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FOIA Number	Request Date	Receipt Date	Completion Date	Requester Name	Bureau	Status
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Subject

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BSEE-2013-00001	September 30, 2012	October 01, 2012		Exempt Information	BSEE	Open
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Exempt Information

BSEE-2013-00002	October 03, 2012	October 04, 2012	January 18, 2013	Dykes J. David	BSEE	Completed
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Transocean's Lloyd's audit of safety culture submitted during the Deepwater Horizon investigation.

BSEE-2013-00006	October 05, 2012	October 05, 2012		Demer Lisa	BSEE	Open
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Seeking BSEE records related to the Challenger and the dome system. Specifically, any emails, incident reports, internal documents or other records that relate to the Sept. 15th incident in which the dome was damaged during testing. To include but not limited to any communications from Shell or contractor Superior Energy Services to BSEE or any from BSEE to Shell or Superior. reports, emails, internal documents, records related overall to the soundness and suitability of the Arctic Challenger.

BSEE-2013-00003	October 05, 2012	October 09, 2012		Demer Lisa	BSEE	Open
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Records related to the Challenger and the dome system i.e., the Sept. 15 incident in which the dome was damaged during testing including communications from Shell or contractor Superior Energy Services to BSEE or any from BSEE to Shell or Superior.; reports, emails, internal documents or other records related overall to the soundness and suitability of the Arctic Challenger for its intended work offshore in Alaska.

BSEE-2013-00004    October 10, 2012    October 10, 2012                                  Ruch Jeff                                  BSEE    Open

Documents related to the failure of the containment dome test from the Shell's Arctic Challenger in Bellingham in 2012; other deficiencies/compliance issues noted concerning the Arctic Challenger; after-incident analysis BSEE has performed following this containment dome failure; standards for future containment dome testing or exercises; BSEE requirements re containment domes in permits issued to Shell in CY12; BSEE policies regarding the capacity or reliability of containment domes in OSRP

BSEE-2013-00005    October 10, 2012    October 10, 2012                                  Ruch Jeff                                  BSEE    Open

Any documents related to the failure of the containment dome test from the Shell spill response barge Arctic Challenger in Bellingham in 2012; compliance issues by state or federal regulatory or marine conservation agency; after-incident analysis BSEE has performed; role played by BSEE personnel & independent third-party monitoring or participation; BSEE requirements or permit condition relating to containment domes; BSEE policies, standards, requirements, the capacity of containment domes OSRPS

BSEE-2013-00009    October 05, 2012    October 11, 2012    October 23, 2012    Truwe Timothy                                  BSEE    Completed

Copies of any contracts, leases, agreements, documents and material relative to title and ownership of various leases, or matters affecting or encumbering same, in Unit files.

BSEE-2013-00007    October 12, 2012    October 12, 2012                                  Ruch Jeff                                  BSEE    Open

Conditions of surface or scour ice in permit areas, the analysis of BSEE and what lessons are derived: 1. Any docs related to the risk posed by ice scour and surface sea ice; 2. Any info relating to the specific risks posed to permitted activities by Shell; 3. Shell's proposed mitigation of this risk; 4. Any analysis assessing the adequacy of this Shell mitigation plans to address this risk; and 5. Any info concerning delays or shutdowns caused by ice scour or sea ice during 2012.

BSEE-2013-00014    October 12, 2012    October 12, 2012    October 24, 2012    Ruch Jeff                                  BSEE    Completed

Specifically, 1) Any info relating to the specific risks posed to permitted activities by Shell; 2) Any info relating to the specific risks posed to permitted activities by Shell; 3) Shell's proposed mitigation of this risk; 4) Any analysis, by the agency or outside entities, assessing the adequacy of this Shell mitigation plans or other mitigation plans to address this risk; 5) Any info concerning delays or shutdowns caused by ice scour or sea ice to Shell's Arctic OCS operations during 2012.

BSEE-2013-00013    October 16, 2012    October 16, 2012    November 14, 2012    Sumner Bret    BSEE    Completed

Copies of FOIA requests submitted by specific companies related to Taylor Energy Company LLC.

BSEE-2013-00012    October 04, 2012    October 16, 2012    Hunter Jonathan    BSEE    Open

Documents relating to the 2008 memorandum entitled "Changing Subsea Well Status From TA to PA".

BSEE-2013-00008    October 16, 2012    October 16, 2012    Ruch Jeff    BSEE    Open

Well design and well integrity control for Royal Dutch Shell PLS Beaufort and Chukchi Seas exploration OCS wells, specifically specifications for castings, centralizers, float valves, maintenance of circulating pressure, cement slurry formulation, cement testing, drilling mud make-up and control; pressure testing, response to pressure anomalies, plans for cement evaluation logs, etc.

BSEE-2013-00018    October 18, 2012    October 18, 2012    December 21, 2012    Tsoflias Sarah    BSEE    Completed

Requesting the 1,400 bi-weekly Protected Species Observer Reports that were submitted to BOEM and were analyzed in OCS Study BOEM 2012-015, "Seismic Survey Mitigation Measures and Marine Mammal Observer Reports." Copies of all the reports and copies of the sighting forms: Observer Effort (Location and Effort), Survey Report (Records of Operations), and Sighting Report (Record of Sighting).

BSEE-2013-00015    October 22, 2012    October 22, 2012    December 20, 2012    Post Kristi    BSEE    Completed

Accident Investigation Report for an incident which occurred on 4/18/11, associated with Lease Number OCS G02241, Platform A, WC643.

BSEE-2013-00016 October 19, 2012 October 22, 2012 January 29, 2013 McDowell Vicki BSEE Completed

Accident Investigation Report for an incident which occurred on 5/22/11, in EI 129.

BSEE-2013-00017 October 26, 2012 October 26, 2012 November 07, 2012 Camp Kathy BSEE Completed

Well Files for Lease Numbers OCS G14581 and 13034.

BSEE-2013-00021 October 31, 2012 October 31, 2012 January 10, 2013 Uzee Denise BSEE Completed

Accident Investigation report for an incident on 9/11/10 on the OCEAN TITAN in SS 230.

BSEE-2013-00019 October 31, 2012 November 01, 2012 Ruch Jeff BSEE Open

Records describing Shell's BOP system being deployed on Shell's Arctic OCS exploration wells and analysis of the BOP relative to the BOP used by BP/Transocean in the 2010 Macondo incident.

BSEE-2013-00020 November 02, 2012 November 02, 2012 Ruch Jeff BSEE Open

Results of testing or monitoring of equipment to be deployed by Shell in its arctic OCS operations weather conducted by BSEE, sister agencies, Shell or third parties; and any schedule or plans for future (from 9/1/12 forward) testing of any equipment to be used by Shell in its arctic OCS drilling.

BSEE-2013-00022 November 05, 2012 November 05, 2012 November 30, 2012 Heath Brad BSEE Completed

Copies of the written job descriptions and responsibilities for all public information officers, public affairs specialists, communications specialists, social media specialists, and other spokesmen for BSEE; Copies of any records or portions of records listing the criteria used by the agency in evaluating the performance of its spokesmen, including any templates or forms used in the evaluation process; Copies of the all performance evaluations for the agency's spokesmen during the past 3 years

BSEE-2013-00023    October 29, 2012    November 07, 2012    January 08, 2013    Exempt Information                      BSEE    Completed  
Exempt Information

BSEE-2013-00025    November 07, 2012    November 07, 2012                      Clements Drew                      BSEE    Open  
Accident Investigations for specific lease numbers.

BSEE-2013-00026    November 09, 2012    November 09, 2012    November 29, 2012    Dinh Hang                                      BSEE    Completed  
Documents relating to ENI US Operating's Lease Number OCS G07049.

BSEE-2013-00027    November 09, 2012    November 09, 2012    December 14, 2012    Phillips Denise                                      BSEE    Completed  
Request for copy of resume and/or application, occupational questionnaire, etc., for the person selected for the Petroleum engineering Technician (Trainee) GS-05/06/07 position, Announcement Number BSEE-SW-12-MM617032

BSEE-2013-00028    November 13, 2012    November 13, 2012                      Al-Azem Samer                      BSEE    Open  
Approvals for pressurized welding enclosures.

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BSEE-2013-00029	November 15, 2012	November 16, 2012		Caffrey Evan	BSEE	Open
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Documents regarding hurricane damage to Platform/Caisson #2; located in WC 168 of Lease Number OCS G05283.

BSEE-2013-00030	November 19, 2012	November 19, 2012	November 23, 2012	Baltimore Chris	BSEE	Completed
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Inspections of the Black Elk Energy platform in WD 32.

BSEE-2013-00031	November 19, 2012	November 19, 2012		Ruch Jeff	BSEE	Open
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Inspections of the Black Elk Energy platform in WD 32.

BSEE-2013-00042	November 19, 2012	November 19, 2012		Corrigan Zach	BSEE	Open
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Atlantis documents regarding leaks.

BSEE-2013-00033	November 14, 2012	November 19, 2012	December 17, 2012	Truwe Timothy	BSEE	Completed
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Copies of any contract, leases, agreements, documents and material relative to title and ownership of various leases.

BSEE-2013-00032	November 19, 2012	November 19, 2012	November 23, 2012	Klimasinska Kasia	BSEE	Completed
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Inspections of the Black Elk Energy platform in WD 32.

BSEE-2013-00037	November 20, 2012	November 20, 2012	November 23, 2012	Hunt Dianna	BSEE	Completed
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Incidents and investigations involving the Black Elk Energy platform in WD 32.

BSEE-2013-00036   November 20, 2012   November 20, 2012                      Jung Joyce                      BSEE    Open  
Pool production for all fields in the Pacific Offshore Region and annual production since the inception, as well as the cumulative production.

BSEE-2013-00038   November 27, 2012   November 27, 2012                      Dlouhy Jennifer                      BSEE    Open  
INC's and Civil Penalties involving Black Elk since January 1, 2009.

BSEE-2013-00039   November 27, 2012   November 28, 2012   January 25, 2013   Dlouhy Jennifer                      BSEE    Completed  
Request for a copy of FOIA Log requests that have been received by BSEE since May 1, 2011

BSEE-2013-00041   November 28, 2012   November 28, 2012   January 18, 2013   King Paige                      BSEE    Completed  
Approved structural documents for Lease Number OCS G16320, Platform C, located in SM 39.

BSEE-2013-00040   November 28, 2012   November 28, 2012   January 18, 2013   King Paige                      BSEE    Completed  
Approved structural documents for Lease Number OCS G16320, Platform B, located in SM 39.

BSEE-2013-00044   November 29, 2012   November 29, 2012   January 10, 2013   Taylor, Annalisa                      BSEE    Completed  
Well files for Lease Number OCS G01529, Well F001, in SS 252.

BSEE-2013-00045   November 30, 2012   November 30, 2012                      Hunt Dianna                      BSEE    Open  
Civil Penalty Case file G-2011-001.

BSEE-2013-00047 December 04, 2012 December 04, 2012 February 07, 2013 McBee Ralph BSEE Completed

Cite clearance reports for Lease Number OCS G01752, Platforms A & B, located in BA A076.

BSEE-2013-00052 December 06, 2012 December 06, 2012 January 14, 2013 Troutman Karen BSEE Completed

Request for the names and email addresses for persons (Directors) in the following positions: 1) Human Relations, Civil Rights, EEO, Labor Relations, Workers' Comp, and Training. Personnel Offices/Employees Relations Offices/Labor Relations Offices; Chiefs of Staffing/Classification; Chiefs of Labor Relations; Chiefs of Employee Relations. Chief EEO Counselors.

BSEE-2013-00046 December 04, 2012 December 06, 2012 Dlouhy Jennifer BSEE Open

Black Elk safety documents.

BSEE-2013-00049 December 07, 2012 December 07, 2012 Dlouhy Jennifer BSEE Open

A variety of safety, compliance, and statistical information for the Gulf.

BSEE-2013-00050 December 07, 2012 December 07, 2012 Garcia Al BSEE Open

Accident investigation for the Black Elk Energy incident on 11/16/12.

BSEE-2013-00051 December 07, 2012 December 07, 2012 Hammer David BSEE Open

A variety of safety and compliance documents for the Gulf.

BSEE-2013-00048 December 06, 2012 December 07, 2012 December 21, 2012 Daugherty Deon BSEE Completed



Enforcement statistics for the Gulf.

BSEE-2013-00055    December 10, 2012    December 10, 2012    January 24, 2013    Israel Joshua                    BSEE    Completed

Copies of all correspondence received from Rep. Timothy "Tim" Scott (R-SC) from January 20, 2009 to present

BSEE-2013-00056    November 12, 2012    December 12, 2012                    Mason W. Brett                    BSEE    Open

Accident investigation report for an incident which occurred on 11/2/12, involving Transocean's Nautilus associated with Shell's Lease Number G 26252, located in MC 391.

BSEE-2013-00057    December 12, 2012    December 12, 2012                    Arnold Kurt                    BSEE    Open

Accident investigation report for an incident which occurred on 6/22/12, involving El Paso's Lease Number G19799, located in EI 364A.

BSEE-2013-00058    December 13, 2012    December 13, 2012                    Fowler Tom                    BSEE    Open

Safety, compliance, and oversight documents for the Gulf.

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BSEE-2013-00059   December 17, 2012   December 18, 2012   Thompson Richard   BSEE   Open

The performance audit plan submitted by Black Elk on December 14, 2012.

BSEE-2013-00070   December 31, 2012   January 02, 2013   January 15, 2013   Keener Andrew   BSEE   Completed

Request a copy of documents containing all correspondence and meeting documentation related to "Resolution Copper Mining". Any correspondence and meeting documentation pertaining to mining or copper in Superior, Arizona or in Pinal County, Arizona. Any correspondence and meeting documentation pertaining to federal land swaps related to copper mining in Arizona

BSEE-2013-00062   January 03, 2013   January 03, 2013   January 08, 2013   Larson Zack   BSEE   Completed

Request for the name, email address, and phone number for the person/persons with BSEE with the title of competition Advocate as referenced in FAR Subpart 6.5.

BSEE-2013-00060   December 31, 2012   January 03, 2013   Grafe Erik   BSEE   Open

Supplemental to MMS 2012-00166 - All documents relating to Shell's 10 APD's in the Beaufort and Chukchi Seas from May 2012 to search date.

BSEE-2013-00067   December 31, 2012   January 03, 2013   Grafe Eric   BSEE   Open

Supplemental to MMS 2012-00163 from May 2012 to search date - All documents relating to Shell's 10 APDs in the Beaufort and Chukchi seas; capping stack and related equipment that Shell intends to use to support its Arctic exploration drilling activities; and Shell's Arctic Containment System and related equipment, including the vessel and barge, that Shell intends to use to support its Arctic exploration drilling activities.

BSEE-2013-00063   December 31, 2012   January 08, 2013   January 10, 2013   Sugden Mike   BSEE   Completed

Platforms, locations, and inspections results for the cleaning of marine bio-fouling.

BSEE-2013-00064 January 08, 2013 January 08, 2013 Broussard, David BSEE Open

INC to Component Ratio average and Drilling Rig to Inspection Ratio average for 2012.

BSEE-2013-00066 January 09, 2013 January 09, 2013 January 10, 2013 Mack Bryan BSEE Completed

Inspections and INC's for GC 018, complex ID 23503.

BSEE-2013-00065 January 09, 2013 January 09, 2013 Mack Bryan BSEE Open

TIMS reports for Wood Group.

BSEE-2013-00069 January 08, 2013 January 10, 2013 Simon Jonathan BSEE Open

A variety of documents relating to P/L ROW G04302.

BSEE-2013-00071 January 10, 2013 January 15, 2013 Wilson Duff BSEE Open

Copy requested of your FOIA log for the past three years; all FOIA request letters during that time which reference government or corporate work in the Arctic Ocean; and the cover letter of any responses to those requests which contain responsive materials (not the procedural letters).

BSEE-2013-00073 January 17, 2013 January 22, 2013 January 23, 2013 Pflug Chaun BSEE Completed

Request for information and documentation relating to a certain project identified as 45-00823 ("Park South"). Park South is identified as a 9.36 acre parcel of land located in the City of North Charleston, South Carolina. Requesting copies of any and all correspondence, documents, and/or materials related to this project.

BSEE-2013-00072 January 16, 2013 January 22, 2013 Exempt Information BSEE Open

Exempt Information

BSEE-2013-00074 January 23, 2013 January 23, 2013 January 24, 2013 Aucoin-Thieme Bernice BSEE Completed

Request for Standard Form 30 for a Change-of-Name

BSEE-2013-00076 January 24, 2013 January 24, 2013 Amin Lucas BSEE Open

Request for two-way correspondence between Congressman Markey and the BSEE or, as it transpires, the DOI Copies of nay responses to Congressman Markey's questions provided by the BSEE with regard to Shell's arctic spill response testing.

BSEE-2013-00075 January 28, 2013 January 28, 2013 January 29, 2013 Antle Rob BSEE Completed

All inspection records and safety audits for the mobile offshore drilling unit Henry Goodrich. The date range for request is January 1, 2008 to the Present. Request includes records that may have originated with, or been held by, the former MMS.

BSEE-2013-00079 January 28, 2013 January 28, 2013 Giffin Carl BSEE Open

Accident Investigation, INCs, etc., regarding an incident which occurred on 7/5/11 on Chevron's EI 360 E.

BSEE-2013-00077 January 29, 2013 January 29, 2013 February 21, 2013 Edwards Jack BSEE Completed

Copy of letter dated March 30, 2012 signed by the Director of BSEE referencing the broad authority that the agency believes grants it the jurisdiction over service companies offshore. Citing the OCS Land Act and implementing regulations, 30 C.F.R. Chapters 2 and 5. It concludes that "BSEE" has broad legal authority over all activities conducted under federal offshore leases, operators, or contractors, and we can exercise such authority as we deem appropriate.

BSEE-2013-00080 January 30, 2013 January 30, 2013 Arnold Kurt BSEE Open

Accident Investigation for an incident which occurred on 6/8/12 on McMoRan's HI 561 A-7.

BSEE-2013-00081 February 06, 2013 February 07, 2013 Leary Alyssa BSEE Open

Accident Investigation Reports for 5 specified incidents in 2012.

BSEE-2013-00082 February 12, 2013 February 12, 2013 Wray Michael BSEE Open

Sea trials of underwater pollution containment dome, operated from the Arctic Challenger, by Superior Energy Services and/or Shell that occurred in Washington on September 15, 2012. Any testing protocols/procedures; diagrams/photos/drawings of the containment dome; any communications/emails concerning testing/failure/subsequent investigations; any investigatory reports; any documents concerning the redesign domes; and any docs concerning the testing of the redesigned/rebuilt containment dome.

BSEE-2013-00083 February 13, 2013 February 13, 2013 Dlouhy Jennifer BSEE Open

Safety/compliance documents for Black Elk.

BSEE-2013-00085 February 12, 2013 February 13, 2013 Wray Michael BSEE Open

Request for documents concerning the sea trials of an underwater pollution containment dome by Superior Energy Services, Inc., and/or shell that occurred in Washington on 9/15/12.

BSEE-2013-00084 February 14, 2013 February 14, 2013 Hooks, III Kenneth BSEE Open

Well control plans for specified contractors.

BSEE-2013-00088 February 18, 2013 February 19, 2013 Exempt Information BSEE Open

Exempt Information

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BSEE-2013-00086 February 20, 2013 February 20, 2013 February 22, 2013 Johnson Jennifer BSEE Completed

Cementing/wellbore schematic for ATP's Lease Number OCS G04460, D002, located in ST 076.

BSEE-2013-00087 February 21, 2013 February 21, 2013 Sadler, Jr. Robert BSEE Open

Accident Investigation Report for an incident which occurred on 10/12/12, at Noble's MC 698. FY 2012 Bureau Log generated by EFTS at Thu Feb 28 11:10:50 EST 2013 145 records in this log.

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MMS-2012-00010 September 25, 2011 October 03, 2011 June 20, 2012 Jones, Sr Alvin BSEE Completed

Request for records pertaining to monetary awards in GOM OCS Office of Leasing and Environment during FY2005 through Y2010.

MMS-2012-00014 October 04, 2011 October 05, 2011 October 18, 2011 Montgomery Thomas BSEE Completed

Request for current version of BOEMRE manual of internal regulations, containing policy, procedures and responsibilities of the MRM program, OMMP and A&B program.

MMS-2012-00001 October 03, 2011 October 05, 2011 March 06, 2012 Berendt John BSEE Completed

\*DWHZ\* - BSEE--transcripts of interviews of 4-person crew of Endorfin following the explosion.

MMS-2012-00011 October 05, 2011 October 05, 2011 October 31, 2011 Kight Brittany BSEE Completed

Request for telephone directory of BOEM/BSEE contacts, GOM region.

MMS-2012-00003 October 11, 2011 October 11, 2011 Demer Lisa BSEE Open

BSEE - INC's, spills, safety violations for the past 10 years for Shell, BP, and Chevron.

MMS-2012-00012 October 11, 2011 October 11, 2011 April 23, 2012 Leaber Pam BSEE Completed

Request for personnel information on vacancy announcement MMS520189.

MMS-2012-00006 October 12, 2011 October 12, 2011 November 16, 2011 Drought Elizabeth BSEE Completed

Requesting information on IBLA Case #2003-25 regarding Pacific Offshore Operators, Inc.

MMS-2012-00013    October 14, 2011    October 14, 2011                      Garcia Lisette                      BSEE    Open

Request for an index of all major information systems of the agency; a description of major information and record locator systems maintained by the agency; and, a handbook for obtaining various types and categories of public information from the agency in light of the Paperwork Reduction Act.

MMS-2012-00004    October 17, 2011    October 17, 2011                      Corrigan Zach                      BSEE    Open

BSEE - variety of documents related to BP's Atlantis and Thunder Horse facilities.

MMS-2012-00005    October 18, 2011    October 18, 2011    June 22, 2012    Gaines Rachael                      BSEE    Completed

\*DWHZ\* - Incidents of Non-Compliance that are referenced in 10/12/11 BSEE Press Release for BP, Transocean, and Halliburton

MMS-2012-00026    October 19, 2011    October 19, 2011    November 04, 2011    Smathers Jason                      BSEE    Completed

Request for FOIA template paragraphs used for responses to requests.

MMS-2012-00015    October 19, 2011    October 20, 2011    November 01, 2011    Telofski Richard                      BSEE    Completed

Request for a list of FOIA requests made by the following organizations: Campaign for Safe Cosmetics, Environmental Working Group, Breast Cancer Fund, Alliance for a Healthy Tomorrow, Clean Water Fund, Commonwealth, Friends of the Earth, Mass Breast Cancer Coalition, National Black Environmental Justice Network, National Environmental Trust, Women's Voices for the Earth

MMS-2012-00016    October 20, 2011    October 21, 2011    November 21, 2011    Montgomery Thomas                      BSEE    Completed

Request for the OCS Civil/Criminal Penalties Program Policy and Procedures Guidebook.



