

**Letter from LaRima L. Lane, FOIA Appeals Specialist, Department of the Interior, regarding FOIA Appeal Number 2006-189 to Jonathan Bari, The Constitutional Walking Tour of Philadelphia, August 25, 2006. As of March 24, 2008, Appeal Number 2006-189 is still pending with the Department of the Interior, in spite of the fact that the Freedom of Information Act requires an agency to make a determination on an appeal within 20 (twenty) workdays after receipt of such appeal - 5 U.S.C. § 552(a)(6)(A)(ii).**



IN REPLY REFER TO:  
FOIA Appeal No. 2006-189

United States Department of the Interior

OFFICE OF THE SOLICITOR  
Washington, D.C. 20240



AUG 25 2006

Jonathan H. Bari  
The Constitutional Walking  
Tour of Philadelphia  
226 W. Rittenhouse Square, #1006  
Philadelphia, PA 19103

Dear Mr. Bari:

This concerns the July 27, 2006, Freedom of Information Act ("FOIA") appeal ("appeal") (**Appeal No. 2006-189**) that you filed with the Department of the Interior ("Department"). Your appeal concerns the National Park Service's ("NPS") decision to withhold, pursuant to FOIA exemption (5), the current Draft Long Term Agreement by and between the Independence Visitors Center Corporation ("IVC") and the Independence National Historical Park ("INHP").

The FOIA requires an agency to make a determination on an appeal within 20 workdays after the receipt of such appeal. 5 U.S.C. § 552(a)(6)(A)(ii). Due to an extraordinarily large number of appeals pending in the Department ahead of yours, the need to fully review the issues you presented in your appeal, and other unforeseen circumstances, the Department will not be able to make a determination on your appeal within the time limits set in the FOIA. Therefore, you may seek judicial review under 5 U.S.C. § 552(a)(4)(B). However, we hope that you will delay filing a lawsuit so that the Department can thoroughly review the issues in your appeal and make a determination. We appreciate your patience to this point and the Department will make every effort to reach a decision on your appeal as soon as possible.

If you have any questions regarding your appeal, please call Selena Robinson at (202) 208-5339.

Sincerely,

LaRima L. Lane  
FOIA Appeals Specialist  
Department of the Interior