

**Letter from Dennis Reidenbach, Superintendent, Independence National Historical Park, regarding FOIA Request (A7221(INDE)) to Jonathan Bari, The Constitutional Walking Tour of Philadelphia, July 18, 2006.**



IN REPLY REFER TO:

**United States Department of the Interior**

**NATIONAL PARK SERVICE**  
INDEPENDENCE NATIONAL HISTORICAL PARK  
143 S. 3rd Street  
Philadelphia, PA 19106

**JUL 18 2006**



A7221(INDE)

Jon Bari  
The Constitutional Walking Tour of Philadelphia  
226 West Rittenhouse Square, Suite 1006  
Philadelphia, PA 19103  
215.546.7297 (fax)

Dear Mr. Bari:

This letter is in response to your Freedom of Information Act (Act) request via email dated June 19, 2006, requesting: all extensions to the Special Use Permit granted to the Independence Visitors Center Corporation (IVCC); all Special Use Permits provided to third party tour operators; the Cooperative Agreement with Historic Philadelphia, Inc.; and, a copy of the current draft agreement between Independence National Historical Park (INHP) and the IVCC. Enclosed please find the following documents that you requested:

- A copy of the current Memorandum of Understanding between INHP and Historic Philadelphia, Inc., including amendments and extensions
- All extensions to the Special Use Permit granted to the Independence Visitors Center Corporation
- Commercial Use Authorizations for:
  - Olde City Carriage Company
  - Philly Ducks
  - River Ducks
  - Double Decker Enterprises (including Big Bus Company)
  - Ride the Ducks
  - Super Duck Tours
  - Lights of Liberty
- Special Use Permits for:
  - Philadelphia Carriage Company
  - '76 Carriage Company
  - Independence Carriage Company
  - Ben Franklin Carriage Company
  - Connective Tours Carriage Company

INHP does not have an agreement with Ozarks Scenic Tours, LLC. The cost of providing the documents is below the minimum charge and is therefore waived.

However, the draft Long Term Agreement with the IVCC is being withheld because it reflects personal opinions, preliminary staff recommendations, and deliberative matters. Disclosure of such material would inhibit the open and candid discussion or expression of such views in future deliberations, could confuse the public as to the official agency position on an issue, and have a detrimental effect on our decision-making process. Therefore sound grounds exist for withholding such information which is authorized pursuant to Exemption 5 of the Act, 5 U.S.C. § 552(b)(5) and 43 CFR Part 2, Appendix E(5), which permits an agency to withhold "inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency." See 383 DM 15.5.4E.

The decision to withhold the above referenced information was made by the undersigned, after consultation with Regional Solicitor Anthony R. Conte.

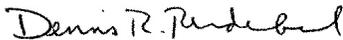
You may appeal this partial denial pursuant to 43 CFR § 2.28 to:

Departmental FOIA Appeals Officer  
MS-6556-MIB  
1849 C Street, NW  
Washington, D.C. 20240

Your appeal must be in writing and received no later than 30 workdays after the date of this letter or 30 workdays after the records have been made available. A copy of your original request and this denial letter should accompany the appeal as well as a brief statement of the reasons why you believe this initial decision to be in error. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter.

If you have any questions, please contact Jane Cowley, INHP Public Affairs Officer, at (215) 597-0060.

Sincerely,



Dennis R. Reidenbach  
Superintendent

Enclosures