MMS-2012-00008	October 26, 2011	October 26, 2011	May 11, 2012	Yarvitz Michael	BSEE	Completed
OSRP for BP well that was approved 10/26/11 for the GOM; Lease G25792, KC 292, Well 002.						
MMS-2012-00018	October 31, 2011	October 31, 2011	January 10, 2012	Al-Azem Samer	BSEE	Completed
Requirements for pressurized welding enclosures (for when welding within 10 feet of pressurized process equipment or wellbay).						
MMS-2012-00019	November 07, 2011	November 07, 2011	November 18, 2011	Brown Christopher	BSEE	Completed
Accident Investigation - EC 002, Platform C, on 1/13/10.						
MMS-2012-00020	November 07, 2011	November 09, 2011		Barrus Wm. Brett	BSEE	Open
Administrative Records for ATP Oil & Gas Corporation, Docket #2009-92; and Statoil Gulf of Mexico LLC, Docket #2011-101.						
MMS-2012-00022	November 10, 2011	November 10, 2011		Schmidt Kathrine	BSEE	Open
Notices of violations issued to GOM operators; resolutions, fines or penalties issued, for 3/2010, 3/2011, and 10/2011.						
MMS-2012-00024	November 11, 2011	November 14, 2011	January 06, 2012	Murphy Cheryl	BSEE	Completed
Pipeline application/approval, hydrostatic test data and as-builts for SN 13893.						
MMS-2012-00023	November 11, 2011	November 14, 2011	January 06, 2012	Murphy Cheryl	BSEE	Completed

Pipeline application/approval, hydrostatic test data and as-builts for SN 14536.

MMS-2012-00025    November 11, 2011    November 14, 2011    January 06, 2012    Murphy Cheryl    BSEE    Completed

Pipeline application/approval, hydrostatic test data and as-builts for SN 13892.

MMS-2012-00028    November 14, 2011    November 15, 2011    December 02, 2011    Johnson Johnny    BSEE    Completed

Request for purchase card holders for DOI.

MMS-2012-00038    December 02, 2011    December 02, 2011    January 25, 2012    Braddock Wendy    BSEE    Completed

TA Wellbore schematic, Lease OCS G05748, MO 863, Well No. 001.

MMS-2012-00042    December 06, 2011    December 06, 2011    September 24, 2012    Harris Holly    BSEE    Completed

All documents since May 31, 2011 relating to the Chukchi Spill Plan including proposed changes following the Deepwater Horizon oil spill, the equipment inventory, the calculation of the "worst case discharge", any consultations BSEE conducted pursuant to the Endangered Species Act, and BSEE's environmental review of the proposed spill response techniques under the National Environmental Policy Act; and all docs relating to the Arctic Working Group relating to the Chukchi Spill Plan.

MMS-2012-00041    December 05, 2011    December 07, 2011       Hall Mabelle    BSEE    Open

BSEE dcs relating to Taylor Energy Company LLC's decommissioning efforts in MC 20, Lease OCS G04935.

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MMS-2012-00039	December 06, 2011	December 07, 2011	June 08, 2012	Tompkins Peter	BSEE	Completed
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A copy of our file regarding pipeline Right of Way, OCS-G 21523, Segment 12502.

MMS-2012-00043	December 12, 2011	December 13, 2011	January 19, 2012	Bernard Merry	BSEE	Completed
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INC's/actions taken for OCS G01997, WC 171, Well No. A-7, from 2008 to the present.

MMS-2012-00044	December 12, 2011	December 13, 2011	December 21, 2011	Romero David	BSEE	Completed
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Request an electronic copy of DCOR Pipeline Installation project FONSI and EA

MMS-2012-00047	December 19, 2011	December 22, 2011	March 14, 2012	Curtis Larwrnce	BSEE	Completed
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Accident investigation - incident on 3/10/10, Eni Petroleum's SS 246-A Platform.

MMS-2012-00050	January 04, 2012	January 04, 2012	January 12, 2012	Istre Rachael	BSEE	Completed
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Surface Commingling Applications for VR 252 and VR 253, OCS-G 05431 and 17912.

MMS-2012-00086	December 15, 2011	January 06, 2012		Saiz Elaine	BSEE	Open
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Request for NIGC retention registers and completed records used in the reduction in force action created by this bureau for use by NIGC.

MMS-2012-00053 January 12, 2012 January 12, 2012 December 05, 2012 DeMarco Betsy BSEE Completed

Documents relating to condensate P/L in EI 11 and 63, in the Atchafalaya and a 2/24/10 incident involving the dredge G. D. Morgan, August 2007 through the present.

MMS-2012-00052 January 12, 2012 January 12, 2012 February 09, 2012 Istre Rachael BSEE Completed

Surface Commingling Application for VR 250 C and VR 250 C-Aux 1, Right-of-Use and Easement No. G23670 and/or Lease OCS G27072.

MMS-2012-00054 January 13, 2012 January 17, 2012 January 27, 2012 Ho S. Grace BSEE Completed

Documents regarding Velocity DataBank log and well file contracts.

MMS-2012-00085 January 03, 2012 January 18, 2012 February 01, 2012 Connelly Kate BSEE Completed

Request for copies of FOIA logs received from January 2008 to present.

MMS-2012-00058 January 20, 2012 January 20, 2012 March 14, 2012 McLeod E. Martin BSEE Completed

Accident investigation - incident with the Enbridge (El Paso) pipeline and the dredge Bayport on 3/30/11.

MMS-2012-00153 January 19, 2012 January 25, 2012 Ancel Devorah BSEE Open

Follow-up to a FOIA request submitted on June 21, 2011 (MMS-2011-00174). Request received was not sufficient or complete. Request for emails, memoranda, records or telephone conferences, correspondence and communication of any type between BP officials/employees/agents (or any other person) and BOEMRE/MMS officials and/or any other federal agency leading up to the approval the 2009 GOMR Oil Spill Response Plan ("OSRP") and BP's exploration drilling plan.

MMS-2012-00062 January 27, 2012 January 27, 2012 March 26, 2012 Braddock Wendy BSEE Completed

Structural drawings for Murphy's G05748 in MO 863.

MMS-2012-00063 January 27, 2012 January 27, 2012 February 03, 2012 Uzee Denise BSEE Completed

BSEE-Accident Investigation-on the D/B BOAZ in VR 201, on 10/10/08.

MMS-2012-00064 January 27, 2012 January 30, 2012 February 27, 2012 White Frederick BSEE Completed

Correspondence, records, and decision included in the BSEE, MMS, & BOEMRE records for the offshore oil and gas units Point Pedernales and Tranquillon Ridge dated January 1, 1994 to present.

MMS-2012-00071 January 31, 2012 January 31, 2012 March 14, 2012 Halverson Teri BSEE Completed

Installation, modification, decommission of P/L SN's 3533 & 3600.

MMS-2012-00087 January 21, 2012 January 31, 2012 April 23, 2012 Matthews Jason BSEE Completed

Request for total cost of requests made by OCS operators for reimbursements on food by year since 2005; the number of companies who submitted requests for food reimbursements by year since 2005; and the official agency policy and procedures on handling reimbursements to OCS operators.

MMS-2012-00090 January 24, 2012 January 31, 2012 November 29, 2012 Rodgers Anne BSEE Completed

Request for all documents responding to the FOIA request submitted by Food and Water Watch on September 28, 2010.

MMS-2012-00094 January 31, 2012 January 31, 2012 Ho S. Grace BSEE Open

Correspondence with Shell, re Historical Well Data Cleanup Project for OCS G00950, 2000-2010.

BSEE-2013-00078 January 30, 2012 January 31, 2012 Larson Sonja BSEE Open

Request for a copy of the report developed for Project Number 673: Effective Daily Recovery Capacity (EDRC) Project.

MMS-2012-00091 January 31, 2012 February 01, 2012 September 24, 2012 Harris Holly BSEE Completed

Request for documents relating to the Beaufort Spill Plan and documents relating to the Arctic Working Group. Request documents generated since FOIA Request No. MMS-2011-00164 on May 31, 2011.

MMS-2012-00072 February 02, 2012 February 02, 2012 February 17, 2012 Istre Rachael BSEE Completed

Public records regarding P/L SN 3335.

MMS-2012-00073 February 07, 2012 February 07, 2012 Chapman Bryan BSEE Open

Surface site clearance for OCS G08211 & 08212, in EB 945 & 946.

MMS-2012-00089 February 03, 2012 February 07, 2012 Wyner Andrew BSEE Open

Request for the statement of work and final report provided by McKinsey and Company as a result of contract GS 10F0118S: INM10PD00472.

MMS-2012-00074 February 08, 2012 February 08, 2012 May 21, 2012 Blanda Nicholas BSEE Completed

Inspection and INC reports for EI 252 C & L from 2005 through the present.

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FOIA Number	Request Date	Receipt Date	Completion Date	Requester Name	Bureau	Status
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MMS-2012-00075 February 09, 2012 February 09, 2012 February 29, 2012 Hebert Brandon BSEE Completed

Historical data pertaining to P/L SN 1240, ROW G13506.

MMS-2012-00088 February 09, 2012 February 10, 2012 Mix Mary BSEE Open

Request for statement of work for Contract Number E12PC00015 awarded to SAGE Horizons Consulting, Alexandria, VA.

MMS-2012-00076 February 13, 2012 February 13, 2012 February 13, 2013 Evans John BSEE Completed

\*DWHZ\* Documents filed by TransOcean in support of their appeal of INC's issued on 10/12/1.

MMS-2012-00082 February 13, 2012 February 14, 2012 Kunzelman Michael BSEE Open

\*DWHZ Request for copies of emails sent and received by former BSEE director Michael Bromwich and his predecessor, Elizabeth Birnbaum, between April 20, 2010 and July 31, 2010., related to the Deepwater Horizon incident.

MMS-2012-00080 February 13, 2012 February 14, 2012 March 29, 2012 Santiago Rosemarie BSEE Completed

Request in ASCII or Excell spreadsheet, all well tests for years 2009, 2010 & 2011 for Pacific OCS Region.

MMS-2012-00081 February 15, 2012 February 15, 2012 February 27, 2012 White Frederick BSEE Completed

Request all correspondence, records, and decision included in the BSEE records, including records from predecessor or agencies MMS & BOEMRE for the offshore oil and gas Bonito unit ranging from July 1, 1981 to present.

MMS-2012-00079 February 17, 2012 February 17, 2012 October 05, 2012 Carrigan Christopher BSEE Completed

Dataset provided by BOEMRE to Resources for the Future regarding inspections/INC's for 1986-2010.

MMS-2012-00093 February 28, 2012 February 28, 2012 March 27, 2012 White Frederick BSEE Completed

Request all correspondence, records, and decision included in the BSEE records, including records from the predecessor agencies MMS & BOEMRE for the offshore oil and gas Point Arguello Unit.

MMS-2012-00095 February 28, 2012 March 01, 2012 March 27, 2012 Taylor Annalisa BSEE Completed

Approved structure documents for XTO Energy, Inc.'s Platform A in OCS G03419, located in MP 116.

MMS-2012-00096 March 05, 2012 March 05, 2012 June 19, 2012 Dykes James David BSEE Completed

Compliance records for Chevron for specified leases.



MMS-2012-00098    March 05, 2012    March 06, 2012    May 24, 2012    Melancon J. Michael    BSEE    Completed

Documents related to the unrestricted flow of Stingray's P/L SN 3397 on 5/7/12; showing P/L SN's 5035/15721 also needed to terminate flow; regs that allowed the unrestricted flow.

MMS-2012-00099    March 08, 2012    March 08, 2012    August 17, 2012    Blanda Nicholas    BSEE    Completed

Inspections/INC's for Merit's EI 240 from 2005; Accident Investigation for Merit's EI 240 incident on 5/1/11.

MMS-2012-00102    March 06, 2012    March 09, 2012    March 09, 2012    Parker Kyle    BSEE    Completed

Request for records related to the evaluation, review and approval of SGOMI's Chukchi Sea Region Exploration Program Oil Spill Response Plan.

MMS-2012-00101    March 09, 2012    March 14, 2012    April 25, 2012    Seelman Joan    BSEE    Completed

Request copies of all documents and materials concerning well permit applications and all approvals/rejections of well permits for OCS-P 0166 for 2008, 2009, 2010, 2011 and 2012.

MMS-2012-00104    March 15, 2012    March 15, 2012    March 16, 2012    Vetter Benjamin    BSEE    Completed

May 30, 1996 guideline letter in NTL 99-G05.

MMS-2012-00110    March 07, 2012    March 15, 2012    April 18, 2012    Traut Marc    BSEE    Completed

Requesting well logs associated with various exploratory wells drilled in the eastern Santa Barbara Channel.

MMS-2012-00107    March 16, 2012    March 16, 2012    May 10, 2012    Fancher J. Lawson    BSEE    Completed

All records associated with seismic information and geologic maps file submitted for ocsg05440 (VR 342) and ocsg24860

(VR 342).

MMS-2012-00113    March 22, 2012    March 26, 2012    April 18, 2012    Seelman Joan    BSEE    Completed

Request all correspondence, records, and decision included in the BSEE records, including records from the predecessor agencies MMS & BOEMRE for the offshore oil and gas Point Arguello Unit.

MMS-2012-00114    March 20, 2012    March 28, 2012    August 24, 2012    Rowe Casey    BSEE    Completed

Request for HR related information regarding vacancy announcements

MMS-2012-00115    March 20, 2012    March 28, 2012    August 24, 2012    Rowe Casey    BSEE    Completed

Requesting HR related information regarding job announcements

MMS-2012-00116    March 21, 2012    March 28, 2012    August 24, 2012    Rowe Casey    BSEE    Completed

Request for HR information regarding resume for employee selected under job announcement BOEM-SL-12-MM552122

MMS-2012-00117    March 21, 2012    March 28, 2012    August 24, 2012    Rowe Casey    BSEE    Completed

Request for HR information pertaining to selected personnel for copies of their Employee Performance Appraisal Plans

MMS-2012-00121    March 28, 2012    March 28, 2012    November 07, 2012    Clark Aaron    BSEE    Completed

Documents regarding planned maintenance of BP's Atlantis.

MMS-2012-00122    March 29, 2012    March 29, 2012                      Burdeau Cain                      BSEE    Open

Boreholes in the idle iron program.

MMS-2012-00129    April 03, 2012    April 03, 2012    October 05, 2012    Christensen Laura                      BSEE    Completed

Request copies of any and all materials or documents, that reference, discuss or evaluate whether there were sufficient oil spill response resources available to respond such as skimmers, boom, dispersants, etc. in the event that another deepwater spill had occurred while the BP Oil Spill. Specifically ref in a memo dated July 12, 2010 to Michael R. Bromwich, director of BOEMRE, related to the decision to suspend certain offshore permitting and drilling activities on the Outer Continental Shelf.

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MMS-2012-00127    April 04, 2012    April 04, 2012    May 01, 2012    Istre Rachael                      BSEE    Completed

Lease Term P/L abandonment docs from 2008 re SN 12496.

BSEE-2012-00182    April 04, 2012    April 04, 2012                      Wilcox Dale                      BSEE    Open

All documents referring or relating to the acquisition or use of commemorative items, including but not limited to coins, trophies, certificates or any other form of token or award per fiscal year from the time period Jan 2009 to the present. The purpose of such commemorative items, and whether the award was

deemed permissible. All documents referring or relating to the recipients of such commemorative items as to whether recipients were non-federal or federal employees

MMS-2012-00135 April 11, 2012 April 11, 2012 October 24, 2012 Rowe Casey BSEE Completed

Information related to official travel to Pensacola, FL for Joe Christopher and Kristen Strellec from March 1, 2007 to March 2, 2007: Official TDY Traveler Authorizations; Travel Vouchers and Names of officials who approved the travel vouchers for Joe Christopher and Kristen Strellec.

MMS-2012-00138 April 12, 2012 April 12, 2012 April 20, 2012 Edwards Johnny BSEE Completed

Structure drawings for Murphy's Lease Number OCS 00599 in ST 063.

MMS-2012-00139 April 13, 2012 April 13, 2012 July 18, 2012 Couden Andrew BSEE Completed

The project report mentioned in the post-storm MODU report for the T/O Marianas located in GC 516 in 2008.

MMS-2012-00144 April 13, 2012 April 13, 2012 August 23, 2012 Rowe Casey BSEE Completed

Information related to any employee grievances or EEO complaints (formal or informal) filed against GOMR supervisors; Robert Martinson, Gary Goeke, Joe Christopher between Jan 1, 2007 and March 21, 2012. Number of grievances filed against each supervisor, date each grievance was filed, and the subjects of the grievances; Number of EEO complaints filed against each supervisor, subject of each complaint, date each complaint was filed.

MMS-2012-00140 April 16, 2012 April 16, 2012 April 26, 2012 Bailey Cindy BSEE Completed

Well files for Lease Number OCS G02538, Well Number 008, in WC 266.

MMS-2012-00145 April 17, 2012 April 17, 2012 December 12, 2012 Veazey G. Andrew BSEE Completed

Variety of documents associated with Lease Number OCS G07824 in MP 252.

MMS-2012-00146 April 18, 2012 April 18, 2012 June 22, 2012 Edwards Johnny BSEE Completed

Structural drawings for 12 Murphy facilities.

MMS-2012-00156 April 18, 2012 April 18, 2012 May 29, 2012 Thomley Michael BSEE Completed

Request spud date, surface and bottom hole location, current status, and well name for all wells ever drilled in Point Arguello and Rocky Point Unit and the Eastern Half of Lease OCS-P 0451.

MMS-2012-00149 April 18, 2012 April 20, 2012 August 16, 2012 Baughan Kelly BSEE Completed

Accident Investigation for an incident which occurred on 4/18/11, Lease Number OCS G02241, Platform A, in WC 643.

MMS-2012-00150 April 20, 2012 April 20, 2012 May 15, 2012 Brown Chris BSEE Completed

Rigs in SM 149 prior to ENSCO 74 in 8/7/08.

MMS-2012-00148 April 19, 2012 April 20, 2012 May 24, 2012 Pisciola Kelley BSEE Completed

Accident Reports and INC's for Lease Numbers OCS G21444 and G21447, located in KC 875 and 919, for the specified dates.

MMS-2012-00147 April 13, 2012 April 20, 2012 July 12, 2012 Shaw Franklin BSEE Completed

Accident Investigation for May 1, 2011 incident in Garden Banks involving the Noble Jim Thompson.

MMS-2012-00154 April 23, 2012 April 24, 2012 May 22, 2012 Edwards, Johnny BSEE Completed

Structure drawings for Platform B in Lease OCS G02865, located in VR 022.

MMS-2012-00155 April 24, 2012 April 25, 2012 May 01, 2012 Willhoft Jill BSEE Completed

Permits, investigations, plans regarding Poydras Energy Partners in MP 035.

BSEE-2012-00176 May 01, 2012 May 01, 2012 July 03, 2012 Fahys Jeffrey BSEE Completed

INC's relating to Lease # OCS G01997, Well # A007 located in WC 171.

BSEE-2012-00175 May 01, 2012 May 01, 2012 June 26, 2012 Thornton Cathy BSEE Completed

List of INC's for ERT GOM, Inc., 2009-2012.

BSEE-2012-00174 April 30, 2012 May 01, 2012 July 09, 2012 Fahys Jeffrey BSEE Completed

Documents, charts, maps relating to Lease # OCS G01997, Wekk A007, located in WC 171.

MMS-2012-00160 May 08, 2012 May 08, 2012 June 08, 2012 King Kevin BSEE Completed

Request an ASCII file of Pacific's well completion data detail list arrayed by field name.

MMS-2012-00163 May 08, 2012 May 08, 2012 Harris Holly BSEE Open

All documents relating to Shell's 10 APDs in the Beaufort and Chukchi seas; capping stack and related equipment that Shell intends to use to support its Arctic exploration drilling activities; and Shell's Arctic Containment System and related equipment, including the vessel and barge, that Shell intends to use to support its Arctic exploration drilling activities. All documents sent to and/or received from Shell Offshore Inc., Shell Gulf of Mexico Inc., and/or all agencies, bureaus or gov

MMS-2012-00161 May 09, 2012 May 09, 2012 August 23, 2012 Rowe Casey BSEE Completed

Request to obtain copies of an employee's Performance Appraisal Plans for Fiscal Years 2010 and 2011.

MMS-2012-00166 May 08, 2012 May 10, 2012 Harris Holly BSEE Open

BSEE AK Region - All documents relating to Shell's 10 APDs in the Beaufort and Chukchi seas; All documents relating to the capping stack and related equipment that Shell intends to use to support its Arctic exploration drilling activities; and, All documents relating to Shell's Arctic Containment System and related equipment, including the vessel and barge, that Shell intends to use to support its Arctic exploration drilling activities.

MMS-2012-00170 May 14, 2012 May 15, 2012 May 29, 2012 Baird Bruce BSEE Completed

Request for HR Related information regarding Time and Attendance Issues

MMS-2012-00173 May 09, 2012 May 21, 2012 June 20, 2012 Cohen David BSEE Completed

requesting well logs, directional surveys, wellbore diagrams, drilling, completion, testing history information on Lease #0240.

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FOIA Number	Request Date	Receipt Date	Completion Date	Requester Name	Bureau	Status
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MMS-2012-00172 May 16, 2012 May 21, 2012 February 25, 2013 Floegel Mark BSEE Completed

Request for communications between Royal Dutch Shell, its subsidiaries or its representatives from Akin Gump Strauss Hauer and Feld, Blank Rome LLP and Patton Boggs LLP and James Watson, David Moore, Charles Barbee, Mark Fesmire regarding Shell's activities in Alaska or the waters adjacent thereto, including any activities in the Chukchi and Beaufort Seas for the time period of January 1, 2008 to May 16, 2012.

BSEE-2012-00177 May 23, 2012 May 23, 2012 December 11, 2012 Jeppeson Jon BSEE Completed

Permit applications/drawings for HI 167, Platform A.

BSEE-2012-00179 May 23, 2012 May 23, 2012 August 24, 2012 King Rhett BSEE Completed

Accident Report for an incident occurring on 4/29/12 and involving W & T Offshore.

BSEE-2012-00178 May 23, 2012 May 23, 2012 June 29, 2012 Darling Thomas BSEE Completed

Inspection report for WD 152 A from 2000 - 2006.

BSEE-2012-00180 May 24, 2012 May 24, 2012 June 05, 2012 Kirby Steven BSEE Completed

Request for information related to preparation or issuance of BOEM's Supplemental Bond Orders to Signal dated September 8, 2011 and April 30, 2012 (collectively "Order") re: Requirement for Lease OCS-P 0166

BSEE-2012-00184 May 24, 2012 May 25, 2012 July 18, 2012 Kirby Steven BSEE Completed

Requesting records related related to preparation or issuance of BOEM's Supplemental Bond Orders to Signal Hill.

