

Tab 7

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May 4, 2007

BY FACSIMILE & FEDERAL EXPRESS

Ms. La Rima L. Lane
FOIA Appeals Specialist
U.S. Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS 6556-MIB
Washington, DC 20240

Re: **Freedom of Information Act Appeal (April 2, 2007) (No. 2007-095)**

Dear Ms. Lane:

As you know, the above-referenced FOIA appeal was filed on April 2, 2007. Accordingly, the Department was required to issue its determination no later than May 1, 2007. See 5 U.S.C. § 552(a)(6)(A)(ii). On May 2, 2007, I called you to find out the status of this appeal. At that time, you informed me that you had mailed me a letter dated May 1, 2007 indicating that the Department was unable to meet its statutory obligation, and that you had no idea when the Department might issue its determination. Subsequent to our telephone conversation, and at my request, you faxed me a copy of your May 1, 2007 letter in which you suggest that I consider delaying filing any lawsuit until the Department has reviewed the issues. However, your letter fails to specify how long that might take. I am writing to request that the Department provide me with a firm date by which the Department will issue its determination of this appeal.

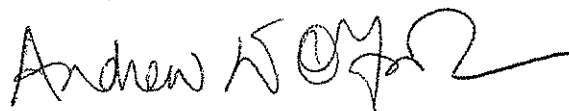
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The Department's significant delay in determining this appeal is puzzling given the appeal only challenges two of the documents that were withheld, and raises the single issue of whether the Department erroneously decided to withhold Mr. Cason's performance appraisals pursuant to Exemption 6. For the reasons outlined in my Freedom of Information Act Appeal, dated April 2, 2007, it is evident that the Department's decision was erroneous, and that these documents should be released immediately so that we can avoid the unnecessary time and expense of litigating this issue in a lawsuit.

I await your prompt reply.

Sincerely,

A handwritten signature in black ink that reads "Andrew D. O'Toole". The signature is written in a cursive, slightly slanted style.

Andrew D. O'Toole