

Exhibit C



U.S. Department
of Transportation
**MARITIME
ADMINISTRATION**

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VIA EMAIL

January 18, 2022

Mr. J. Ryan Melogy
Maritime Legal Aid & Advocacy, Ltd.
3 Germany Drive
Unit 4 #1929
Wilmington, DE 19804
help@maritimelegalaid.com

Subject: FOIA Control Number 22-0041-FOIA

Dear Mr. Melogy:

This letter is in response to your subject Freedom of Information Act (FOIA) request dated December 30, 2021, in which you requested expedited review. The Department of Transportation has promulgated the following regulation detailing the circumstances under which FOIA requests may be given expedited treatment (see 49 C.F.R. § 7.31(c)):

“Requests and appeals will be taken out of order and given expedited treatment whenever a compelling need is demonstrated and it is determined that the compelling need involves: (i) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (ii) Requests made by a person primarily engaged in disseminating information, with an urgency to inform the public of actual or alleged Federal Government activity.”

Requesters who believe they may qualify for expedited treatment under these standards must “submit a statement, certified to be true and correct to the best of that person’s knowledge and belief, explaining in detail the basis for requesting expedited processing.”

Your request includes a statement self-certifying that your statements “concerning the need for expedited review are true and correct to the best of your knowledge and belief,” however, MARAD has determined that the information you cite as evidence that the public has an urgent need for this information falls short of that which is required to place this FOIA request in front of the other pending FOIA requests being responded to at this time.

In support of your request you state:

There is an “*urgency to inform the public*” about the operation of the USMMA Sea Year program. Questions asked of DOT by the Senate Commerce Committee ask about whether or not the DOT is sending vulnerable students out to serve aboard cargo ships with known sexual predators. The answers to questions such as, “*If a vessel or its parent company is the subject of a sexual assault or sexual harassment complaint, does the USMMA assign midshipmen to those vessels in the future?*” are urgent questions that affect the physical safety of hundreds, possibly thousands of young mariners.

The public and USMMA students themselves deserve to know the answers to these questions. If the DOT is indeed sending students out to ships with known sexual predators, students at the USMMA who are at sea aboard U.S.-flag vessels participating in the Sea Year program remain at a greatly heightened risk of sexual assault aboard their vessels.

There is a “*compelling need*” for this information, because a failure to obtain the requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual or individuals. The information MLAA seeks in this request has the potential to immediately prevent actual sexual assaults at sea from occurring. This is an incredibly urgent need. Any delay in processing this request could literally result in mariners being sexually assaulted at sea.

Your assertions do not support a finding of urgency concerning the information which you are seeking that warrants processing your request ahead of older requests. Therefore, MARAD determines that your request for expedited review is denied.

A search of MARAD records is ongoing, and a response to the numerous items enumerated in your FOIA is being compiled. When all responsive documents have been located they will be reviewed by the FOIA office for release to you.

Sincerely,



T. Mitchell Hudson, Jr.
Freedom of Information Act Officer