BSEE-2012-00185 May 30, 2012 May 30, 2012 July 24, 2012 Young Timothy BSEE Completed



Accident Investigation Report for the 6/6/11 incident on Murphy's Platform A; Lease # OCS G21790, located in GC 338.

BSEE-2012-00187 June 07, 2012 June 07, 2012 July 24, 2012 Coffman Richard BSEE Completed

List of Lessees affected by NTL 2010-N04 on May 30, 2010 moratorium on deepwater drilling.

BSEE-2012-00188 June 08, 2012 June 11, 2012 October 19, 2012 Schaumberg Peter BSEE Completed

Documents relating to Lease OCS G02357, Platform A, located in HI 154.

BSEE-2012-00189 June 13, 2012 June 13, 2012 July 02, 2012 Bordelon Sarah BSEE Completed

All FOIA requests, after May 2011, received seeking info related to the evaluation, review, and approval of 1) Shell's Chukchi Sea Oil Spill Response Plan (approved on 02/17/12), and 2) Shell's Beaufort EP Oil Spill Response Plan (approved on 03/28/12)

BSEE-2012-00191 June 15, 2012 June 15, 2012 October 10, 2012 McLaughlin Sean BSEE Completed

Civil Penalty Case # G-2008-003.

BSEE-2012-00192 June 15, 2012 June 15, 2012 October 31, 2012 McLaughlin Sean BSEE Completed

INC's to Linder Oil Company from 2003-2012.

BSEE-2012-00194 June 15, 2012 June 15, 2012 McLaughlin Sean BSEE Open

Civil Penalty Case # G-2007-006.

BSEE-2012-00193 June 15, 2012 June 15, 2012 McLaughlin Sean BSEE Open

Civil Penalty Case # G-2009-001.

BSEE-2012-00196 June 22, 2012 June 22, 2012 July 31, 2012 Pisciola Kelley BSEE Completed

Civil Penalty case file regarding Lease Numbers G24102 & G241007.

BSEE-2012-00197 June 21, 2012 June 22, 2012 Tupper Ted BSEE Open

TIMS data subset.

BSEE-2012-00202 July 03, 2012 July 05, 2012 October 12, 2012 Corbo Page BSEE Completed

Request exact copies of any Contracts, Purchase Orders and/or Awards issued for the purchase or acquisition of any SSL Server Certification for your agency during the fiasy year 2011 and 2012 year to date as well as: 1) Contract information for the procurement point of contact (email and/or mailing address); 2) Number of total servers that require the use of standard SSL certificates; 3) Number of total servers that require the use of EV SSL certificates.

BSEE-2012-00198 July 05, 2012 July 06, 2012 August 03, 2012 Hover Lea Ann BSEE Completed

Well Files for Lease Number G01998, Well Numbers 006 & 115, located in WC 172.

BSEE-2012-00200 July 06, 2012 July 06, 2012 Winton James BSEE Open

Well Files for specified leases.

BSEE-2012-00201 July 10, 2012 July 10, 2012 October 05, 2012 Castalano Stefanie BSEE Completed

A copy of the latest report (whether considered draft or final) by the Investigative Review Unit regarding allegations of unethical behavior by BSEE employees in the Office of Offshore Regulatory Programs.

BSEE-2012-00205 July 09, 2012 July 12, 2012 October 25, 2012 Hardy IV Samuel BSEE Completed

Documents related to Cameron International Corporation.

BSEE-2012-00203 July 16, 2012 July 16, 2012 August 30, 2012 Steiner Rick BSEE Completed

Request for all documents and other records pertaining to results of Shell oil company's testing of its well-head capping stack that would be used in response to a well-head blowout in its Arctic drilling program. To include all reports, formal and informal, regarding the testing of the capping stack and any concerns regarding its potential performance in Arctic conditions.

BSEE-2012-00207 July 16, 2012 July 19, 2012 October 25, 2012 Koehl, Jr. Edward BSEE Completed

Accident Investigation Report for the incident which occurred on 6/6/11, on Murphy's Front Runner SPAR, located in GC 338.

BSEE-2012-00206 July 17, 2012 July 20, 2012 November 29, 2012 Loegering Cory BSEE Completed

Permit applications & drawings for Platform B associated with Lease Number OCS 00091, located in EI 284.

BSEE-2012-00204 July 26, 2012 July 26, 2012 September 18, 2012 Exempt Information BSEE Completed

Exempt Information

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BSEE-2012-00208	July 27, 2012	July 27, 2012	October 05, 2012	Peuler Elizabeth	BSEE	Completed
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HR Related Request

BSEE-2012-00212	July 31, 2012	July 31, 2012		Harris Holly	BSEE	Open
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ConocoPhillip's Chukchi Spill Plan (OSRP) and all related docs, consultations BSEE is conducting pursuant to the Endangered Species Act and BSEE's environmental review of the Chukchi Spill Plan under the NEPA.

BSEE-2012-00213	July 31, 2012	July 31, 2012		Harris Holly	BSEE	Open
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All documents relating to Chukchi Spill Plan including, but not limited to, any consultation(s) BSEE is conducting pursuant to the Endangered Species Act, and BSEE's envir. review of the CSP under the National Environmental Policy Act; and all documents relating to the Artic Working Group's review/input regarding the CSP including documents generated and/or received from any member of the Working Group including deputy level represen./ any other representative or staff member from the agency

BSEE-2012-00211	August 07, 2012	August 07, 2012	September 04, 2012	Patzkowski Blaise	BSEE	Completed
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Requesting all records related to the Elly oil platform incident of the coast of San Pedro on June 7, 2012.

BSEE-2012-00210	August 08, 2012	August 08, 2012	September 18, 2012	Phillips Denise	BSEE	Completed
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HR Related request for a copy of selected applicant's resume

BSEE-2012-00209	August 09, 2012	August 09, 2012	October 31, 2012	Dinh Hang	BSEE	Completed
Documents denying Eni US Operating's 2010 completion permits for Lease OCS G07049.						
BSEE-2012-00214	July 11, 2012	August 10, 2012	September 07, 2012	Taylor Steve	BSEE	Completed
INC reports for Lease Numbers OCS G01812 and G18936, from 11/2007 through the present.						
BSEE-2012-00215	August 13, 2012	August 16, 2012	September 24, 2012	Exempt Information	BSEE	Completed
Exempt Information						
BSEE-2012-00216	August 23, 2012	August 23, 2012	September 11, 2012	Uzee Denise	BSEE	Completed
Accident Investigation Report for an incident on 11/14/09, involving Apache's lease in GI 040.						
BSEE-2012-00217	August 23, 2012	August 23, 2012	September 07, 2012	Uzee Denise	BSEE	Completed
Accident Investigation Report for an incident on 2/25/11 involving Apache's lease in West Lake Verret.						
BSEE-2012-00218	August 23, 2012	August 23, 2012	September 12, 2012	Buell Guillaume	BSEE	Completed
Accident Investigation Reports relating to the Noble Danny Adkins and the Noble Jim Day.						
BSEE-2012-00219	August 31, 2012	August 31, 2012	September 11, 2012	Uzee Denise	BSEE	Completed

Accident Investigation for an incident on 9/26/06 aboard the C/B Terry Lynn.

BSEE-2012-00227   September 05, 2012   September 05, 2012   December 13, 2012   Tupper Ted   BSEE   Completed

Request for IT Report data element coding.

BSEE-2012-00220   September 05, 2012   September 05, 2012   September 19, 2012   Trimble Saiz Elaine   BSEE   Completed

HR Related request for Information

BSEE-2012-00221   September 13, 2012   September 14, 2012   October 05, 2012   Carrier Kim   BSEE   Completed

Original structure drawings for HI 494, Platform B, installed 1/1/82.

BSEE-2012-00222   September 13, 2012   September 17, 2012   October 03, 2012   Traut Marc   BSEE   Completed

Request copies of well logs associated with the platform wells drilled in the eastern Santa Barbara Channel from the Gail (Sockeye) and Gina (Hueneme) platforms.

BSEE-2012-00223   September 11, 2012   September 17, 2012   September 27, 2012   Allen Eric   BSEE   Completed

Accident Investigation Report for any incidents in October 2011 on Chevron's Genesis Spar or Nabor's Rig 85, located in GC 205.

BSEE-2012-00225   September 14, 2012   September 18, 2012   October 16, 2012   Exempt Information   BSEE   Completed

Exempt Information

BSEE-2012-00224 September 18, 2012 September 19, 2012 January 15, 2013 Nardone Gregg BSEE Completed

Inspection Reports for Lease OCS Numbers G04940, G05809, and G14021.

BSEE-2012-00226 September 19, 2012 September 20, 2012 November 28, 2012 Ryan John BSEE Completed

I request access to and electronic copies of any formal or informal reports created after Sept. 10, 2012, concerning inspections and/or field tests of the oil-spill containment system (a/k/a containment dome) of Shell Oil's "Arctic Challenger" barge in Puget Sound, Washington state. Inspectors from BSEEs Anchorage, Alaska, office attended these tests.

FY 2011 Bureau Log generated by EFTS at Thu Feb 28 11:12:31 EST 2013

144 records in this log.

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MMS-2011-00001 September 27, 2010 October 01, 2010 October 07, 2010 Jophlin Aaron BSEE Completed

Info pertaining to oil rig blowouts, "BOP valves", cement seals and/or plugs, Safety and Emergency Management Plans for oil rigs and operators, and/or "cementing".

MMS-2011-00002 October 01, 2010 October 01, 2010 October 07, 2010 Spinney Patti BSEE Completed

Record Title Ownership for ROW's OCS G02139, SN 1127, and OCS G02139A, SN 1128.

MMS-2011-00005    October 06, 2010    October 06, 2010    October 21, 2010    Uzee Denise    BSEE    Completed

Accident on 7/28/09 regarding W&T's SS 33C

MMS-2011-00006    October 06, 2010    October 06, 2010    November 10, 2010    Uzee Denise    BSEE    Completed

Accident on 6/20/09 regarding Mariner's HI 175

MMS-2011-00007    October 06, 2010    October 07, 2010    October 21, 2010    Uzee Denise    BSEE    Completed

Accident on 4/30/07 regarding Chevron's GC 6A

MMS-2011-00008    October 07, 2010    October 08, 2010    July 15, 2011    Curtis Larry    BSEE    Completed

Accident on 9/20/10 regarding Contango's EI 11H.

MMS-2011-00009    September 23, 2010    October 08, 2010    October 25, 2010    Hebert Brandon    BSEE    Completed

Cathodic protection readings for pipeline segment 1240 for the past 3 years

MMS-2011-00013    October 07, 2010    October 12, 2010    November 02, 2010    Breaud Alan    BSEE    Completed

Complete file on the captioned incident, including, or as well as, all permits applied for and issued to Mariner Energy, Inc. and/or Mariner Energy Resources, Inc. for the drilling of a well at VK Bl. 992 in 10/2005.

MMS-2011-00016    October 11, 2010    October 12, 2010    November 05, 2010    Donovan Morgan    BSEE    Completed



Lat/long of deepwater wells/rigs.

MMS-2011-00018    October 13, 2010    October 13, 2010    April 08, 2011    Grafe Erik    BSEE    Completed

Copies of Shell Offshore Inc. APD in 2011 under its 2010 Outer Continental Shelf Lease Exploration Plan for Camden Bay, Alaska (Exploration Plan); responses to NTL 2010 ]N06 (and the associated executive summary); and updates to its Exploration Plan as well as all memoranda, studies, reports, data, correspondence, comments, conversation records, files, electronic mail records, or other documents, which were generated, received, kept and/or considered by BOEMRE relating to the above.

MMS-2011-00019    October 06, 2010    October 13, 2010    November 23, 2012    Wachter Eric    BSEE    Completed

Same info as MMS-2010-00082.

MMS-2011-00020    October 14, 2010    October 14, 2010    November 10, 2010    Duplechin Mark    BSEE    Completed

Info regarding P/L's requiring abandonment in the next 6 months.

MMS-2011-00022    October 18, 2010    October 18, 2010    November 02, 2010    Brown Jade    BSEE    Completed

FOIA Log request. By FOIA Log I mean the document that your agency uses to track all in coming and out going FOIA-materials requested, requestor info and dates of requests.

MMS-2011-00026    October 19, 2010    October 20, 2010    June 22, 2011    Logan Melissa    BSEE    Completed

Well files for OCS G 02732, G02733, and G03248, in HI A302, 303, and 318.

MMS-2011-00023    October 20, 2010    October 21, 2010    January 21, 2011    O,Neill Eileen    BSEE    Completed

Variety of documents regarding rigs owned/maintained by BP and any of its subsidiary/parent companies for past 10 years.



Request for HR related information.

MMS-2011-00035    November 09, 2010    November 09, 2010    December 09, 2010    Esparza Jacob                      BSEE    Completed

All documents relating to SS 148 "H" platform and "H2" well which was re-designated as SS 148 "K" platform and "K2" well.

MMS-2011-00036    November 10, 2010    November 10, 2010    November 23, 2010    Mukherji Renee                      BSEE    Completed

\*DWHZ\* - BP's APD for the Macondo well, approved 5/22/09 - not in reading room.

MMS-2011-00037    November 11, 2010    November 12, 2010    July 19, 2011      Casselman Ben                      BSEE    Completed

Docs re Civil Penalty Case G-2009-027, Mariner Energy.

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MMS-2011-00038    November 15, 2010    November 16, 2010    December 15, 2010    Shu Steven                      BSEE    Completed

Deepwater Production Riser Data in the GOM

MMS-2011-00040    November 16, 2010    November 16, 2010    June 24, 2011      Goodridge LaTasha                      BSEE    Completed



Request for documents that pertain to correspondences or meetings between BOEMRE and International Regulators Forum (IRF) from January 2010 to the present

MMS-2011-00064    January 25, 2011    January 27, 2011                      Kahn Chris                      BSEE    Open

The requester is seeking the supplemental information/reports submitted by oil companies in response to NTL 2010-N06

MMS-2011-00067    November 22, 2010    January 31, 2011    September 21, 2011    Danhof Justin                      BSEE    Completed

\*DWHZ\*all documents relating to exchanges between DOI and Carol Browner's (Assistant to the President for Energy and Climate Change) office that relate to the Increased Safety Measured for Energy Development on the Outer Continental Shelf Report, the April 20, 2010 deepwater drilling rig explosion, or any substantially related matter.

MMS-2011-00068    February 04, 2011    February 04, 2011    February 15, 2011    Kahn Chris                      BSEE    Completed

Shell's OSRP for GB 427 that was in effect prior to 4/20/10.

MMS-2011-00069    February 03, 2011    February 08, 2011    February 23, 2011    Daigle Susan                      BSEE    Completed

Information related to Investigation of the fire/injuries/death at the Apache Corp. platform EC 2 on 1/13/10

MMS-2011-00071    February 09, 2011    February 09, 2011    April 20, 2011    Smithberger Mandy                      BSEE    Completed

A copy of BOEMRE/McKinsey & Co. contract, any other contract McKinsey has with DOI/ONRR solicitations relating there to and of records of ethics or conflict of interest disclosures

MMS-2011-00073    February 14, 2011    February 15, 2011    July 06, 2011    Evans Cade                      BSEE    Completed

Accident Investigation for an incident associated w/ OCS G02027 in WC 639 on 2/27/09.

MMS-2011-00075 February 18, 2011 February 22, 2011 November 28, 2012 Jasny Michael BSEE Completed

CER with analysis on revised EP (control #5118) submitted by Anadarko Petroleum Corp. and approved.

MMS-2011-00076 February 23, 2011 February 23, 2011 March 02, 2011 Baker Martina BSEE Completed

Ccertified report OCS MMS 2009-008, accident investigation PN 696, Platform JA, OCS-G 05953, 1/19/08.

MMS-2011-00077 February 23, 2011 February 23, 2011 March 17, 2011 Reis Patrick BSEE Completed

Request for a "shutdown plan" that is place should congressional appropriations fail and the government must shut down

MMS-2011-00083 February 23, 2011 February 25, 2011 March 09, 2011 O'Neil Lauren BSEE Completed

Documents regarding Marine Well Containment Company.

MMS-2011-00119 February 27, 2011 March 01, 2011 April 25, 2011 Christian George BSEE Completed

Request for checks issued by BOMRE prior to August 01, 2010 that have not yet been redeemed, cashed or otherwise presented for payment.

MMS-2011-00080 March 01, 2011 March 01, 2011 April 06, 2011 Martinelli Vince BSEE Completed

Request for the list of credit card buyers in BOEMRE

MMS-2011-00081 March 01, 2011 March 02, 2011 Schumacher Clint BSEE Open

Documents regarding Lease OCS-G 22367, from 4/20/10 to present; files related specifically to Discoverer Inspiration and Discoverer Clear Leader.

MMS-2011-00090 March 03, 2011 March 03, 2011 March 18, 2011 Alleyne Wayne BSEE Completed

Requesting offshore/onshore pipeline and facility GIS data for the Santa Barbara Channel and Santa Maria Basin.

MMS-2011-00082 March 02, 2011 March 03, 2011 March 04, 2011 Conaway Laura BSEE Completed

Noble Energy's OSRP for MC 519; audio file and transcript of Michael Bromwich's conference call with reporters on 2/28/11.

MMS-2011-00084 February 28, 2011 March 03, 2011 December 05, 2012 Chiartano Gregory BSEE Completed

Information regarding an accident that occurred on 2/24/10 in the EI area, and associated with a Contango Pipeline; dredging activity in the area from 5/07-12/10.

MMS-2011-00093 March 07, 2011 March 07, 2011 March 22, 2011 Pell Nancy BSEE Completed

All reviews of Outer Conitinenta Shelf (OCS) oil and gas lease sale bids conducted by the Attorney General or the Federal Trade Commission (FTC)- All notes, memoranda, e-mails, electronic documents, ploicy statements, internal directives, correspomdence, internal external communication, or information of any nature whatsoever relating to the review of OCS oil and gas lease sale results conducted pursuant to 43 USC 1337(c) by the AG or the FTC since 1978.

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FOIA Number Request Date Receipt Date Completion Date Requester Name Bureau Status

=====Subject

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MMS-2011-00085    March 09, 2011    March 09, 2011    April 25, 2011    McNeil Kevin                    BSEE    Completed

Copies of and all correspondence between the BOEMRE and the Office of Congressman Trent Frank, from 2003-2011.

MMS-2011-00086    March 09, 2011    March 09, 2011    March 17, 2011    Klimasinska Katarzyna                    BSEE    Completed

Noble Energy's APD & OSRP for MC 519.

MMS-2011-00089    March 14, 2011    March 14, 2011    March 18, 2011    Conaway Laura                    BSEE    Completed

Noble Energy's APD for MC 519.

MMS-2011-00088    March 14, 2011    March 14, 2011    March 18, 2011    Dubuisson, IV James                    BSEE    Completed

Accident Investigation involving BP's Pompano platform.

MMS-2011-00091    March 14, 2011    March 14, 2011    March 18, 2011    Klimasinska Katarzyna                    BSEE    Completed

BHP Billiton's APD and OSRP for GC 653.

MMS-2011-00110    March 05, 2011    March 14, 2011    April 13, 2011    Evans Barry                    BSEE    Completed

Requesting production data for FY 2010.

MMS-2011-00095    March 18, 2011    March 22, 2011    December 19, 2012    Gravitz Michael                    BSEE    Completed

APD's for Noble Energy, BHP Billiton, and ATP Gas & Oil, related to Helix and the MWCC systems.



MMS-2011-00101 March 22, 2011 March 23, 2011 March 24, 2011 Holmes Grayson BSEE Completed

Request for a copy of an environmental assessment created in connection with an EP submitted by Shell Offshore, Inc.

MMS-2011-00097 March 24, 2011 March 24, 2011 April 07, 2011 Baur Brandon BSEE Completed

DWHZ- Photos of Macondo well's blowout preventer.

MMS-2011-00098 March 24, 2011 March 24, 2011 December 09, 2011 Timm Katriina BSEE Completed

OSRP's for Noble, ATP, ExxonMobil, Chevron and BHP.

MMS-2011-00096 March 24, 2011 March 24, 2011 December 09, 2011 Klimasinska Katarzyna BSEE Completed

OSRP's for ATP Oil & Gas, ExxonMobil, and Chevron.

MMS-2011-00105 March 28, 2011 March 29, 2011 Soraghan Mike BSEE Open

Documents regarding the termination of suspension of permitting.

MMS-2011-00117 March 29, 2011 March 29, 2011 March 31, 2011 Foster Stephen BSEE Completed

Reference is made to the investigative report of American Bureau of Shipping with regard to inspection type CDS and the discontinuation of the classification body for vessels drilling system. The query is What caused the change in classification under IMO MODU code with ABS.

MMS-2011-00106 March 29, 2011 March 30, 2011 December 09, 2011 LaFontaine Peter BSEE Completed

Deepwater drilling permits and specific OSRP's.

MMS-2011-00104    March 28, 2011    March 30, 2011    April 07, 2011    Lambert Jim                    BSEE    Completed

Incident regarding ATP Titan on 11/3/10.

MMS-2011-00107    March 30, 2011    March 30, 2011    January 20, 2012    Yarvitz Mike                    BSEE    Completed

OSRP's for ATP, BHP, Exxon, Chevron, and Statoil.

MMS-2011-00108    March 30, 2011    March 31, 2011    April 22, 2011    Bland III Wilton                    BSEE    Completed

Incident on 2/15/11, M/V NACIS JOHN JR allision with Dang in South Pass.

MMS-2011-00109    March 31, 2011    March 31, 2011    April 13, 2011    Traut Marc                        BSEE    Completed

Obtain the shape files for the offshore oil fields located in the eastern Santa Barbara Channel, specifically the Pt. Hueneme complex and Sockeye.

MMS-2011-00123    April 04, 2011    April 04, 2011    April 29, 2011    Traut Marc                        BSEE    Completed

Requesting surface locations and directional surveys for variety of wells drilled in the Sockeye and Hueneme Fields from Platform Gina.

MMS-2011-00126    April 04, 2011    April 05, 2011    May 03, 2011    Traut Marc                        BSEE    Completed

Requesting information on Dual Induction logs, sonic logs, and mudlogs at a scale of 2"=100' for all exploratory wells and core holes drilled in variety of POCSR blocks.

MMS-2011-00116    April 05, 2011    April 05, 2011    April 14, 2011    Cappiello Dina                    BSEE    Completed

Request for copies of the Director of BOEMRE, Michael Bromwich's calendar from the date of his appointment to the present. The calendar should include all meetings, appointments, and phone calls Mr. Bromwich has participated in and the names of all individuals who participated in those meetings.

MMS-2011-00112    April 05, 2011    April 05, 2011    March 05, 2012    Lahey William                    BSEE    Completed

1st 7 Deepwater APD's and OSRP's.

