General's memorandum was not attached to the copy of the General Counsel's memorandum found in OST's files. For your convenience, I have enclosed a copy of the Attorney General's memo that is found at <http://www.usdoj.gov/foia/011012.htm>.

All of the above documents are included as an enclosure to this final determination by the Department.

Sincerely,



Rosalind A. Knapp  
Deputy General Counsel

Enclosures

cc: William Ferroggiaro  
Director, Freedom of Information Project, NSA