



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WASHINGTON, DC 20410-0500

20020513 HUD 001

OFFICE OF GENERAL COUNSEL

OCT - 9 2002

RECEIVED OCT 21 2002

Mr. William Ferroggiaro
Director, Freedom of Information Project
The National Security Archive
The George Washington University
Gelman Library, Suite 701
2130 H Street, N.W.
Washington, DC 20037

RE: Freedom of Information Act Request
FOIA Control No.: FI-358193

Dear Mr. Ferroggiaro:

This letter acknowledges Department of Housing and Urban Development's receipt of your Freedom of Information Act (FOIA) request dated September 4, 2002. Your request was received in the Department's FOIA Division on September 5, 2002.

The Department will grant a request for expedited processing under the FOIA when it can be determined that a compelling need exists. The term compelling need is defined as either (1) involving an imminent threat to life or physical safety of an individual, or (2) in the case of a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal government activity. Your request does not identify a compelling need that would allow expedited processing.

Pursuant to the FOIA, 5 USC 552(a)(6)(A)(i), once HUD properly receives a FOIA request, the Department has twenty working days in which to make a determination on the request unless unusual circumstances exist. In unusual circumstances, such as an agency's backlog, or the need to examine a voluminous amount of records required by the request, HUD can extend the twenty-day time limit for processing a request. As of September 30, 2002, the FOIA Division had 509 open FOIA requests. Based upon our experience and current inventory, we estimate that it may take 60 days to complete processing of your request.

HUD's policy is to process FOIA requests using "multi-track processing," which allows the Department to process FOIA requests on a first-in/first-out basis, within each track. HUD places FOIA requests in its routine or complex track based on the amount of work and time involved in processing the request. The criteria for assignment to a specific track are found in HUD's FOIA regulations, 24 CFR 15 §105(a), which was published in the Federal Register on January 22, 2001, at 66 FR 6964. Your request is being processed on the Complex track. If your request has been assigned to the complex track, you may consult with the FOIA Specialist who is

handling your request in order to determine whether your request can be modified and transferred to the routine track. Please note that upon further evaluation of your request, you may be notified that your request has been transferred to another track.

We will comply with your request to the extent permissible by law. Any records not subject to an exemption will be forwarded to you promptly upon the completion of HUD's search and review process. Your request has been assigned to Ms. Kathryn Spence of the FOIA Division for processing. If you have any questions regarding your request, please contact Ms. Spence at 202-708-3866. Thank you for your interest in the Department's programs and policies.

Sincerely,

Marylea W. Byrd
Assistant General Counsel
Freedom of Information
Act Division