MMS-2011-00113    April 05, 2011    April 05, 2011    June 17, 2011    Cappiello Dina                    BSEE    Completed

Request for the access of copies of "Conflict of Interest/Recusal Request" submitted to BOEMRE supervisors, district managers, district regional supervisors, in district offices dealing with the Gulf of Mexico OCS leasing, inspection and enforcement since Director Michael Bromich's September 12 ethics memo.. At a minimum, the AP should have access to the number of employees that have filed Conflict of Interest/Recusal Request and which companies they have a conflict of interest with.

MMS-2011-00118    April 05, 2011    April 06, 2011    May 18, 2011    Muehlenbachs Lucija                    BSEE    Completed

District no-flight logs.

MMS-2011-00122    April 12, 2011    April 12, 2011    June 17, 2011    Olivier Cheryl                    BSEE    Completed

Request for documents pertaining to the suspension actions in the Gulf of Mexico Region from 2008 to the present. The specifics of the suspension should indicate the Office, Names, Grade, Position, the offense cited and the penalty imposed.

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FOIA Number	Request Date	Receipt Date	Completion Date	Requester Name	Bureau	Status
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Subject

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MMS-2011-00134	March 29, 2011	April 13, 2011	April 27, 2011	Sharpton Darryl	BSEE	Completed
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\*DWHZ\*We request that copies of the crew foreman reports from the BP Oil I Deepwater Horizon Spill be provided to

Sharpton Brunson & Company, P.A. The specific documents for this request are the BP cleanup contractor's crew or crew foreman reports, which were generally hand written field notes...These reports were used to document site cleanup activities in Escambia County. To expedite our request we would like the crew reports for January 8 and January 13, 2011.

MMS-2011-00124	April 13, 2011	April 13, 2011	April 21, 2011	Seelman Joan	BSEE	Completed
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Correspondence regarding any redirection associated with Anaconda and Nautalus.

MMS-2011-00125	April 14, 2011	April 15, 2011	April 26, 2011	Kurek Kathleen	BSEE	Completed
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Request for position description.

MMS-2011-00127	April 15, 2011	April 15, 2011	January 20, 2012	Deibel Robert	BSEE	Completed
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OSRP's for BHP and Noble.

MMS-2011-00128	April 20, 2001	April 20, 2011	June 17, 2011	Mayer Wendy	BSEE	Completed
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FOIA log request for FY2010 and FY2011 (up to 04/20/2011)

MMS-2011-00129	April 20, 2011	April 21, 2011	June 08, 2011	Harris Holly	BSEE	Completed
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All documents relating to the Chukchi and Beaufort Spill Plans (or revisions thereto) including any changes Shell proposed following the Deepwater Horizon oil spill, Shell's equipment inventory, the calculation of the worst case discharge, any consultation(s) BOEMRE conducted pursuant to the Endangered Species Act, and BOEMRE environmental review of the proposed spill response techniques under the National Environmental Policy Act.

MMS-2011-00130 April 21, 2011 April 22, 2011 April 25, 2011 Barrentine Matt BSEE Completed

Request for copy of contract of the Gulf Coast Claims Administrator Ken Feinberg.

MMS-2011-00132 April 26, 2011 April 26, 2011 May 05, 2011 Clark Aaron BSEE Completed

Repairs/modifications BP's Mad Dog platform, GC Area, from the 2008 hurricanes.

MMS-2011-00141 May 03, 2011 May 03, 2011 May 18, 2011 King Kevin BSEE Completed

I am requesting an ASCII file that contains well completion data arrayed by field name.

MMS-2011-00137 May 03, 2011 May 03, 2011 May 05, 2011 Soileau Todd BSEE Completed

INC reports re Chevron platform at EI 24A for 2006-2010.

MMS-2011-00136 April 30, 2011 May 03, 2011 May 12, 2011 Perry S. Brian BSEE Completed

Well File from 2000 to present for OCS-G 1997, WC 171, Well A-7.

MMS-2011-00138 May 04, 2011 May 04, 2011 June 16, 2011 Dlouhy Jennifer BSEE Completed

FOIA request for copies of the log or index recieved by BOEMRE since Jan 1/2010

MMS-2011-00142 May 04, 2011 May 04, 2011 May 18, 2011 Segee Brian BSEE Completed

I am requesting a copy of the Development and Production Plan (DPP) for the Sockeye Field, Santa Clara Unit, Platform

Gina.

MMS-2011-00139 May 09, 2011 May 10, 2011 May 26, 2011 Shaw Franklin BSEE Completed

Incident of 5/1/11, regarding Noble Jim Thompson, Garden Banks

MMS-2011-00140 May 04, 2011 May 10, 2011 May 12, 2011 Dlouhy Jennifer BSEE Completed

APD's for ExxonMobil, KCI 919; OSRP certification and well containment for Noble Energy, MC 519.

MMS-2011-00144 May 11, 2011 May 11, 2011 May 26, 2011 Rainer Anna BSEE Completed

Injury Report re Noble Jim Thompson.

MMS-2011-00145 May 11, 2011 May 11, 2011 July 08, 2011 Capdeville Nathan BSEE Completed

Inspections, violations, etc. re Maritech Resources, Inc.

MMS-2011-00146 May 10, 2011 May 13, 2011 July 07, 2011 Caffrey Evan BSEE Completed

Documents relating to incident on 3/23/11, Petrobras America, Inc., Cascade-Chinook project in WR 206, 425, and 469.

MMS-2011-00152 May 16, 2011 May 16, 2011 June 16, 2011 Cohen David BSEE Completed

I'm requesting complete records from some old exploration wells drilled on our current lease #240. All well logs, directional surveys, wellbore diagrams, drilling, completion, testing history records.

MMS-2011-00149    April 20, 2011    May 17, 2011    July 28, 2011    Walker David    BSEE    Completed

Accident Report for an incident on/about 2/16/11 involving Starfleet Marine Transportation, Inc. and Apache Corporation.

MMS-2011-00153    May 17, 2011    May 17, 2011    June 03, 2011    Kauffman Gregory    BSEE    Completed

Request for correspondence and other information requested by or provided to Senator Jacob "Jake" Corman of Pennsylvania and his representatives from November 3, 1998 to May 17, 2011.

MMS-2011-00157    May 20, 2011    May 20, 2011    August 19, 2011    Lebling Madonna    BSEE    Completed

Request for correspondence to and from BOEMRE since 1/1/11 for: arctic drilling, atlantic or pacific coastal surveys of potential oil reserves, Gulf of Mexico drilling permits; Deepwater Horizon oil spill, and ability to respond to a deepwater blowout. Separate responses will be provided by GOM, Pacific and Alaska regions.

MMS-2011-00156    May 24, 2011    May 24, 2011    August 04, 2011    Garcia Lisette    BSEE    Completed

Records regarding deepwater drilling permits from 10/1/10 to present.

MMS-2011-00158    May 25, 2011    May 27, 2011    May 10, 2012    David Blake    BSEE    Completed

Documents regarding the platform in SS 322.

MMS-2011-00162    May 24, 2011    May 31, 2011    January 07, 2013    Dancak Ken    BSEE    Completed

\*DWHZ\* - Documents concerning BP Macondo 252.

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FOIA Number	Request Date	Receipt Date	Completion Date	Requester Name	Bureau	Status
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Subject

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MMS-2011-00159	May 25, 2011	May 31, 2011	June 27, 2011	Lahey William	BSEE	Completed
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Oceana requests a full electronic copy of the Technical Information Management System (TIMS) database used to track civil and criminal violations and their resolution on the Outer Continental Shelf by the OCS Civil/Criminal Penalties Program. Oceana also requests any technical documentation that explains the TIMS database and/or describes its structure.

MMS-2011-00160	May 31, 2011	May 31, 2011		Reimer Monica	BSEE	Open
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Docs related to FOIA requests filed since 4/20/10.

MMS-2011-00161	May 31, 2011	May 31, 2011		Reimer Monica	BSEE	Open
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Certification accepted on 12/3/11 for Shell;most recent OSRP.

MMS-2011-00163	June 02, 2011	June 02, 2011	August 02, 2011	Lowe Amanda	BSEE	Completed
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Incident on Energy XXI GOM, LLC's, EC 334 E Platform on 7/31/10.



MMS-2011-00165 June 07, 2011 June 08, 2011 June 24, 2011 Liu Zhenchao BSEE Completed

MSCI requests information on each "Incident of Noncompliance" issued by MMS/BOEMRE in the 2010 calendar year (up to December 31, 2010) that resulted in a full facility shut-in.

MMS-2011-00171 June 09, 2011 June 09, 2011 August 31, 2011 West Amanda BSEE Completed

Request for electronic copies of the names, contact information (business addresses, phone numbers, e-mails) of all project managers, CORs, COTRs of BOEMRE

MMS-2011-00232 June 09, 2011 June 09, 2011 September 29, 2011 Abedin Sarah BSEE Completed

Referral-DOD, Defense Contract Audit Agency-Copies of Inter-agency agreements between the DCAA and other Federal Agencies-October 1,2011-September 30, 2011

MMS-2011-00168 June 02, 2011 June 13, 2011 June 20, 2011 Martin Daniel BSEE Completed

Accident Report for incident on 5/1/11 on the Noble Jim Thompson.

MMS-2011-00172 May 31, 2011 June 14, 2011 July 15, 2011 Reimer Monica BSEE Completed

Request for copies of documents that relate the communications, meetings and reports on second Deepwater Exploration Plan. This request is based on the press release of May 12,2011 by the Louisiana Secretary of Natural Resources-Scott Angelle. (Back to Work Coalition correspondence).

MMS-2011-00167 June 14, 2011 June 14, 2011 September 29, 2011 Epperson Deborah BSEE Completed

Request on OEMM Student Loan Repayment Program-as to who participated in the program in the last 24 months (6/9/2009-6/9/2011) and the annual bonus recieved by each participant and thier current GS-rate and series

MMS-2011-00176 June 13, 2011 June 14, 2011 July 06, 2011 Varnell Stephen BSEE Completed

I am requesting well logs (primarily lithologic information) for two wells in the Santa Barbara Channel offshore Carpenteria, California. The two well are located approximately 500 feet south of Platform Hillhouse.

MMS-2011-00170 June 15, 2011 June 15, 2011 July 15, 2011 Beamish Rita BSEE Completed

Request for copies of correspondence (electronic, paper, e-mail, documentation of phone conversations between John McCain, his staff, representatives and MMS/BOEMRE officials from 2007 to 2011.

MMS-2011-00174 June 21, 2011 June 21, 2011 July 01, 2011 Ancel Devorah BSEE Completed

\*DWHZ\* - Documents regarding BP's Macondo Well.

MMS-2011-00175 June 21, 2011 June 22, 2011 July 15, 2011 Ivanovich Ivan BSEE Completed

the same documents given to Energy Intelligence group in response to their FOIA request. The subject of the documents is BOEMRE's discussion on new royalty rates

MMS-2011-00179 June 23, 2011 June 23, 2011 June 28, 2011 Moran Adrienne BSEE Completed

Request from copies of Last and First names, DOI E-mail addresses, DOI Phone numbers of all employees with a job series

classification code of 2210-Information Technology Management

MMS-2011-00177 June 20, 2011 June 23, 2011 July 02, 2012 Martin, Sr. Jimmie BSEE Completed

Accident Investigation regarding FV Lia Jane in VR 320 on 5/7/10.

MMS-2011-00180 June 23, 2011 June 23, 2011 August 31, 2011 Kesterson Johanna BSEE Completed

Request for all documents realting to asbestos/abatement of asbestos at the Federal building, 1201 Elmwood Park Blvd,  
New Orleans, LA between 1993-1999.

MMS-2011-00186 June 23, 2011 June 23, 2011 August 31, 2011 Kesterson Johanna BSEE Completed

All documents related to Asbestos or Asbestos abatement at the Federal Building, 1340 W. 6TH street, Los Angeles CA  
between the years1973-1989

MMS-2011-00181 June 23, 2011 June 23, 2011 August 31, 2011 Weismann Anne BSEE Completed

Request for all copies of all FOIA logs of BOEMRE from January 2010 to the present

MMS-2011-00178 June 24, 2011 June 24, 2011 June 30, 2011 Baker Martina BSEE Completed

Certified copy of OCS Report MMS-2009-008.

MMS-2011-00182 February 16, 2011 June 28, 2011 September 16, 2011 Hartman R. Keith BSEE Completed

File relating to Gateway Energy Corp.'s alleged pipeline damage in HI A332-A352 during Hurricane Ike 9/08.

MMS-2011-00183    June 27, 2011    June 28, 2011    February 02, 2012    Brewer Patty    BSEE    Completed

Platform removal and site clearance report for MI 604, Caisson No. 4.

MMS-2011-00185    July 12, 2011    July 12, 2011    August 31, 2011    Gellman Barton    BSEE    Completed

Copies of all records released by FOIA or mandatory declassification review to former vice president Cheney, Elizabeth Cheney (Liz) or to third parties acting on their behalf, since January 2009.

MMS-2011-00191    July 11, 2011    July 19, 2011    August 09, 2011    Lemons Roger    BSEE    Completed

Requesting well data on the following leases: OCS P-0296, 0202, 0215, 0216. Would like copies of monthly crude oil, natural gas & water production, and water injection information.

MMS-2011-00192    July 14, 2011    July 19, 2011    July 21, 2011    Heck Ron    BSEE    Completed

Requesting a copy of Sword Unit's Exploration Plan and Environmental Report, OCS P-0320, Offshore California

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FOIA Number	Request Date	Receipt Date	Completion Date	Requester Name	Bureau	Status
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Subject

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MMS-2011-00195 July 19, 2011 July 19, 2011 July 21, 2011 Dlouhy Jennifer BSEE Completed

Copies of documents submitted to House or Senate committee that explains BOEMRE's rationale and legal authority to regulate and impose civil penalties on oil service firms and other contractors.

MMS-2011-00194 July 20, 2011 July 20, 2011 February 23, 2012 Parker Audra BSEE Completed

All documents of any written or oral communications between Cape Wind Associates and its representatives, the State of Massachusetts, or any pro-Cape Wind group and any officials serving DOI's Office of the Secretary and the Office of the Director of BOEMRE regarding the Cape Wind Project from February 25 to the Present.

MMS-2011-00193 July 20, 2011 July 20, 2011 March 29, 2012 Watson, III Alto BSEE Completed

Accident Investigation on 1/19/08, PN 969, Platform JA.

MMS-2011-00197 July 28, 2011 July 28, 2011 Sarthou Cynthia BSEE Open

Compliance inspections.

MMS-2011-00211 July 29, 2011 July 29, 2011 August 16, 2011 Wasserman Jon BSEE Completed

Pacific Offshore lease block information.

MMS-2011-00223 August 09, 2011 August 09, 2011 August 31, 2011 Bailey Ashley BSEE Completed

Directional surveys for 80+ well files.

MMS-2011-00227 August 10, 2011 August 10, 2011 September 29, 2011 Greenfieldboyce Nell BSEE Completed

Training materials, handbooks or documents given to Contracting Officers to guide them to matters pertaining to managing/initiating contracts, ensuring compliance.

MMS-2011-00228 August 12, 2011 August 16, 2011 June 12, 2012 Alberts Clement BSEE Completed

Companies, APD's, and Suspensions.

MMS-2011-00229 August 12, 2011 August 16, 2011 September 20, 2011 Alberts Clement BSEE Completed

Companies and/or corporations who were in possession of BOEMRE or MMS approved or pending Application for Permit to drill (APD), and experienced any suspension, revocation or withdrawal of APD in either less than or greater than 500 foot water depths.

MMS-2011-00234 August 24, 2011 August 24, 2011 September 29, 2011 Rosenthal Josh BSEE Completed

Correspondences between the Agency and Congressman Sean Patrick Duffy of Wisconsin in the year 2011

MMS-2011-00237 August 24, 2011 August 24, 2011 September 23, 2011 Gray Jillian BSEE Completed

The final technical and price proposal for McKinsey and Company, titled "Reorganizational Support Services, signed on 2/2/2011 identification number: INM10PD00472

MMS-2011-00235 August 22, 2011 August 24, 2011 November 18, 2011 Gordon Meghan BSEE Completed

Access to a copy of the "rigorous historical analysis of the last 15 years of lease sales in GOMR" referenced in August 19 announcement of Lease Sale 218

MMS-2011-00236 August 26, 2011 August 26, 2011 June 25, 2012 Dykes David BSEE Completed

Information associated with candidate selection for the Deputy Regional Supervisor, for Regional Field Operations, Bureau of Safety and Environmental Enforcement, GOMR-Meirt Promotion Number: BOEMRES-GT-11-47

MMS-2011-00238 August 26, 2011 August 31, 2011 September 30, 2011 Salisbury Benjamin BSEE Completed

Data on deepwater permits requiring subsea containment.

MMS-2011-00242 September 13, 2011 September 13, 2011 September 14, 2011 Graves Garret BSEE Completed

\*DWHZ\* - Video/pictures of the sea floor at the Macondo Well site.

MMS-2011-00246 September 14, 2011 September 21, 2011 January 10, 2012 Schlotterer Bradley BSEE Completed

Abandonment/decommissioning as the result of hurricanes for wells/platforms in WC 537, OCS-G 02551, June 1, 1997 thru present.

MMS-2011-00247 September 21, 2011 September 21, 2011 August 16, 2012 McNulty M. Michael BSEE Completed

Applications with drawings and correspondence relating to abandonment for SN 12724, Lease G02970 and SN 12723, Lease G01251.

MMS-2011-00248 September 22, 2011 September 22, 2011 January 27, 2012 Hammer David BSEE Completed

Inspection report for drilling rigs in 1,000+ ft for 4/20-6/22/10.

MMS-2012-00009 March 14, 2011 September 27, 2011 December 11, 2011 Mollen Mike BSEE Completed

Request for correspondence and other information requested by or provided to Representative Dennis Rehberg. This request was sent to DOI, OS, and was referred to all bureaus for a direct response.



December 8, 2010

***VIA CERTIFIED AND ELECTRONIC MAIL***

Alaska Region BOEMRE FOIA Officer  
3801 Centerpoint Dr., Suite 500  
Anchorage, AK 99503  
907-334-5207  
Fax: 907-334-5205  
[MMSFOIA@mms.gov](mailto:MMSFOIA@mms.gov)

BOEMRE FOIA Officer  
MS 2200  
381 Elden Street  
Herndon, VA 20170-4817  
703-787-1258  
Fax: 703-787-1207  
[BOEMREFOIA@boemre.gov](mailto:BOEMREFOIA@boemre.gov)

**FREEDOM OF INFORMATION ACT REQUEST**

This Freedom of Information Act request is submitted on behalf of the Center for Biological Diversity (“the Center”) and Greenpeace. (collectively “Requesters”). The Center is a non-profit, public interest, conservation organization whose mission is to conserve imperiled native species and their threatened habitat and to fulfill the continuing educational goals of its membership and the general public in the process. Greenpeace is an independent, non-profit campaigning organization that uses peaceful protest and creative communication to expose environmental problems and to promote solutions that are essential to a green and peaceful future. Greenpeace has offices in 42 countries around the world, and more than 20 offices in the US. Greenpeace works to educate and inspire its members and the general public to become involved on a wide variety of environmental issues, including climate change and biodiversity. Consistent with these missions, and consistent with the Freedom of Information Act (FOIA), 5 U.S.C. § 552, the Requesters respectfully submit this request for records.

Requesters request copies of all memoranda, studies, reports, data, correspondence, comments, conversation records, files, electronic mail records, or other documents that have been generated, received, kept and/or considered by the Minerals Management Service, now called the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE), related to environmental or safety issues pertaining to the BP Liberty drill rig including, but not limited to, any documents related to BP’s November 2010 decision to delay construction of the Liberty drill rig.



Requesters further request copies of all memoranda, studies, reports, data, correspondence, comments, conversation records, files, electronic mail records, or other documents that have been generated, received, kept and/or considered by BOEMRE that are responsive to Requesters' August 8, 2010 FOIA request (MMS 2010-00384)<sup>1</sup> and have been generated since the filing of that FOIA request.

In the event that access to any of the requested records is denied, please note that FOIA provides that any "reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under [FOIA]." 5 U.S.C. § 552(b). Please provide all non-exempt portions of the requested records that are reasonably segregable, describe the deleted material in detail, and specify the statutory basis for the denial, as well as your reasons for believing that the alleged statutory justification applies in each instance. Please separately state your reasons for not invoking your discretionary power to release the requested documents in the public interest.

This request is being sent to BOEMRE's Alaska OCS regional office and the BOEMRE headquarters with the understanding that it will be forwarded to any and all other offices that contain the requested documents.

### **REQUEST FOR FEE-WAIVER**

The Requesters request that you waive all fees in connection with this matter. As shown below, the Requesters meet the two-pronged test under FOIA for a fee-waiver, 5 U.S.C. § 552(a)(4)(A)(iii), as implemented by the Department of Interior's fee-waiver regulations at 43 C.F.R. § 2.19. *See also Judicial Watch v. Rossotti*, 326 F.3d 1309 (D.C. Cir. 2003).

In considering whether the Requesters meet the fee-waiver criteria, it is imperative that BOEMRE remember that FOIA carries a presumption of disclosure and was designed specifically to allow non-profit, public interest groups such as the Requesters access to government documents without the payment of fees. As stated by one Senator, "[A]gencies should not be allowed to use fees as an offensive weapon against requesters seeking access to Government information . . ." 132 Cong. Rec. S. 14298 (statement of Sen. Leahy). In interpreting this amendment, the Ninth Circuit has stated that the amended statute "is to be liberally construed in favor of waivers for noncommercial requesters." *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987) (citing Sen. Leahy). The Ninth Circuit has also explicitly pointed out that the amendment's main purpose was "to remove

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<sup>1</sup> Requesters' August 8, 2010 FOIA request (MMS 2010-00384) sought copies of all memoranda, studies, reports, data, correspondence, comments, conversation records, files, electronic mail records, or other documents that have been generated, received, kept and/or considered by BOEMRE:

- regarding Endangered Species Act consultation or other ESA consideration for the BP Liberty Development and Production Plan (DPP) that was approved by MMS on January 3, 2008; or
- relating to spill risk, spill response, adequacy of environmental review, impacts on sensitive resources, and other environmental considerations related to the BP Liberty Project that were generated, received, kept and/or considered after the Gulf of Mexico spill.

the roadblocks and technicalities which have been used by various Federal agencies to deny waivers or reductions of fees under the FOIA.” *Id.*

Thus, both Congress and the courts are clear in their interpretation that the main legislative purpose of the amendments is to facilitate access to agency records by “watchdog” organizations, such as environmental groups, which use FOIA to monitor and challenge government activities. As a District of Columbia Circuit Court has stated, this waiver provision was added to FOIA “in an attempt to prevent government agencies from using high fees to discourage certain types of requesters and requests,” in clear reference to requests from journalists, scholars, and, most importantly for our purposes, non-profit public interest groups. *Better Gov’t Ass’n v. Department of State*, 780 F.2d 86, 93-94 (D.C. Cir. 1986), quoting *Ettlinger v. FBI*, 596 F. Supp. 867, 876 (D. Mass. 1984) (emphasis added).

**I. Disclosure of this information is in the public interest because it will significantly contribute to public understanding of the operations or activities of government.**

This requested information will significantly contribute to public understanding of the issues involved, as defined by the Department of Interior.

**A. The subject of the request concerns “the operations and activities of the government.”**

The subject matter of this request relates to management of offshore oil and gas resources as well as the implementation of oil and gas and environmental laws and regulations, such as the Outer Continental Shelf Lands Act, the Oil Pollution Act of 1990, the National Environmental Policy Act, the Endangered Species Act, and the Marine Mammal Protection Act, among others. It is clear that management of offshore oil and gas resources, as well as implementation and execution of environmental laws, are specific and identifiable activities of the government, in this case the executive branch agency, BOEMRE. *See Judicial Watch*, 326 F.3d at 1313 (“[R]easonable specificity’ is ‘all that FOIA requires’ with regard to this factor.”) (internal quotations omitted).

**B. The disclosure is “likely to contribute” to an understanding of government operations or activities (the informative value of the information to be disclosed).**

The information requested will help provide the Requesters with crucial insight into the policies and decision-making processes of BOEMRE as they relate to managing the environmental effects of offshore oil and gas extraction, including oil spills, on fish, birds, marine mammals, and other wildlife. These documents are not currently in the public domain. Their release is not only “likely to contribute,” but is in fact certain to contribute to better public understanding of BOEMRE’s obligations as well as BOEMRE activities/operations regarding management of offshore oil and gas resources and the implementation of environmental laws and regulations. The information requested will contribute to an understanding of whether or not BOEMRE is fulfilling its obligations, as well as what information BOEMRE has in regard to oil and gas extraction activities’ effect on wildlife, and what BOEMRE is doing in regard to better manage offshore oil and gas extraction in light of that information. The public is always well served

when it knows how government activities, particularly matters touching on legal and ethical questions, have been conducted. *See Judicial Watch*, 326 F.3d at 1314 (“[T]he American people have as much interest in knowing that key [agency] decisions are free from the taint of conflict of interest as they have in discovering that they are not.”).

In *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d at 1286, the court made clear that “[FOIA] legislative history suggests that information [has more potential to contribute to public understanding] to the degree that the information is new and supports public oversight of agency operations....” In this instance, all the requested documents potentially provide new information about BOEMRE actions, especially regarding its actions in relation to safeguarding the Arctic environment from oil spills and other impacts of oil development. Moreover, the information will provide important oversight of BOEMRE activities by revealing what information BOEMRE has about the risks posed by the BP Liberty project. *See Western Watersheds Project v. Brown*, 318 F.Supp.2d 1036, 1040 (D. Idaho 2004) (“WWP asserted in its initial request that the information requested was either not readily available or never provided to the public, facts never contradicted by the BLM. Therefore, the Court finds that WWP adequately demonstrated that the information would contribute significantly to public understanding.”); *see also Community Legal Services v. HUD*, 405 F.Supp.2d 553 (D. Pa. 2005) (“[T]he CLS request would likely shed light on information that is new to the interested public.”). Finally, this request will also shed light on whether BOEMRE is appropriately implementing environmental laws and regulations.

**C. The disclosure is likely to contribute significantly to public understanding of government operations or activities.**

Public understanding of the environmental effects of offshore oil and gas extraction on fish, birds, marine mammals, and other wildlife, as well as of BOEMRE activities in regard to management of the effects of oil and gas extraction, will significantly increase as a result of disclosure because the requested information will reveal more about actions being taken to safeguard the Arctic environment from the impacts of the BP Liberty project. In other words, once the public is more aware of BOEMRE’s actions, the public: a) will have a better understanding of the status of the management of the BP Liberty project and affected wildlife, and b) can better gauge whether BOEMRE decisions and activities are appropriate or whether certain actions should be undertaken.

The documents are also certain to shed light on BOEMRE’s compliance with environmental and natural resource laws. Such public oversight of agency action is vital to our democratic system and clearly envisioned by the drafters of the FOIA. The Requesters intend to fulfill their well established function of public oversight of agency action. The Requesters are not requesting these documents merely for their intrinsic informational value. It is irrelevant whether any portion of the request may currently be in the public domain, because the Requesters seek considerably more than any piece of information that may currently be available to other individuals. *Judicial Watch*, 326 F.3d at 1315.

In addition, the Requesters plan to take the information they learn from the disclosed documents and educate the public about the impacts of the BP Liberty project on affected fish, birds and

marine mammals in the Beaufort Sea, and also educate the public about whether BOEMRE's management and conservation strategies are appropriate in light of the known information. *See Western Watersheds Project*, 318 F.Supp.2d at 1040 ("In the letter denying the appeal, the FOIA Officer stated that WWP had failed to demonstrate....how the information would contribute to the understanding of the general public of the operations or activities of the government. The Court, however...finds that WWP adequately specified the public interest to be served, that is, educating the public about the ecological conditions of the land managed by the BLM and...how management strategies employed by the BLM may adversely affect the environment.").

The requested information will reveal in greater detail what BOEMRE knows regarding the possible effects of the BP Liberty project on impacted fish, birds and marine mammals, as well as the lawfulness of BOEMRE's actions. There can be no dispute that disclosure of the requested documents may provide information that will significantly enhance the public's understanding of BOEMRE's legal obligations and BOEMRE wildlife management in general. Even if the documents fail to reveal that certain actions need to be taken, this does not mean the documents do not serve the public interest. *See Judicial Watch*, 326 F.3d at 1314.

## **II. Obtaining the information is of no commercial interest to the Requesters.**

Access to government documents, disclosure forms, and similar materials through FOIA requests is essential to the Requesters' role of educating the general public. The Requesters, both non-profit organizations, have no commercial interest and will realize no commercial benefit from the release of the requested information.

## **III. The Requesters have a recognized ability to disseminate this information broadly.**

The Requesters are non-profit organizations that inform, educate, and counsel the public regarding environmental issues, policies, and laws relating to environmental issues. The Requesters have been substantially involved in the management activities of numerous government agencies for years, and have consistently displayed their ability to disseminate information granted to it through FOIA.

In consistently granting the Requesters' fee-waiver requests, agencies have recognized that: (1) the requested information contributes significantly to the public understanding of the operations or activities of the government; (2) the requested information enhances the public's understanding to a greater degree than currently exists; (3) the Requesters possess the expertise to explain the requested information to the public; (4) the Requesters possess the ability to disseminate the requested information to the general public; and (5) the news media recognizes that the Requesters are established experts in the field of climate change, oil and gas impacts, imperiled species, and biodiversity.

Public oversight and enhanced understanding of BOEMRE duties is absolutely necessary. The Requesters' members' track record of active participation in oversight of governmental agency activities and their consistent contribution to the public's understanding of agency activities as compared to the level of public understanding prior to disclosure are well established. In

determining whether the disclosure of requested information will contribute significantly to public understanding, a guiding test is whether the requester will disseminate the disclosed records to a reasonably broad audience of persons interested in the subject. *Carney v U.S. Dept. of Justice*, 19 F.3d 807 (2nd Cir. 1994). The Requesters need not show how they intend to distribute the information, because “[n]othing in FOIA, the [agency] regulation, or our case law require[s] such pointless specificity.” *Judicial Watch*, 326 F.3d at 1314. It is sufficient for the Requesters to show how they distribute information to the public generally. *Id.*

Concurrent with any action the Requesters may take after obtaining the requested documents, the Requesters will publicize the reasons for the action and the underlying actions of BOEMRE and/or other agencies that have prompted the action. This is certain to result in a significant increase in public understanding of government agency activity, and in particular of BOEMRE responsibilities. The Requesters have enforced or publicized agency compliance with the provisions of various environmental laws many times through information gained from FOIA requests like this one. The Requesters intend to use the documents requested in this request in a similar manner.

In addition, the Requesters’ informational publications supply information not only to our membership, but also to the memberships of most other conservation organizations, locally as well as nationally. The Requesters’ informational publications continue to contribute information to public media outlets as well. For example, information such as that presently requested is often disseminated through the Center’s e-mail Biodiversity alerts, which are sent to nearly 90,000 people approximately once a week, and the Center’s web page, which is accessed nearly 1.5 million times each month. Greenpeace websites, outreach and grassroots networks provide information to millions of people every month. Greenpeace produces factsheets, reports, information toolkits, email alerts and bulletins to disseminate information to its supporters, the general public, media outlets and other target audiences. Greenpeace campaigns internationally, meaning information and publications are translated and disseminated internationally as well.

Information concerning the BP Liberty project, BOEMRE’s actions regarding that project, and BOEMRE’s compliance with environmental laws will likely be disseminated through all of these means. *See Forest Guardians v. DOI*, 416 F.3d 1173, 1180 (10th Cir. 2005) (“Among other things, Forest Guardians publishes an online newsletter, which is e-mailed to more than 2,500 people, and stated that it intends to establish an interactive grazing web site with the information obtained from the BLM. By demonstrating that the records are meaningfully informative to the general public and how it will disseminate such information, Forest Guardians has shown that the requested information is likely to contribute to the public’s understanding of the BLM’s operations and activities.”).

## CONCLUSION

I hope that this letter has demonstrated to your satisfaction that the Requesters qualify for a full fee-waiver, and that you will immediately begin to search and copy the requested material. I urge you to act promptly on this request, because of the need for timely review of records to effectively participate in comment periods on impact statements and proposed permitting actions. Access to the requested records should be granted within twenty (20) working days from the date

of your receipt. Failure to respond in a timely manner shall be viewed as a denial of this request and we may immediately file an administrative appeal.

For any of the requested records which are commonly used, and easily copied, electronic formats (e.g., Word, emails, PDFs), please provide the records to us in that electronic format to save time and reduce costs. Please send all materials to the address on the letterhead. If some records are available sooner than others, please forward those rather than waiting for a search for other records.

Thank you in advance for your prompt reply. Please contact me at 907-274-1110 or [rnoblin@biologicaldiversity](mailto:rnoblin@biologicaldiversity) if you have any questions about the scope of this request or our qualification for a fee waiver.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca Noblin". The signature is fluid and cursive, with a large initial "R" and "N".

Rebecca Noblin, Staff Attorney  
Alaska Director  
Center for Biological Diversity  
PO Box 100599  
Anchorage, AK 99510-0599  
Ph: 907-274-1110  
Fax: 907-258-6177  
[rnoblin@biologicaldiversity.org](mailto:rnoblin@biologicaldiversity.org)





# United States Department of the Interior

## BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION, AND ENFORCEMENT

Alaska Outer Continental Shelf Region  
3801 Centerpoint Drive, Suite 500  
Anchorage, Alaska 99503-5823

January 6, 2011

In Reply Refer To:  
FOIA No. MMS-2011-00046

Ms. Rebecca Noblin, Staff Attorney  
Alaska Director  
Center for Biological Diversity  
P.O. Box 100599  
Anchorage, Alaska 99501-0599

RE: Freedom of Information Act Request MMS-2011-00046

Dear Ms. Noblin:

This is in response to your Freedom of Information Act (FOIA) request dated December 8, 2010 and assigned MMS-2011-00046 in which you requested records related to environmental or safety issues pertaining to the BP Liberty drill rig including, but not limited to, any documents related to BP's November 2010 decision to delay construction of the Liberty drill rig. A document responsive to your request has been located and is attached here.

Additionally, you requested records regarding Endangered Species Act consultation or other ESA consideration for the BP Liberty Development and Production Plan (DPP) that was approved by MMS on January 3, 2008; or relating to spill risk, spill response, adequacy of environmental review, impacts on sensitive resources, and other environmental considerations related to the BP Liberty Project that were generated, received, kept and/or considered after the Gulf of Mexico spill since your fulfilled FOIA request dated August 8, 2010. We have conducted a thorough search of our files and were unable to locate any records responsive to that portion of your request.

If you consider this response to be a denial of your request under 43 CFR 2.28(a)(2), you may file an appeal by writing to:

Office of the Solicitor  
Attn: FOIA Appeals Office  
U.S. Department of the Interior  
1849 C Street, NW, MS6554  
Washington, D.C. 20240



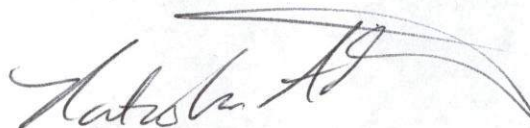


Your appeal must be in writing and received no later than 30 workdays after the date of this letter. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. Your appeal should be accompanied by a copy of your original request and this letter, along with any information you have which leads you to believe that responsive records do in fact exist, including where they might be found, if the location is known to you.

Your fee waiver has been granted.

If you have any questions, please call me at 907-334-5207.

Sincerely,

A handwritten signature in cursive script, appearing to read "Natasha Y. Alcantara", with a long, sweeping flourish extending to the right.

Natasha Y. Alcantara  
Freedom of Information Act Officer  
Bureau of Ocean Energy, Management,  
Regulation and Enforcement  
Alaska OCS Region



**From:** Lusher, James A

**Sent:** Tuesday, November 30, 2010 1:23 PM

**To:** Walker, Jeffrey; Loman, Jeffery; Goll, John

**Subject:** Liberty Project Delay

Carl Lundgren (Liberty project manager) called today to inform us that BP is implementing a controlled shut down of the Liberty project to conduct safety and engineering reviews to further ensure functional reliability and operational safety of the drilling rig. Carl specifically noted that this is not to be construed as a decision to stop the project altogether, but merely a pause to allow time for these assurance reviews. This is anticipated to result in a 6+ month delay in start-up.

Carl will be scheduling a meeting with us within the next two weeks to more thoroughly brief us on this action. AOGCC and DNR were to be notified today as well.

James Lusher, P.E.  
Bureau of Ocean Energy Management,  
Regulation and Enforcement  
Alaska OCS Region, Field Operations  
(907) 334-5310



**EARTHJUSTICE**

*Because the earth needs a good lawyer*

ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN ROCKIES  
NORTHWEST ROCKY MOUNTAIN WASHINGTON, DC INTERNATIONAL

April 20, 2011

**VIA ELECTRONIC MAIL**

BOEMRE FOIA Officer  
Bureau of Ocean Energy Management, Regulation, and Enforcement  
Headquarters  
MS:2200  
381 Elden Street  
Herndon, VA 20170-4817  
F: 703-787-1207  
E: [BOEMREFOIA@boemre.gov](mailto:BOEMREFOIA@boemre.gov)

Alaska Region FOIA Officer  
Bureau of Ocean Energy Management, Regulation, and Enforcement  
Alaska OCS Region  
MS:8001  
3801 Centerpoint Drive, Suite 500  
Anchorage, AK 99503  
F: 907-334-5202  
E: [BOEMREFOIA@boemre.gov](mailto:BOEMREFOIA@boemre.gov)

**Re: Freedom of Information Act Request Regarding Shell's Beaufort and  
Chukchi Seas Regional Exploration Oil Discharge Prevention and  
Contingency Plans**

Dear FOIA Officer:

Earthjustice, on behalf of Alaska Wilderness League, Audubon Alaska, Center for Biological Diversity, Natural Resources Defense Council, and World Wildlife Fund, submits this request for records pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

**Documents Requested**

In January 2010, Earthjustice submitted a FOIA request for documents relating to Shell Offshore Inc.'s Beaufort Sea Regional Exploration Oil Discharge Prevention and Contingency Plan (Beaufort Spill Plan) and Shell Gulf of Mexico Inc.'s May 2009

Chukchi Sea Regional Exploration Oil Discharge and Contingency Plan Revision 0 (the Chukchi Spill Plan) (FOIA Request No. MMS-2010-00051). In March 2010, the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE) provided Earthjustice documents responsive to this request.

We now request copies of all documents, including memoranda, studies, reports, data, correspondence, comments, conversation records, files, and electronic mail, which were generated, received, kept and/or considered since BOEMRE provided Earthjustice documents in response to FOIA Request No. MMS-2010-00051 in March 2010 that address the following matters:

- All documents relating to the Chukchi Spill Plan (or revisions thereto) including, but not limited to, any changes Shell proposed following the Deepwater Horizon oil spill, Shell's equipment inventory (30 C.F.R. § 254.24), the calculation of the "worst case discharge" (30 C.F.R. § 254.47), any consultation(s) BOEMRE conducted pursuant to the Endangered Species Act, and BOEMRE's environmental review of the proposed spill response techniques in the Chukchi Spill Plan (e.g., in situ burning, dispersant application, decanting, etc.) under the National Environmental Policy Act.
- All documents relating to the Beaufort Spill Plan (or revisions thereto) including, but not limited to, any changes Shell proposed following the Deepwater Horizon oil spill, Shell's equipment inventory (30 C.F.R. § 254.24), the calculation of the "worst case discharge" (30 C.F.R. § 254.47), any consultation(s) BOEMRE conducted pursuant to the Endangered Species Act, and BOEMRE's environmental review of the proposed spill response techniques in the Beaufort Spill Plan (e.g., in situ burning, decanting, etc.) under the National Environmental Policy Act.

This request does not include the documents BOEMRE previously provided Earthjustice nor does it include copies of the approved Spill Plans available via BOEMRE's website.

We expect BOEMRE's response will comply with the Attorney General's March 2009 memorandum, reiterating President Obama's directive that in "the face of doubt, openness prevails." Attorney General, Memorandum for Heads of Executive Departments and Agencies at 1 (March 19, 2009). Accordingly, BOEMRE should apply a presumption in favor of disclosure and consider that it "should not withhold information simply because it may do so legally." *Id.*

## **Fee Waiver Requested**

We request a waiver of any fees associated with this request. FOIA mandates that agencies waive or reduce search and copying fees where the disclosure is “in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii).

In addition to the statutory direction, the U.S. Department of the Interior (Interior) has issued regulations outlining four factors that it considers in deciding whether a fee waiver is warranted: (1) the request concerns the operations or activities of government; (2) the disclosure likely will contribute to public understanding of government operations or activities; (3) the disclosure will contribute significantly to the public understanding; and (4) the disclosure is not primarily in the requester’s commercial interest. *See* 43 C.F.R. Part 2, App. D(b).

As one court explained, if a non-profit organization has “identified why they wanted the administrative record, what they intended to do with it, to whom they planned on distributing it, and the [relevant] expertise of their membership,” then a waiver is appropriate. *Ctr. for Biological Diversity v. Office of Mgmt. & Budget*, 546 F. Supp. 2d 722, 727 (N.D. Cal. 2008) (internal quotation omitted). The information provided below demonstrates that the requesting groups meet the required criteria and is entitled to a full fee waiver.

### **1. The Request Concerns Government Operations and Activities.**

This FOIA request seeks information regarding BOEMRE’s operations and activities in carrying out the requirements of the Oil Pollution Act of 1990 (OPA), which enhances the nation’s ability to prevent and respond to oil spills. *See* 33 U.S.C. § 2701 *et seq.* To ensure that the owner or operator of an offshore facility is prepared to respond to an oil spill and to verify compliance with the mandates of OPA, BOEMRE requires owners and operators of offshore facilities to have an approved oil spill response plan. Accordingly, this FOIA request directly concerns the operations and activities of the government in requiring that legal standards regarding oil spill prevention and response are met.

## 2. Disclosure Will Contribute to Public Understanding of BOEMRE's Operations and Activities.

There is a direct connection between the requested records and BOEMRE's operations and activities in the Arctic Ocean. The requested records relate to the government's evaluation of oil spill prevention and readiness in the Beaufort and Chukchi seas and management of public resources in the Arctic Ocean. Access to these records will allow the requesting groups to evaluate BOEMRE's analyses and compliance with applicable laws and regulations. Consequently, the requested documents are critical to a meaningful assessment of the agency's actions and a thorough public understanding of the government's operations and activities in the Arctic Ocean.

The requesters are public-interest organizations dedicated to protecting the environment, public resources, and human health by, among other mechanisms, monitoring government management of public lands, encouraging public participation in government processes, and ensuring enforcement of applicable public laws. We will scrutinize the scientific and legal underpinnings of the Spill Plans and these analyses will form the basis for responding to BOEMRE's actions and educating the public. *See Friends of the Coast Fork v. United States Dep't of the Interior*, 110 F.3d 53, 55 (9th Cir. 1997).

The requesting groups also intend to disseminate information that may be available in the requested records through various means, including newsletters, reports, newspaper and magazine articles, web sites, and through other formal and informal communications. These types of public outreach are sufficient to warrant a fee waiver. *See W. Watersheds Proj. v. Brown*, 318 F. Supp. 2d 1036, 1041 (D. Idaho 2004) (noting cases holding "statements of intent to disseminate requested information through newsletters, popular news outlets, and presentations to public interest requestors, government agencies, and the general public sufficient to entitle an organization to a fee waiver").

The requesting organizations possess the experience and expertise necessary to evaluate the requested information and provide it to the public in a useful form. *Cf. W. Watersheds Proj.*, 318 F. Supp. 2d at 1040-41. The groups are qualified to extract, synthesize, analyze, and convey the requested information to our supporters, other organizations, and the public at large in a way that will increase understanding of government actions affecting public resources in Alaska. The organizations have scientists, lawyers, and communications professionals who specialize in public outreach. They use that expertise to analyze and evaluate information about governmental decisions affecting public resources, such as the management of the outer

continental shelf, and provide our analyses and evaluations to our supporters, other organizations, and the general public.

These groups have a long history of evaluating information similar to that requested here and distributing it to help inform the public and encourage participation in future planning processes. They have been involved in various public processes involving the Alaska outer continental shelf.

**3. The Disclosure Will Contribute Significantly to Public Understanding.**

Issues involving oil spill response and prevention are of significant public interest. The requested disclosure will increase public understanding of BOEMRE's actions relating to the Arctic Ocean, and the Beaufort and Chukchi seas in particular. Although the Spill Plans are available to the public, other supporting documents are not. These records will provide recent information underlying the agency's decision-making, afford insight into the agency's decision-making processes, and highlight any competing viewpoints. These records will allow the requesting groups to evaluate the agency's decision-making and the adequacy of the analyses, facilitating public oversight of agency operations.

**4. The Requesters Have No Commercial Interest in the Disclosure of the Information.**

The requesting groups are nonprofit organizations that have no commercial interest in the requested records. *See McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987) (noting that FOIA's fee waiver provision is to be "liberally construed in favor of waivers for noncommercial requestors" (quoting legislative history)).

Please contact me if you have any questions, or if I can clarify this request in any way. I can be reached at 907-500-7133. As provided by FOIA, 5 U.S.C. § 552(a)(6)(A), we look forward to a reply within twenty working days. Thank you in advance for your assistance.

Sincerely,  
s/ Holly A. Harris  
Holly A. Harris  
Project Attorney  
Earthjustice



# United States Department of the Interior

## BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION, AND ENFORCEMENT

Alaska Outer Continental Shelf Region

3801 Centerpoint Drive, Suite 500

Anchorage, Alaska 99503-5823

June 8, 2011

In Reply Refer To:

FOIA No. MMS-2011-00129

Holly A. Harris  
Earth Justice  
325 Fourth Street  
Juneau, Alaska 99801

RE: Freedom of Information Act Request MMS-2011-00129

Dear Ms. Harris:

This is in response to your Freedom of Information Act (FOIA) request dated April 19, 2011, received in this office April 19, 2011, and assigned MMS-2011-00129 in which you requested copies of in which you requested copies of Shell's Offshore Inc.'s Beaufort and Chukchi Spill Plans and supporting documents.

Documents responsive to your request have been located and will be forwarded to you by June 16, 2010 with the following exceptions:

- A small portion of 23 documents (24 pages) contain information protected by the Privacy Act and are being withheld under Exemption 6 of the FOIA (5 U.S.C. § 552(b)(6)) which permits the withholding of information the release of which could constitute a clearly unwarranted invasion of personal privacy.
- Large portions of 76 documents (730 pages) contain advisory opinions, recommendations, deliberations, advice, and suggestions between subordinates and superiors on a proposed action which are part of the Agency's decision making process and are being withheld under Exemption 5 of the FOIA (5 U.S.C. 552(b)(5)(b)(1)) which permits the withholding of Deliberative-Process Privilege information that is of a speculative, tentative, or evaluative nature that would impede the activities of the agency. Portions of these documents (619 pages) also contain geological and geophysical information concerning wells and are being withheld under Exemption 9 of the FOIA (5 U.S.C. § 552(b)(9)).
- Portions of 6 documents (6 pages) contain privileged and confidential communications between the agency attorney and his/her client relating to a legal matter for which the client has sought profession advice. This information is being withheld under Exemption 5 of the FOIA (5 U.S.C. 552(b)(5)(b)(3)) Attorney/Client





Privilege which permits the withholding of facts divulged by a client to his/her attorney in confidence and opinions given by an attorney to his/her client based upon those facts.

- Twenty-four documents (97 pages) contain trade secrets, commercial or financial information obtained by BOEMRE that is considered privileged or confidential. Therefore, we are withholding the materials in their entirety under Exemption 4 of the FOIA (5 U.S.C. § 552(b)(4)). These documents also contain geological and geophysical information concerning wells and are being withheld under Exemption 9 of the FOIA (5 U.S.C. § 552(b)(9)).
- Large portions of 9 documents (689 pages) contain trade secrets, commercial or financial information obtained by BOEMRE that is considered privileged or confidential. Therefore, we are withholding the under Exemption 4 of the FOIA (5 U.S.C. § 552(b)(4)). Portions of these documents (673 pages) also contain geological and geophysical information concerning wells and are being withheld under Exemption 9 of the FOIA (5 U.S.C. § 552(b)(9)). Portions of these documents (5 pages) also contain advisory opinions, recommendations, deliberations, advice, and suggestions between subordinates and superiors on a proposed action which are part of the Agency's decision making process and are being withheld under Exemption 5 of the FOIA (5 U.S.C. 552(b)(5)(b)(1)) which permits the withholding of Deliberative-Process Privilege information that is of a speculative, tentative, or evaluative nature that would impede the activities of the agency.

The person responsible for this partial denial is myself and was made in consultation with Steven Scordino, Attorney, Office of the Solicitor. In accordance with 43 CFR 2.28(a)(1), you may appeal this partial denial by writing to:

Office of the Solicitor  
Attn: FOIA Appeals Office  
U.S. Department of the Interior  
1849 C Street, NW, MS6556  
Washington, D.C. 20240

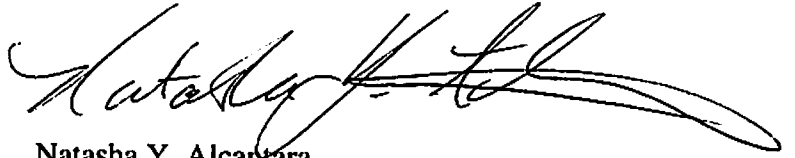
Your appeal must be received by the FOIA Appeals Officer no later than 30 workdays after the date of the final response or 30 workdays after receipt of any records that are provided to you. A copy of your original request and this denial letter should accompany the appeal as well as a brief statement 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.

Your fee waiver has been granted.

If you have any questions, please call me at 907-334-5207.



Sincerely,

A handwritten signature in black ink, appearing to read "Natasha Y. Alcantara", with a long, sweeping horizontal flourish extending to the right.

**Natasha Y. Alcantara  
Freedom of Information Act Officer  
Bureau of Ocean Energy, Management,  
Regulation and Enforcement  
Alaska OCS Region**



October 13, 2010

**VIA FACSIMILE AND EMAIL**

BOEMRE FOIA Officer  
 Bureau of Ocean Energy Management, Regulation, and Enforcement  
 Headquarters  
 MS:2200  
 381 Elden Street  
 Herndon, VA 20170-4817  
 F: 703-787-1207  
 E: [BOEMREFOIA@boemre.gov](mailto:BOEMREFOIA@boemre.gov)

Alaska Region FOIA Officer  
 Bureau of Ocean Energy Management, Regulation, and Enforcement  
 Alaska OCS Region  
 MS:8001  
 3801 Centerpoint Drive, Suite 500  
 Anchorage, AK 99503  
 F: 907-334-5202  
 E: [BOEMREFOIA@boemre.gov](mailto:BOEMREFOIA@boemre.gov)

**Re: Freedom of Information Act Request Regarding Shell Offshore, Inc.'s 2011  
 Alaska Beaufort Sea Exploration Program**

Dear FOIA Officer:

On behalf of Alaska Wilderness League, the Center for Biological Diversity, Earthjustice, Greenpeace, Natural Resources Defense Council, Ocean Conservancy, Pacific Environment, and World Wildlife Fund, we submit this request for records pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

On October 5, 2010, Shell Offshore Inc. submitted to the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE): (i) an Application for Permit to Drill in 2011 (APD) under its 2010 Outer Continental Shelf Lease Exploration Plan for Camden Bay, Alaska (Exploration Plan); (ii) responses to the Notice to Lessees 2010-N06 (NTL 2010-N06); and (iii) updates to and a summary of the updates to its Exploration

Plan. On October 6, BOEMRE made available to the public portions of Shell's submissions on its Alaska Region website, specifically an October 5 cover letter from Shell to BOEMRE's Regional Supervisor Jeff Walker concerning the submissions and an attached summary of the updates to Shell's Exploration Plan. **Shell's APD, its Exploration Plan updates, and its responses to NTL 2010-N06 were not made publically available.**

We request copies of Shell's APD, its Exploration Plan updates, its responses to NTL 2010-N06 (and the associated executive summary), as well as all memoranda, studies, reports, data, correspondence, comments, conversation records, files, electronic mail records, or other documents, which were generated, received, kept and/or considered by BOEMRE relating to Shell's APD, Exploration Plan updates, and responses to NTL 2010-N06. This request does not include Shell's October 5 letter, the summary of its Exploration Plan updates, or other information that is readily available on BOEMRE's website.

In its cover letter, Shell states that it "expects [BOEMRE] to keep confidential the APD and response to NTL 2010-N06." The basis for Shell's expectation is unclear. On its face, acceding to Shell's implied request would appear to conflict with Secretary Salazar's commitment, as stated May 29 when establishing BOEMRE, that the reorganization would enable for greater transparency. Notably, leaseholders' responses required by NTL 2010-N06 are intended to address issues related to the *Deepwater Horizon* disaster, such as recalculated blowout scenarios, enhanced safety measures, and specifics regarding potential relief wells. Review of the information produced by Shell is critical for evaluating the steps that have been taken by the government and industry in response to the Gulf spill. BOEMRE's apparent unwillingness to disclose Shell's submissions is simply incompatible with any approach that values public oversight.

At a minimum, withholding the APD is irreconcilable with governing regulations establishing that data and information submitted on MMS forms "will be made available to the public upon submission." 30 CFR § 250.197(a). The regulation delineates the specific information on the APD that may be appropriately withheld and provides no support for shielding the entirety from public review.

In addition, BOEMRE's response should comply with the Attorney General's March 2009 memorandum, reiterating President Obama's directive that in "the face of doubt, openness prevails." Attorney General, Memorandum for Heads of Executive Departments and Agencies at 1 (March 19, 2009) (Attorney General Memorandum). Accordingly, we expect that BOEMRE will apply a presumption in favor of disclosure and consider that it "should not withhold information simply because it may do so

legally." *Id.*; see also 40 C.F.R. § 1506.6(f) (noting the intersection of the National Environmental Policy Act and FOIA). We also expect that BOEMRE will act promptly, in keeping with the Attorney General's admonition that the timely disclosure of information "is an essential component of transparency." Attorney General Memorandum at 3.

We also request a waiver of any fees associated with this request. FOIA mandates that agencies waive or reduce search and copying fees where the disclosure is "in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii).

In addition to this statutory direction, the U.S. Department of the Interior has issued regulations outlining four factors that it will consider in deciding whether a fee waiver is warranted: (1) that the request concerns the operations or activities of government; (2) that the disclosure will likely contribute to public understanding of government operations or activities; (3) that the disclosure will contribute significantly to the public understanding; and (4) that the disclosure is not primarily in the requesters' commercial interest. See 43 C.F.R. Part 2, App. D(b). The information provided below demonstrates that the requesters meet all above criteria and are entitled to a full fee waiver.

1. The request concerns the operations and activities of the government.

This FOIA request seeks information relevant to BOEMRE's management of public resources in the Arctic Ocean. The federal government has jurisdiction over all submerged lands on the Outer Continental Shelf (OCS) seaward of state boundaries pursuant to the OCS Lands Act. 43 U.S.C. § 1331 *et seq.* Under the Act, the Department of the Interior is required to manage the leasing, exploration, development, and production of oil and gas resources on the federal OCS. *Id.* Among other requirements, the Act requires that OCS development proceed in a safe and efficient manner that provides for environmental protection. *E.g.*, 43 U.S.C. § 1334(a)(2)(A). At issue here, BOEMRE is considering approval of Shell's APD which will enable Shell to conduct an exploration drilling program on its OCS leases in the Beaufort Sea in 2011. The requested documents will enable requestors to evaluate the strength and basis for any analysis or decision-making done by the agency. Accordingly, the FOIA request directly concerns the operations and activities of the government in managing public resources in the Arctic.

2. The disclosure will likely contribute to public understanding of government operations or activities.

There is a direct connection between the requested records and BOEMRE's operations and activities in the Arctic Ocean. Issues around offshore oil and gas development have been subject to public debate in recent years, particularly in the wake of the BP *Deepwater Horizon* disaster in the Gulf of Mexico. The requested records directly relate to Shell's proposed exploration drilling program for 2011 in the Beaufort Sea and will enable the requesters to evaluate the agency's analyses, decision-making processes, and compliance with applicable laws and regulations. Consequently, the requested documents are critical for a meaningful assessment of the agency's actions and are necessary for a thorough public understanding of the government's operations and activities in the Alaskan Arctic Ocean.

The requesters have both the ability and intent to publicize information related to the requested records to the general public. The requesters are public-interest organizations, whose core missions involve protecting the environment, public resources, and human health by, among other mechanisms, monitoring government management of public lands, encouraging public participation in government processes, and ensuring enforcement of applicable public laws. The requested documents will undergo scientific and legal scrutiny by the requesters and these analyses will form the basis for responding to action by BOEMRE and educating the public. *See Friends of the Coast Fork v. United States Dep't of the Interior*, 110 F.3d 53, 55 (9th Cir. 1997). The requesters intend to disseminate information that may be available in the requested records through various means, including newsletters, reports, newspaper and magazine articles, the organizations' web sites, and through other formal and informal communications. These types of public outreach have been found to be sufficient to warrant a fee waiver. *See W. Watersheds Proj. v. Brown*, 318 F. Supp. 2d 1036, 1041 (D. Idaho 2004) (noting cases holding that "statements of intent to disseminate requested information through newsletters, popular news outlets, and presentations to public interest requestors, government agencies, and the general public sufficient to entitle an organization to a fee waiver").

The requesters possess the experience and expertise necessary to evaluate the requested information and provide it to the public in a useful form. *Cf. W. Watersheds Proj.*, 318 F. Supp. 2d at 1040-41. The requesters are highly qualified to extract, synthesize, analyze, and convey the requested information to their members, other organizations, and the public at large in a way that will significantly increase their understanding of government actions affecting public resources in Alaska. The requesters' staffs include scientists, lawyers, and professionals who specialize in public

outreach. The requesters use that expertise to analyze and evaluate information about governmental decisions affecting public resources, such as the management of the OCS, and provide their analyses and evaluations to members and the general public. Moreover, issues involving domestic oil exploration are of significant public interest.

The requesters have a long history of evaluating information similar to that requested here and distributing it to help inform the public and encourage participation in future planning processes. They have been involved in various public processes involving the Alaskan OCS, including submitting comments on Shell's proposed Beaufort Sea Exploration Plan.

3. The disclosure will contribute significantly to the public understanding.

The requested disclosure will significantly increase public understanding of BOEMRE's actions relating to the Arctic, and its approval of the Shell Beaufort exploration drilling program in particular. These records will provide recent information that will inform the agency's decision-making, afford insight into the agency's decision-making processes, and highlight any competing viewpoints. These records will allow the requesters to evaluate the agency's decision-making and the adequacy of the analyses, facilitating public oversight of agency operations.

4. The requesters have no commercial interest in the disclosure of the information.

The requesters are nonprofit organizations that have no commercial interest in the requested records. See *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987) (noting that FOIA's fee waiver provision is to be "liberally construed in favor of waivers for noncommercial requestors" (quoting legislative history)).

Please contact me if you have any questions, or if I can clarify this request in any way. I can be reached at 907-277-2500. As provided by FOIA, 5 U.S.C. § 552(a)(6)(A), we look forward to a reply within twenty working days. Thank you in advance for your assistance.

Sincerely,  
s/ Erik Grafe  
Erik Grafe  
Staff Attorney  
Earthjustice



# United States Department of the Interior

## BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION, AND ENFORCEMENT

Alaska Outer Continental Shelf Region  
3801 Centerpoint Drive, Suite 500  
Anchorage, Alaska 99503-5823

April 8, 2011

In Reply Refer To:

FOIA No. MMS-2011-00018

Erik Grafe  
EarthJustice  
441 West 5th Avenue, Suite 301  
Anchorage, Alaska 99501

RE: Freedom of Information Act Request MMS-2011-00018

Dear Mr. Grafe:

This is in response to your Freedom of Information Act (FOIA) request dated October 13, 2010 and assigned MMS-2011-00018 in which you requested copies of Shell's Application for Permit to Drill in 2011 (APD) under its 2010 Outer Continental Shelf Lease Exploration Plan for Camden Bay, Alaska (Exploration Plan), updates to and a summary of the updates to its Exploration Plan and its responses to the Notice to Lessees 2010-N06 (NTL 2010-N06) and the associated executive summary.

In addition to the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) Alaska Region's earlier response and responsive documents sent on December 7, 2010, (see enclosures), the BOEMRE Alaska Region has made a final determination on one document that required review for a release determination. After receiving Shell Offshore, Inc.'s opinion and conducting an internal review, BOEMRE Alaska Region has determined large portions of the document (664 pages) contain trade secrets, commercial or financial information obtained by BOEMRE that is considered privileged or confidential the release of which would cause substantial harm to the competitive position of Shell Offshore, Inc. Therefore, we are withholding the materials under Exemption 4 of the FOIA (5 U.S.C. § 552(b)(4)). Portions of these documents also contain geological and geophysical information concerning wells and are being withheld under Exemption 9 of the FOIA (5 U.S.C. § 552(b)(9)).

The person responsible for this partial denial is myself and was made in consultation with Steven Scordino, Attorney, Office of the Solicitor. In accordance with 43 CFR 2.28(a)(1), you may appeal this partial denial by writing to:

Office of the Solicitor  
Attn: FOIA Appeals Office  
U.S. Department of the Interior



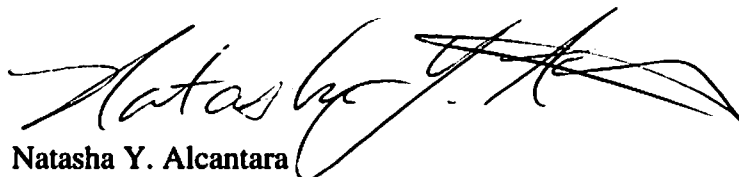
1849 C Street, NW, MS6556  
Washington, D.C. 20240

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.

Your fee waiver has been granted.

If you have any questions, please call me at 907-334-5207.

Sincerely,

A handwritten signature in black ink, appearing to read "Natasha Y. Alcantara", with a stylized flourish at the end.

Natasha Y. Alcantara  
Freedom of Information Act Officer  
Bureau of Ocean Energy, Management,  
Regulation and Enforcement  
Alaska OCS Region





# United States Department of the Interior

## BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION, AND ENFORCEMENT

Alaska Outer Continental Shelf Region  
3801 Centerpoint Drive, Suite 500  
Anchorage, Alaska 99503-5823

DEC 07 2010

In Reply Refer To:  
FOIA No. MMS-2011-00018

Erik Grafe  
EarthJustice  
441 West 5th Avenue, Suite 301  
Anchorage, Alaska 99501

RE: Freedom of Information Act Request MMS-2011-00018

Dear Mr. Grafe:

These documents are being sent in response to your Freedom of Information Act (FOIA) request dated October 13, 2010 and assigned MMS-2011-00018 in which you requested copies of Shell's Application for Permit to Drill in 2011 (APD) under its 2010 Outer Continental Shelf Lease Exploration Plan for Camden Bay, Alaska (Exploration Plan), updates to and a summary of the updates to its Exploration Plan and its responses to the Notice to Lessees 2010-N06 (NTL 2010-N06) and the associated executive summary.

The Bureau of Ocean Energy Management, Regulation and Enforcement is awaiting Shell Offshore, Inc.'s, opinion on whether one document is a confidential document the release of which would cause substantial harm to the competitive position of Shell Offshore, Inc. We will notify you as soon as BOEMRE has made a final determination whether that document will be withheld under Exemption 4.

If you have any questions, please call me at 907-334-5207.

Sincerely,

Natasha Y. Alcantara  
Freedom of Information Act Officer  
Bureau of Ocean Energy, Management,  
Regulation and Enforcement  
Alaska OCS Region



**EARTHJUSTICE**

*Because the earth needs a good lawyer*

ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN ROCKIES  
NORTHWEST ROCKY MOUNTAIN WASHINGTON, DC INTERNATIONAL

May 31, 2011

**VIA ELECTRONIC MAIL**

BOEMRE FOIA Officer  
Bureau of Ocean Energy Management, Regulation, and Enforcement  
Headquarters  
MS:2200  
381 Elden Street  
Herndon, VA 20170-4817  
F: 703-787-1207  
E: [BOEMREFOIA@boemre.gov](mailto:BOEMREFOIA@boemre.gov)

Alaska Region FOIA Officer  
Bureau of Ocean Energy Management, Regulation, and Enforcement  
Alaska OCS Region  
MS:8001  
3801 Centerpoint Drive, Suite 500  
Anchorage, AK 99503  
F: 907-334-5202  
E: [BOEMREFOIA@boemre.gov](mailto:BOEMREFOIA@boemre.gov)

**Re: Freedom of Information Act Request Regarding Shell's Beaufort and  
Chukchi Seas Regional Exploration Oil Discharge Prevention and  
Contingency Plans**

Dear FOIA Officer:

Earthjustice, on behalf of Alaska Wilderness League, Audubon Alaska, Center for Biological Diversity, Natural Resources Defense Council, and World Wildlife Fund, submits this request for records pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

**Documents Requested**

On April 25, 2011, the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE) sent a letter to Earthjustice acknowledging receipt of FOIA

Request No. MMS-2011-00129. To date, BOEMRE has not provided any documents responsive to this request.

On May 4, 2011, Shell Offshore Inc. submitted its Oil Discharge Prevention and Contingency Plan for the Beaufort Sea to BOEMRE (the Beaufort Spill Plan).

On May 12, 2011, BOEMRE received from Shell Gulf of Mexico Inc. its Revised Oil Discharge Prevention and Contingency Plan (the Chukchi Spill Plan) in support of a proposed exploration drilling program in the Chukchi Sea.

We now request copies of all documents, including memoranda, studies, reports, data, correspondence, comments, conversation records, files, and electronic mail, which were generated, received, kept and/or considered since Earthjustice sent BOEMRE FOIA Request No. MMS-2011-00129 on April 20, 2011 that address the following matters:

- All documents relating to the Chukchi Spill Plan (or revisions thereto) including, but not limited to, any changes proposed following the Deepwater Horizon oil spill, the equipment inventory (30 C.F.R. § 254.24), the calculation of the “worst case discharge” (30 C.F.R. § 254.47), any consultation(s) BOEMRE conducted pursuant to the Endangered Species Act, and BOEMRE's environmental review of the proposed spill response techniques in the Chukchi Spill Plan (e.g., in situ burning, dispersant application, decanting, etc.) under the National Environmental Policy Act; and,
- All documents relating to the Beaufort Spill Plan (or revisions thereto) including, but not limited to, any changes proposed following the Deepwater Horizon oil spill, the equipment inventory (30 C.F.R. § 254.24), the calculation of the “worst case discharge” (30 C.F.R. § 254.47), any consultation(s) BOEMRE conducted pursuant to the Endangered Species Act, and BOEMRE's environmental review of the proposed spill response techniques in the Beaufort Spill Plan (e.g., in situ burning, decanting, etc.) under the National Environmental Policy Act.

This request does not include the documents covered by FOIA Request No. MMS-2011-00129, rather it addresses only those documents generated, received, kept and/or considered since April 20, 2011. It also does not include copies of the Chukchi and Beaufort Spill Plans available on BOEMRE's website.

We expect BOEMRE's response will comply with the Attorney General's March 2009 memorandum, reiterating President Obama's directive that in “the face of doubt,

openness prevails.” Attorney General, Memorandum for Heads of Executive Departments and Agencies at 1 (March 19, 2009). Accordingly, BOEMRE should apply a presumption in favor of disclosure and consider that it “should not withhold information simply because it may do so legally.” *Id.*

### **Fee Waiver Requested**

We request a waiver of any fees associated with this request. FOIA mandates that agencies waive or reduce search and copying fees where the disclosure is “in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii).

In addition to the statutory direction, the U.S. Department of the Interior (Interior) has issued regulations outlining four factors that it considers in deciding whether a fee waiver is warranted: (1) the request concerns the operations or activities of government; (2) the disclosure likely will contribute to public understanding of government operations or activities; (3) the disclosure will contribute significantly to the public understanding; and (4) the disclosure is not primarily in the requester’s commercial interest. *See* 43 C.F.R. Part 2, App. D(b).

As one court explained, if a non-profit organization has “identified why they wanted the administrative record, what they intended to do with it, to whom they planned on distributing it, and the [relevant] expertise of their membership,” then a waiver is appropriate. *Ctr. for Biological Diversity v. Office of Mgmt. & Budget*, 546 F. Supp. 2d 722, 727 (N.D. Cal. 2008) (internal quotation omitted). The information provided below demonstrates that the requesting groups meet the required criteria and is entitled to a full fee waiver.

#### **1. The Request Concerns Government Operations and Activities.**

This FOIA request seeks information regarding BOEMRE’s operations and activities in carrying out the requirements of the Oil Pollution Act of 1990 (OPA), which enhances the nation’s ability to prevent and respond to oil spills. *See* 33 U.S.C. § 2701 *et seq.* To ensure that the owner or operator of an offshore facility is prepared to respond to an oil spill and to verify compliance with the mandates of OPA, BOEMRE requires owners and operators of offshore facilities to have an approved oil spill response plan. Accordingly, this FOIA request directly concerns the operations and activities of the government in requiring that legal standards regarding oil spill prevention and response are met.

## **2. Disclosure Will Contribute to Public Understanding of BOEMRE's Operations and Activities.**

There is a direct connection between the requested records and BOEMRE's operations and activities in the Arctic Ocean. The requested records relate to the government's evaluation of oil spill prevention and readiness in the Beaufort and Chukchi seas and management of public resources in the Arctic Ocean. Access to these records will allow the requesting groups to evaluate BOEMRE's analyses and compliance with applicable laws and regulations. Consequently, the requested documents are critical to a meaningful assessment of the agency's actions and a thorough public understanding of the government's operations and activities in the Arctic Ocean.

The requesters are public-interest organizations dedicated to protecting the environment, public resources, and human health by, among other mechanisms, monitoring government management of public lands, encouraging public participation in government processes, and ensuring enforcement of applicable public laws. We will scrutinize the scientific and legal underpinnings of the Spill Plans and these analyses will form the basis for responding to BOEMRE's actions and educating the public. *See Friends of the Coast Fork v. United States Dep't of the Interior*, 110 F.3d 53, 55 (9th Cir. 1997).

The requesting groups also intend to disseminate information that may be available in the requested records through various means, including newsletters, reports, newspaper and magazine articles, web sites, and through other formal and informal communications. These types of public outreach are sufficient to warrant a fee waiver. *See W. Watersheds Proj. v. Brown*, 318 F. Supp. 2d 1036, 1041 (D. Idaho 2004) (noting cases holding "statements of intent to disseminate requested information through newsletters, popular news outlets, and presentations to public interest requestors, government agencies, and the general public sufficient to entitle an organization to a fee waiver").

The requesting organizations possess the experience and expertise necessary to evaluate the requested information and provide it to the public in a useful form. *Cf. W. Watersheds Proj.*, 318 F. Supp. 2d at 1040-41. The groups are qualified to extract, synthesize, analyze, and convey the requested information to our supporters, other organizations, and the public at large in a way that will increase understanding of government actions affecting public resources in Alaska. The organizations have scientists, lawyers, and communications professionals who specialize in public outreach. They use that expertise to analyze and evaluate information about governmental decisions affecting public resources, such as the management of the outer

continental shelf, and provide our analyses and evaluations to our supporters, other organizations, and the general public.

These groups have a long history of evaluating information similar to that requested here and distributing it to help inform the public and encourage participation in future planning processes. They have been involved in various public processes involving the Alaska outer continental shelf.

**3. The Disclosure Will Contribute Significantly to Public Understanding.**

Issues involving oil spill response and prevention are of significant public interest. The requested disclosure will increase public understanding of BOEMRE's actions relating to the Arctic Ocean, and the Beaufort and Chukchi seas in particular. Although the Spill Plans are available to the public, other supporting documents are not. These records will provide recent information underlying the agency's decision-making, afford insight into the agency's decision-making processes, and highlight any competing viewpoints. These records will allow the requesting groups to evaluate the agency's decision-making and the adequacy of the analyses, facilitating public oversight of agency operations.

**4. The Requesters Have No Commercial Interest in the Disclosure of the Information.**

The requesting groups are nonprofit organizations that have no commercial interest in the requested records. *See McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987) (noting that FOIA's fee waiver provision is to be "liberally construed in favor of waivers for noncommercial requestors" (quoting legislative history)).

Please contact me if you have any questions, or if I can clarify this request in any way. I can be reached at 907-500-7133. As provided by FOIA, 5 U.S.C. § 552(a)(6)(A), we look forward to a reply within twenty working days. Thank you in advance for your assistance.

Sincerely,  
s/ Holly A. Harris  
Holly A. Harris  
Project Attorney  
Earthjustice



# United States Department of the Interior

## BUREAU OF OCEAN ENERGY MANAGEMENT

Alaska OCS Region

3801 Centerpoint Drive, Suite 500

Anchorage, Alaska 99503-5823

DEC 22 2011

In Reply Refer To:  
FOIA No. MMS-2011-00164

Holly A. Harris  
Earth Justice  
325 Fourth Street  
Juneau, Alaska 99801

Dear Holly Harris:

This letter is in regards to Freedom of Information Act (FOIA) request dated May 31, 2011, received in this office on June 2, 2011 and assigned MMS-2011-00164 in which you requested copies of Shell's Offshore Inc.'s Beaufort and Chukchi Spill Plans and supporting documents.

The Bureau of Ocean Energy Management (BOEM)<sup>1</sup> and the Bureau of Safety and Environmental Enforcement (BSEE) have located documents responsive to your request and these will be forwarded to you with the following exceptions:

- Fourteen documents (74 pages) contain trade secrets, commercial or financial information obtained by BOEMRE that is considered privileged or confidential. Therefore, we are withholding the under Exemption 4 of the FOIA (5 U.S.C. § 552(b)(4)). Of those documents, twelve (56 pages) also contain advisory opinions, recommendations, deliberations, advice, and suggestions between subordinates and superiors on a proposed action which are part of the Agency's decision making process and are being withheld under Exemption 5 of the FOIA (5 U.S.C. 552(b)(5)(b)(1)) which permits the withholding of Deliberative-Process Privilege information that is of a speculative, tentative, or evaluative nature that would impede the activities of the agency.
- One document (6 pages) contains advisory opinions, recommendations, deliberations, advice, and suggestions between subordinates and superiors on a proposed action which are part of the Agency's decision making process and are being withheld under Exemption 5 of the FOIA (5 U.S.C. 552(b)(5)(b)(1)) which permits the withholding of Deliberative-Process Privilege information that is of a speculative, tentative, or evaluative nature that would impede the activities of the agency.

The person responsible for this partial denial is myself and was made in consultation with Steven Scordino, Attorney Advisor, Office of the Solicitor. In accordance with 43 CFR 2.28(a)(1), you may appeal this partial denial by writing to:

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<sup>1</sup> BOEMRE has been reorganized into two separate and independent bureaus. This letter responds on behalf of both BOEM and BSEE since the FOIA request came at a time when the bureaus were united under BOEMRE.

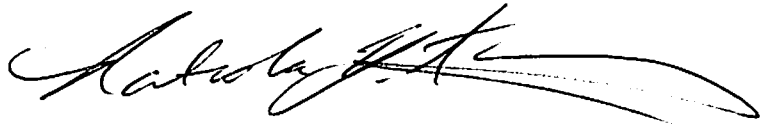
Office of the Solicitor  
Attn: FOIA Appeals Office  
U.S. Department of the Interior  
1849 C Street, NW, MS6556  
Washington, D.C. 20240

The appeal must be received by the FOIA Appeals Officer no later than 30 workdays after the date of the final response. 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.

Your fee waiver has been granted.

If you have any questions, please call me at 907-334-5207.

Sincerely,

A handwritten signature in black ink, appearing to read "Natasha Y. Alcantara", with a long, sweeping horizontal flourish extending to the right.

Natasha Y. Alcantara  
Freedom of Information Act Officer  
Bureau of Ocean Energy Management  
Alaska OCS Region





**EARTHJUSTICE**

ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN ROCKIES  
NORTHWEST ROCKY MOUNTAIN WASHINGTON, DC INTERNATIONAL

December 6, 2011

**VIA ELECTRONIC MAIL**

BSEE FOIA Officer  
Bureau of Safety and Environmental Enforcement  
Headquarters  
MS:2200  
381 Elden Street  
Herndon, VA 20170-4817  
F: 703-787-1207  
E: BOEMREFOIA@boemre.gov

Alaska Region FOIA Officer  
Bureau of Safety and Environmental Enforcement  
Alaska OCS Region  
MS:8001  
3801 Centerpoint Drive, Suite 500  
Anchorage, AK 99503-5820  
F: 907-334-5202  
E: BOEMREFOIA@boemre.gov

**Re: Freedom of Information Act Request Regarding Shell's Chukchi Sea Regional  
Exploration Oil Discharge Prevention and Contingency Plan**

Dear FOIA Officers:

Earthjustice, on behalf of Alaska Wilderness League, Audubon Alaska, Center for Biological Diversity, Natural Resources Defense Council, and World Wildlife Fund, submits this request for records pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

## Documents Requested

On May 12, 2011, Shell Gulf of Mexico Inc. submitted its Chukchi Sea Regional Exploration Oil Discharge Prevention and Contingency Plan (the Chukchi Spill Plan) to the Bureau of Safety and Environmental Enforcement (BSEE)<sup>1</sup>.

On July 12, 2011, President Obama issued an executive order to establish an interagency working group to coordinate the efforts of Federal agencies responsible for overseeing the development of onshore and offshore energy resources and associated infrastructure in Alaska (Arctic Working Group) (Executive Order 13580).

We now request copies of all documents, including memoranda, studies, reports, data, correspondence, comments, conversation records, files, and electronic mail, which were generated, received, kept and/or considered since Earthjustice sent BSEE FOIA Request No. MMS-2011-00164 on May 31, 2011 and that address the following matters:

- All documents relating to the Chukchi Spill Plan (or revisions thereto) including, but not limited to, any changes proposed following the *Deepwater Horizon* oil spill, the equipment inventory (30 C.F.R. § 254.24), the calculation of the “worst case discharge” (30 C.F.R. § 254.47), any consultation(s) BSEE conducted pursuant to the Endangered Species Act, and BSEE's environmental review of the proposed spill response techniques in the Chukchi Spill Plan (e.g., in situ burning, dispersant application, decanting, etc.) under the National Environmental Policy Act; and
- All documents relating to the Arctic Working Group, including documents generated and/or received from any member of the Working Group (as that term is defined in Executive Order 13580), including deputy level representatives and any other representative or staff member from the respective agency or office, relating to the Chukchi Spill Plan.

This request includes all documents sent to and/or received from any of the following: (1) Shell Offshore Inc., (2) Shell Gulf of Mexico Inc., and/or (3) all agencies, bureaus or governmental entities or representatives involved in the Arctic Working Group.

---

<sup>1</sup> Effective October 1, 2011, BSEE assumed authority for spill plan review and approval from the Bureau of Ocean Energy Regulation Management & Enforcement. For purposes of convenience, this FOIA request refers only to BSEE.

This request does not include the documents covered by FOIA Request No. MMS-2011-00164, rather it addresses only those documents generated, received, kept and/or considered since May 31, 2011. It also does not include copies of the Chukchi Spill Plan available on BSEE's website.

We expect BSEE's response will comply with the Attorney General's March 2009 memorandum, reiterating President Obama's directive that in "the face of doubt, openness prevails." Attorney General, Memorandum for Heads of Executive Departments and Agencies at 1 (March 19, 2009). Accordingly, BSEE should apply a presumption in favor of disclosure and consider that it "should not withhold information simply because it may do so legally." *Id.*

### **Fee Waiver Requested**

We request a waiver of any fees associated with this request. FOIA mandates that agencies waive or reduce search and copying fees where the disclosure is "in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii).

In addition to the statutory direction, the U.S. Department of the Interior (Interior) has issued regulations outlining four factors that it considers in deciding whether a fee waiver is warranted: (1) the request concerns the operations or activities of government; (2) the disclosure likely will contribute to public understanding of government operations or activities; (3) the disclosure will contribute significantly to the public understanding; and (4) the disclosure is not primarily in the requester's commercial interest. *See* 43 C.F.R. Part 2, App. D(b).

As one court explained, if a non-profit organization has "identified why they wanted the administrative record, what they intended to do with it, to whom they planned on distributing it, and the [relevant] expertise of their membership," then a waiver is appropriate. *Ctr. for Biological Diversity v. Office of Mgmt. & Budget*, 546 F. Supp. 2d 722, 727 (N.D. Cal. 2008) (internal quotation omitted). The information provided below demonstrates that the requesting groups meet the required criteria and is entitled to a full fee waiver.

#### **1. The Request Concerns Government Operations and Activities.**

This FOIA request seeks information regarding BSEE's operations and activities in carrying out the requirements of the Oil Pollution Act of 1990 (OPA), which enhances the nation's ability to prevent and respond to oil spills. *See* 33 U.S.C. § 2701 et seq. To ensure that the owner or operator of an offshore facility is prepared to respond to an oil spill and to verify compliance with the mandates of OPA, BSEE requires owners and operators of offshore facilities to have an approved oil spill response plan. Accordingly, this FOIA request directly concerns the

operations and activities of the government in requiring that legal standards regarding oil spill prevention and response are met.

**2. Disclosure Will Contribute to Public Understanding of BSEE's Operations and Activities.**

There is a direct connection between the requested records and BSEE's operations and activities in the Arctic Ocean. The requested records relate to the government's evaluation of oil spill prevention and readiness in the Chukchi Sea and management of public resources in the Arctic Ocean. Access to these records will allow the requesting groups to evaluate BSEE's analyses and compliance with applicable laws and regulations. Consequently, the requested documents are critical to a meaningful assessment of the agency's actions and a thorough public understanding of the government's operations and activities in the Arctic Ocean.

The requesters are public-interest organizations dedicated to protecting the environment, public resources, and human health by, among other mechanisms, monitoring government management of public lands, encouraging public participation in government processes, and ensuring enforcement of applicable public laws. We will scrutinize the scientific and legal underpinnings of the Chukchi Spill Plan and these analyses will form the basis for responding to BSEE's actions and educating the public. *See Friends of the Coast Fork v. United States Dep't of the Interior*, 110 F.3d 53, 55 (9th Cir. 1997).

The requesting groups also intend to disseminate information that may be available in the requested records through various means, including newsletters, reports, newspaper and magazine articles, web sites, and through other formal and informal communications. These types of public outreach are sufficient to warrant a fee waiver. *See W. Watersheds Proj. v. Brown*, 318 F. Supp. 2d 1036, 1041 (D. Idaho 2004) (noting cases holding "statements of intent to disseminate requested information through newsletters, popular news outlets, and presentations to public interest requestors, government agencies, and the general public sufficient to entitle an organization to a fee waiver").

The requesting organizations possess the experience and expertise necessary to evaluate the requested information and provide it to the public in a useful form. *Cf. W. Watersheds Proj.*, 318 F. Supp. 2d at 1040-41. The groups are qualified to extract, synthesize, analyze, and convey the requested information to our supporters, other organizations, and the public at large in a way that will increase understanding of government actions affecting public resources in Alaska. The organizations have scientists, lawyers, and communications professionals who specialize in public outreach. They use that expertise to analyze and evaluate information about governmental decisions affecting public resources, such as the management of the outer

continental shelf, and provide our analyses and evaluations to our supporters, other organizations, and the general public.

These groups have a long history of evaluating information similar to that requested here and distributing it to help inform the public and encourage participation in future planning processes. They have been involved in various public processes involving the Alaska outer continental shelf.

**3. The Disclosure Will Contribute Significantly to Public Understanding.**

Issues involving oil spill response and prevention are of significant public interest. The requested disclosure will increase public understanding of BSEE's actions relating to the Arctic Ocean, and the Chukchi Sea in particular. Although the Chukchi Spill Plan is available to the public, other supporting documents are not. These records will provide recent information underlying the agency's decision-making, afford insight into the agency's decision-making processes, and highlight any competing viewpoints. These records will allow the requesting groups to evaluate the agency's decision-making and the adequacy of the analyses, facilitating public oversight of agency operations.

**4. The Requesters Have No Commercial Interest in the Disclosure of the Information.**

The requesting groups are nonprofit organizations that have no commercial interest in the requested records. *See McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987) (noting that FOIA's fee waiver provision is to be "liberally construed in favor of waivers for noncommercial requestors" (quoting legislative history)).

Please contact me if you have any questions, or if I can clarify this request in any way. I can be reached at 907-500-7133. As provided by FOIA, 5 U.S.C. § 552(a)(6)(A), we look forward to a reply within twenty working days. Thank you in advance for your assistance.

Sincerely,

s/ Holly A. Harris  
Holly A. Harris  
Attorney  
Earthjustice



United States Department of the Interior  
BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

Alaska OCS Region  
3801 Centerpoint Drive, Suite 500  
Anchorage, Alaska 99503-5823

SEP 24 2012

In Reply Refer To:  
FOIA No. MMS-2012-00042

Holly A. Harris  
Earth Justice  
325 Fourth Street  
Juneau, Alaska 99801

Dear Holly Harris:

This letter is in regards to Freedom of Information Act (FOIA) request dated December 6, 2011 received on December 6, 2011 and assigned Request No. MMS-2012-00042 where you requested records from the Bureau of Safety and Environmental Enforcement (BSEE) related to the following:

1. The Chukchi Sea Regional Exploration Oil Discharge Prevention and Contingency Plan (the Chukchi Spill Plan) submitted on May 12, 2011 by Shell Gulf of Mexico Inc. to the Bureau of Ocean Energy Management, Regulation and Enforcement; and
2. Documents relating to the Arctic Working Group, including documents generated and/or received from any member of the Working Group (as that term is defined in Executive Order 13580), including deputy level representatives and any other representative or staff member from the respective agency or office, relating to the Chukchi Spill Plan.

The Bureau of Safety and Environmental Enforcement (BSEE)<sup>1</sup> is providing a final response. Documents responsive to your request have been located and these will be forwarded to you with the following exceptions:

- The Bureau is invoking the Attorney/Client Privilege of Exemption (5) to redact from some of the documents information that contains privileged and confidential communications between the agency attorney and his/her client relating to a legal matter for which the client has sought profession advice. Exemption 5 of the FOIA (5 U.S.C. 552(b)(5)(b)(3)) permits the withholding of facts divulged by a client to his/her attorney in confidence and opinions given by an attorney to his/her client based upon those facts.
- The Bureau is also invoking under Exemption (6) of the FOIA information protected by the Privacy Act which permits the withholding of information the release of which could constitute a clearly unwarranted invasion of personal privacy.

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<sup>1</sup> This response is being provided by the Bureau of Ocean Energy Management (BOEM) Alaska OCS Region's FOIA Officer on behalf of the Bureau of Safety and Environmental Enforcement (BSEE).

- The Bureau is also invoking the deliberative process privilege of Exemption (5) to redact from some of the documents information that reflects the agency's group thinking in the process of working out its policy on the issues that are the subject of the documents, which were all prepared before the agency took a final position or action.
- The Bureau is invoking the commercial information privilege of Exemption (5), conference call numbers and passcodes.

Sound grounds exist for invoking these exemptions which has been done in consultation with Ms. Sarah Doverspike, Attorney Advisor, Office of the Solicitor, Washington, D.C.

If you disagree with this partial denial, you have the right to appeal the decision. Under 43 C.F.R. Part 2, Subpart D, you may appeal our response to your request by writing to:

Freedom of Information Act Appeals Officer  
Department of the Interior  
Office of the Solicitor  
1849 C Street, N.W., MS 6556  
Washington, D.C. 20240

The FOIA Appeals Officer must receive your FOIA appeal no later than 30 workdays after the date of this final letter. Appeals arriving or delivered after 5 p.m. E.T., Monday through Friday, will be deemed received on the next workday.

You must include with your appeal copies of all correspondence between you and the Bureau concerning your FOIA request, including a copy of your original FOIA request and this letter. The appeal should be marked, both on the envelope and the face of the appeal letter, with the legend, "FREEDOM OF INFORMATION APPEAL." Your letter should include in as much detail as possible any reason(s) why you believe the Bureau's response is in error.

Your request for fee waiver has been granted.

If you have any questions, please contact me at [natasha.alcantara@boem.gov](mailto:natasha.alcantara@boem.gov)

Sincerely,



Natasha Y. Alcantara  
Acting Freedom of Information Act Officer  
Bureau of Safety and Environmental Enforcement  
Alaska OCS Region



Kyle Parker  
(907) 865-2600  
kparker@crowell.com

RECEIVED

MAR 15 2012

Regional Director, Alaska OCS  
Bureau of Ocean Energy Management  
Anchorage, Alaska

March 6, 2012

VIA ELECTRONIC MAIL AND REGULAR MAIL

BOEM FOIA Officer, Alaska OCS Region

MS:8001

3801 Centerpoint Drive, Suite 500

Anchorage, AK 99503-5820

BOEMFOIA@boem.gov

**RE: FREEDOM OF INFORMATION ACT REQUEST**

Dear Sir or Madam:

On behalf of my client, Shell Gulf of Mexico Inc. ("SGOMI"), I make this request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the Department of the Interior ("DOI") regulations implementing FOIA, 43 C.F.R. Part 2. In accordance with 43 C.F.R. § 2.8(d)(3), please note that I have made this request to four other FOIA Contacts who may also have information relevant to this matter: Secretary's Office at the Department of Interior Headquarters; Bureau of Safety and Environmental Enforcement Headquarters; Bureau of Safety and Environmental Enforcement Alaska OCS Regional Office; and Bureau of Ocean Energy Management Headquarters. I hereby request the following records within the possession or control of the DOI, Bureau of Safety and Environmental Enforcement ("BSEE"), or the Bureau of Ocean Energy Management ("BOEM"):

- All records related in any way to the evaluation, review, and approval of SGOMI's Chukchi Sea Region Exploration Program Oil Spill Response Plan, which was initially submitted in May 2011, resubmitted on January 26, 2012, and approved by BSEE on February 17, 2012 ("Chukchi OSRP"). This request is limited to records that would constitute the administrative record produced to a federal court in an action challenging BSEE's approval of the Chukchi OSRP. Records related to such review, evaluation, and approval include, *without limitation*, agendas, meeting notes, internal communications and notes, presentations, reports, letters, any comments received on the Chukchi OSRP and responses to those comments, emails, memoranda, drafts, charts, maps, tables, spreadsheets, reference documents and materials, and application documents.

If you determine that any portion of the requested records qualifies for withholding under an exemption to the FOIA disclosure requirements and that such material is not to be made



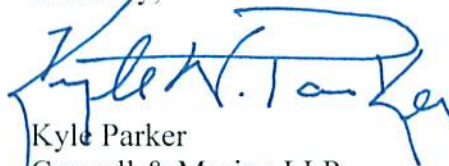
available through discretionary release, I request prompt release of all reasonably segregable information. For all information withheld from release, I respectfully request that you (1) identify the withheld material; (2) indicate the FOIA exemption under which material is being exempted; and (3) explain the application of the exemption to the withheld material.

I respectfully request that you provide this information on an expedited basis, as allowed under 43 C.F.R. § 2.14(a). SGOMI filed litigation in the U.S. District Court for the District of Alaska on February 29, 2012. *Shell Gulf of Mexico, Inc. v. Center for Biological Diversity, Inc. et al.*, No. 3:12-cv-00048-RRB (D. Alaska filed Feb. 29, 2012). The information requested is critical to the pending litigation. In accordance with 43 C.F.R. § 2.9, please reproduce the information in the manner that will allow you to produce the information in the shortest period of time.

This request is filed under the category of "commercial use" as defined in 43 C.F.R. § 2.17(a)(1). I agree to pay such fees as may be reasonably necessary to process this request. In the event that the fees exceed \$1000.00, however, please contact me prior to incurring such fees.

Thank you for your assistance with this request. If you have any questions, please do not hesitate to contact me.

Sincerely,



Kyle Parker  
Crowell & Moring LLP  
1029 W. 3<sup>rd</sup> Avenue, Suite 402  
Anchorage, AK 99501  
907.865.2600  
907.865.2680 (fax)  
[kparker@crowell.com](mailto:kparker@crowell.com)

cc: Susan Cason, Solicitor



May 8, 2012

**VIA ELECTRONIC MAIL**

BSEE FOIA Officer  
Bureau of Safety and Environmental Enforcement  
Headquarters  
Mail Stop: HE 2204  
381 Elden Street  
Herndon, VA 20170-4817  
F: 703-787-1207  
E: BOEMREFOIA@boemre.gov

Alaska Region FOIA Officer  
Bureau of Safety and Environmental Enforcement  
Alaska OCS Region  
MS:8001  
3801 Centerpoint Drive, Suite 500  
Anchorage, AK 99503-5820  
F: 907-334-5202  
E: BOEMREFOIA@boemre.gov

**Re: Freedom of Information Act Request Regarding Shell's Applications for Permit to Drill in the Beaufort and Chukchi Seas**

Dear FOIA Officers:

Earthjustice, on behalf of Alaska Wilderness League, Audubon Alaska, Center for Biological Diversity, and Natural Resources Defense Council, submits this request for records pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

On May 1, 2012, Director James Watson, told reporters at the Offshore Technology Conference that the Bureau of Safety and Environmental Enforcement (BSEE) is scrutinizing Shell Offshore Inc. and Shell Gulf of Mexico Inc.'s (collectively Shell) plans to drill a total of 10 wells in Arctic waters. According to the reports, Shell submitted 10 separate applications for permits (APDs) to drill wells in the Chukchi and Beaufort seas.

## **Documents Requested**

We request copies of all documents, including memoranda, studies, reports, data, correspondence, comments, conversation records, files, and electronic mail that address the following matters:

- All documents relating to Shell's 10 APDs in the Beaufort and Chukchi seas;
- All documents relating to the capping stack and related equipment that Shell intends to use to support its Arctic exploration drilling activities; and,
- All documents relating to Shell's Arctic Containment System and related equipment, including the vessel and barge, that Shell intends to use to support its Arctic exploration drilling activities.

This request includes all documents sent to and/or received from any of the following: (1) Shell Offshore Inc., (2) Shell Gulf of Mexico Inc., and/or (3) all agencies, bureaus or governmental entities or representatives.

We expect BSEE's response will comply with the Attorney General's March 2009 memorandum, reiterating President Obama's directive that in "the face of doubt, openness prevails." Attorney General, Memorandum for Heads of Executive Departments and Agencies at 1 (March 19, 2009). Accordingly, BSEE should apply a presumption in favor of disclosure and consider that it "should not withhold information simply because it may do so legally." *Id.*

## **Fee Waiver Requested**

We request a waiver of any fees associated with this request. FOIA mandates that agencies waive or reduce search and copying fees where the disclosure is "in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii).

In addition to the statutory direction, the U.S. Department of the Interior (Interior) has issued regulations outlining four factors that it considers in deciding whether a fee waiver is warranted: (1) the request concerns the operations or activities of government; (2) the disclosure likely will contribute to public understanding of government operations or activities; (3) the disclosure will contribute significantly to the public understanding; and (4) the disclosure is not primarily in the requester's commercial interest. *See* 43 C.F.R. Part 2, App. D(b).

As one court explained, if a non-profit organization has “identified why they wanted the administrative record, what they intended to do with it, to whom they planned on distributing it, and the [relevant] expertise of their membership,” then a waiver is appropriate. *Ctr. for Biological Diversity v. Office of Mgmt. & Budget*, 546 F. Supp. 2d 722, 727 (N.D. Cal. 2008) (internal quotation omitted). The information provided below demonstrates that the requesting groups meet the required criteria and is entitled to a full fee waiver.

**1. The Request Concerns Government Operations and Activities.**

This FOIA request seeks information regarding BSEE’s operations and activities in carrying out the requirements of the Outer Continental Shelf Lands Act and the Oil Pollution Act of 1990. BSEE is responsible for the review and approval of applications for permit to drill and oil spill response plans. *See* 76 Fed. Reg. 64,432 (Oct. 18, 2011); *id.* 64,434 (BSEE duties); 30 C.F.R. § 550.281. Accordingly, this FOIA request directly concerns the operations and activities of the government in requiring that legal standards governing offshore drilling and oil spill prevention and response are met.

**2. Disclosure Will Contribute to Public Understanding of BSEE’s Operations and Activities.**

There is a direct connection between the requested records and BSEE’s operations and activities in the Arctic Ocean. The requested records relate to the government’s evaluation of Shell’s APDs and oil spill containment devices in the Arctic Ocean. Access to these records will allow the requesting groups to evaluate BSEE’s analyses and compliance with applicable laws and regulations. Consequently, the requested documents are critical to a meaningful assessment of the agency’s actions and a thorough public understanding of the government’s operations and activities in the Arctic Ocean.

The requesters are public-interest organizations dedicated to protecting the environment, public resources, and human health by, among other mechanisms, monitoring government management of public lands, encouraging public participation in government processes, and ensuring enforcement of applicable public laws. We will scrutinize the scientific and legal underpinnings of the APDs and the oil spill containment devices and these analyses will form the basis for responding to BSEE’s actions and educating the public. *See Friends of the Coast Fork v. United States Dep’t of the Interior*, 110 F.3d 53, 55 (9th Cir. 1997).

The requesting groups also intend to disseminate information that may be available in the requested records through various means, including newsletters, reports, newspaper and magazine articles, web sites, and through other formal and informal communications. These types of public outreach are sufficient to warrant a fee waiver. *See W. Watersheds Proj. v. Brown*,

318 F. Supp. 2d 1036, 1041 (D. Idaho 2004) (noting cases holding “statements of intent to disseminate requested information through newsletters, popular news outlets, and presentations to public interest requestors, government agencies, and the general public sufficient to entitle an organization to a fee waiver”).

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These groups have a long history of evaluating information similar to that requested here and distributing it to help inform the public and encourage participation in future planning processes. They have been involved in various public processes involving the Alaska outer continental shelf.

**3. The Disclosure Will Contribute Significantly to Public Understanding.**

Issues involving offshore drilling and oil spill response and prevention are of significant public interest. The requested disclosure will increase public understanding of BSEE’s actions relating to the Arctic Ocean. These records will provide recent information underlying the agency’s decision-making, afford insight into the agency’s decision-making processes, and highlight any competing viewpoints. These records will allow the requesting groups to evaluate the agency’s decision-making and the adequacy of the analyses, facilitating public oversight of agency operations.

**4. The Requesters Have No Commercial Interest in the Disclosure of the Information.**

The requesting groups are nonprofit organizations that have no commercial interest in the requested records. *See McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987) (noting that FOIA’s fee waiver provision is to be “liberally construed in favor of waivers for noncommercial requestors” (quoting legislative history)).

Please contact me if you have any questions, or if I can clarify this request in any way. I can be reached at 907-500-7133. As provided by FOIA, 5 U.S.C. § 552(a)(6)(A), we look forward to a reply within twenty working days. Thank you in advance for your assistance.

Sincerely,

s/ Holly A. Harris  
Holly A. Harris  
Attorney  
Earthjustice



**EARTHJUSTICE**

ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN ROCKIES  
NORTHWEST ROCKY MOUNTAIN WASHINGTON, DC INTERNATIONAL

December 6, 2011

**VIA ELECTRONIC MAIL**

BSEE FOIA Officer  
Bureau of Safety and Environmental Enforcement  
Headquarters  
MS:2200  
381 Elden Street  
Herndon, VA 20170-4817  
F: 703-787-1207  
E: BOEMREFOIA@boemre.gov

Alaska Region FOIA Officer  
Bureau of Safety and Environmental Enforcement  
Alaska OCS Region  
MS:8001  
3801 Centerpoint Drive, Suite 500  
Anchorage, AK 99503-5820  
F: 907-334-5202  
E: BOEMREFOIA@boemre.gov

**Re: Freedom of Information Act Request Regarding Shell's Chukchi Sea Regional  
Exploration Oil Discharge Prevention and Contingency Plan**

Dear FOIA Officers:

Earthjustice, on behalf of Alaska Wilderness League, Audubon Alaska, Center for Biological Diversity, Natural Resources Defense Council, and World Wildlife Fund, submits this request for records pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

## Documents Requested

On May 12, 2011, Shell Gulf of Mexico Inc. submitted its Chukchi Sea Regional Exploration Oil Discharge Prevention and Contingency Plan (the Chukchi Spill Plan) to the Bureau of Safety and Environmental Enforcement (BSEE)<sup>1</sup>.

On July 12, 2011, President Obama issued an executive order to establish an interagency working group to coordinate the efforts of Federal agencies responsible for overseeing the development of onshore and offshore energy resources and associated infrastructure in Alaska (Arctic Working Group) (Executive Order 13580).

We now request copies of all documents, including memoranda, studies, reports, data, correspondence, comments, conversation records, files, and electronic mail, which were generated, received, kept and/or considered since Earthjustice sent BSEE FOIA Request No. MMS-2011-00164 on May 31, 2011 and that address the following matters:

- All documents relating to the Chukchi Spill Plan (or revisions thereto) including, but not limited to, any changes proposed following the *Deepwater Horizon* oil spill, the equipment inventory (30 C.F.R. § 254.24), the calculation of the “worst case discharge” (30 C.F.R. § 254.47), any consultation(s) BSEE conducted pursuant to the Endangered Species Act, and BSEE's environmental review of the proposed spill response techniques in the Chukchi Spill Plan (e.g., in situ burning, dispersant application, decanting, etc.) under the National Environmental Policy Act; and
- All documents relating to the Arctic Working Group, including documents generated and/or received from any member of the Working Group (as that term is defined in Executive Order 13580), including deputy level representatives and any other representative or staff member from the respective agency or office, relating to the Chukchi Spill Plan.

This request includes all documents sent to and/or received from any of the following: (1) Shell Offshore Inc., (2) Shell Gulf of Mexico Inc., and/or (3) all agencies, bureaus or governmental entities or representatives involved in the Arctic Working Group.

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<sup>1</sup> Effective October 1, 2011, BSEE assumed authority for spill plan review and approval from the Bureau of Ocean Energy Regulation Management & Enforcement. For purposes of convenience, this FOIA request refers only to BSEE.



This request does not include the documents covered by FOIA Request No. MMS-2011-00164, rather it addresses only those documents generated, received, kept and/or considered since May 31, 2011. It also does not include copies of the Chukchi Spill Plan available on BSEE's website.

We expect BSEE's response will comply with the Attorney General's March 2009 memorandum, reiterating President Obama's directive that in "the face of doubt, openness prevails." Attorney General, Memorandum for Heads of Executive Departments and Agencies at 1 (March 19, 2009). Accordingly, BSEE should apply a presumption in favor of disclosure and consider that it "should not withhold information simply because it may do so legally." *Id.*

### **Fee Waiver Requested**

We request a waiver of any fees associated with this request. FOIA mandates that agencies waive or reduce search and copying fees where the disclosure is "in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii).

In addition to the statutory direction, the U.S. Department of the Interior (Interior) has issued regulations outlining four factors that it considers in deciding whether a fee waiver is warranted: (1) the request concerns the operations or activities of government; (2) the disclosure likely will contribute to public understanding of government operations or activities; (3) the disclosure will contribute significantly to the public understanding; and (4) the disclosure is not primarily in the requester's commercial interest. *See* 43 C.F.R. Part 2, App. D(b).

As one court explained, if a non-profit organization has "identified why they wanted the administrative record, what they intended to do with it, to whom they planned on distributing it, and the [relevant] expertise of their membership," then a waiver is appropriate. *Ctr. for Biological Diversity v. Office of Mgmt. & Budget*, 546 F. Supp. 2d 722, 727 (N.D. Cal. 2008) (internal quotation omitted). The information provided below demonstrates that the requesting groups meet the required criteria and is entitled to a full fee waiver.

#### **1. The Request Concerns Government Operations and Activities.**

This FOIA request seeks information regarding BSEE's operations and activities in carrying out the requirements of the Oil Pollution Act of 1990 (OPA), which enhances the nation's ability to prevent and respond to oil spills. *See* 33 U.S.C. § 2701 et seq. To ensure that the owner or operator of an offshore facility is prepared to respond to an oil spill and to verify compliance with the mandates of OPA, BSEE requires owners and operators of offshore facilities to have an approved oil spill response plan. Accordingly, this FOIA request directly concerns the

operations and activities of the government in requiring that legal standards regarding oil spill prevention and response are met.

**2. Disclosure Will Contribute to Public Understanding of BSEE's Operations and Activities.**

There is a direct connection between the requested records and BSEE's operations and activities in the Arctic Ocean. The requested records relate to the government's evaluation of oil spill prevention and readiness in the Chukchi Sea and management of public resources in the Arctic Ocean. Access to these records will allow the requesting groups to evaluate BSEE's analyses and compliance with applicable laws and regulations. Consequently, the requested documents are critical to a meaningful assessment of the agency's actions and a thorough public understanding of the government's operations and activities in the Arctic Ocean.

The requesters are public-interest organizations dedicated to protecting the environment, public resources, and human health by, among other mechanisms, monitoring government management of public lands, encouraging public participation in government processes, and ensuring enforcement of applicable public laws. We will scrutinize the scientific and legal underpinnings of the Chukchi Spill Plan and these analyses will form the basis for responding to BSEE's actions and educating the public. *See Friends of the Coast Fork v. United States Dep't of the Interior*, 110 F.3d 53, 55 (9th Cir. 1997).

The requesting groups also intend to disseminate information that may be available in the requested records through various means, including newsletters, reports, newspaper and magazine articles, web sites, and through other formal and informal communications. These types of public outreach are sufficient to warrant a fee waiver. *See W. Watersheds Proj. v. Brown*, 318 F. Supp. 2d 1036, 1041 (D. Idaho 2004) (noting cases holding "statements of intent to disseminate requested information through newsletters, popular news outlets, and presentations to public interest requestors, government agencies, and the general public sufficient to entitle an organization to a fee waiver").

The requesting organizations possess the experience and expertise necessary to evaluate the requested information and provide it to the public in a useful form. *Cf. W. Watersheds Proj.*, 318 F. Supp. 2d at 1040-41. The groups are qualified to extract, synthesize, analyze, and convey the requested information to our supporters, other organizations, and the public at large in a way that will increase understanding of government actions affecting public resources in Alaska. The organizations have scientists, lawyers, and communications professionals who specialize in public outreach. They use that expertise to analyze and evaluate information about governmental decisions affecting public resources, such as the management of the outer

continental shelf, and provide our analyses and evaluations to our supporters, other organizations, and the general public.

These groups have a long history of evaluating information similar to that requested here and distributing it to help inform the public and encourage participation in future planning processes. They have been involved in various public processes involving the Alaska outer continental shelf.

**3. The Disclosure Will Contribute Significantly to Public Understanding.**

Issues involving oil spill response and prevention are of significant public interest. The requested disclosure will increase public understanding of BSEE's actions relating to the Arctic Ocean, and the Chukchi Sea in particular. Although the Chukchi Spill Plan is available to the public, other supporting documents are not. These records will provide recent information underlying the agency's decision-making, afford insight into the agency's decision-making processes, and highlight any competing viewpoints. These records will allow the requesting groups to evaluate the agency's decision-making and the adequacy of the analyses, facilitating public oversight of agency operations.

**4. The Requesters Have No Commercial Interest in the Disclosure of the Information.**

The requesting groups are nonprofit organizations that have no commercial interest in the requested records. *See McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987) (noting that FOIA's fee waiver provision is to be "liberally construed in favor of waivers for noncommercial requestors" (quoting legislative history)).

Please contact me if you have any questions, or if I can clarify this request in any way. I can be reached at 907-500-7133. As provided by FOIA, 5 U.S.C. § 552(a)(6)(A), we look forward to a reply within twenty working days. Thank you in advance for your assistance.

Sincerely,

s/ Holly A. Harris  
Holly A. Harris  
Attorney  
Earthjustice



United States Department of the Interior  
BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT  
Alaska OCS Region  
3801 Centerpoint Drive, Suite 500  
Anchorage, Alaska 99503-5823

July 2, 2012

Sarah Bordelon  
Crowell & Moring LLP  
1001 Pennsylvania Ave  
Washington , DC 20004

REF: BSEE-2012-00189

Dear Sarah Bordelon:

This letter is in response to your Freedom of Information Act (FOIA) request dated June 13, 2012, received in this office on June 13, 2012 and assigned Request No. BSEE-2012-00189 in which you requested a copy all FOIA requests seeking information related the evaluation, review, and approval of SGOMI's Chukchi Sea Regional Exploration Oil Spill Response Plan (OSRP) initially submitted in May 2011, resubmitted on January 26, 2012, and approved by BSEE on February 17, 2012; and SOI's Beaufort Sea Region Exploration Program OSRP initially submitted in May 2011, resubmitted in March 2012, and approved by BSEE on March 28, 2012, limited to requests received after May 2011. You also requested the records produced in response to those requests.

The Bureau of Safety and Environmental Enforcement Alaska OCS Region has located documents which are being provided to you in their entirety.

The fee for collecting this data is less than \$30 so no payment is required.

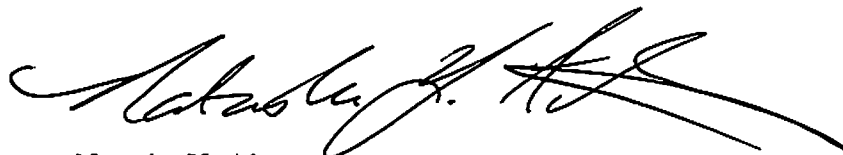
The person responsible for this decision is the undersigned. In accordance with 43 CFR 2.28(a)(1), you may appeal this finding by writing to:

Office of the Solicitor  
Attn: FOIA Appeals Office  
U.S. Department of the Interior  
1849 C Street, NW, MS6556  
Washington, D.C. 20240

The appeal must be received by the FOIA Appeals Officer no later than 30 workdays after the date of the final response. A copy of your original request and this response 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Natasha Y. Alcantara". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

**Natasha Y. Alcantara**  
**Acting Freedom of Information Act Officer**  
**Bureau of Safety and Environmental Enforcement**  
**Alaska OCS Region**

**From:** Richard Steiner [mailto:richard.g.steiner@gmail.com]  
**Sent:** Monday, July 16, 2012 12:46 PM  
**To:** BOEMREFOIA  
**Subject:** FOIA request re: Shell's capping stack for Arctic drilling

Dear BSEE -

Under the auspices of the FOIA, I hereby request any and all documents and other records pertaining to results of Shell oil company's testing of its well-head capping stack that would be used in response to a well-head blowout in its Arctic drilling program. This request should include any and all reports, formal or informal, regarding the testing of the capping stack, and any concerns regarding its potential performance in Arctic conditions.

The request is solely in the public interest, for non-commercial uses, and will be broadly distributed to the public. Thus I request a fee-waiver.

I look forward to receiving confirmation of your receipt of this request, as well as the above referenced information as soon as possible, preferably via email.

Sincerely,

Rick Steiner, Professor  
Oasis Earth  
Box 666, 9138 Arlon St. A3  
Anchorage, Alaska 99507  
[richard.g.steiner@gmail.com](mailto:richard.g.steiner@gmail.com)  
[www.oasis-earth.com](http://www.oasis-earth.com)



**United States Department of the Interior**  
**BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT**  
Alaska OCS Region  
3801 Centerpoint Drive, Suite 500  
Anchorage, Alaska 99503-5823

August 30, 2012

Rick Steiner  
Box 666, 9138 Arlon St A3  
Anchorage , AK 99507

REF: BSEE-2012-00203

Dear Rick Steiner:

This letter responds to your FOIA request dated July 16, 2012 and assigned Request No. BSEE-2012-00203. In which you requested records related to any and all reports, formal or informal, regarding the testing of the capping stack, and any concerns regarding its potential performance in Arctic conditions.

The Bureau of Safety and Environmental Enforcement Alaska OCS Region has located one responsive document and it is being provided to you in its entirety.

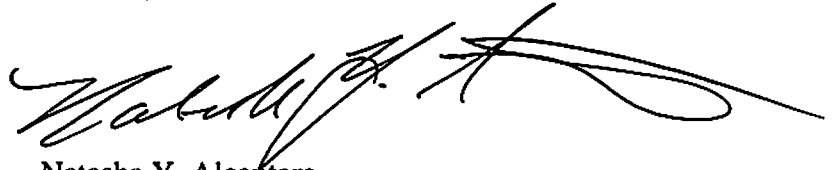
Your fee waiver has been granted.

The person responsible for this decision is the undersigned. In accordance with 43 CFR 2.28(a)(1), you may appeal this finding by writing to:

Office of the Solicitor  
Attn: FOIA Appeals Office  
U.S. Department of the Interior  
1849 C Street, NW, MS6556  
Washington, D.C. 20240

The appeal must be received by the FOIA Appeals Officer no later than 30 workdays after the date of the final response. A copy of your original request and this response 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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Natasha Y. Alcantara', with a long, sweeping flourish extending to the right.

**Natasha Y. Alcantara**  
**Acting Freedom of Information Act Officer**  
**Bureau of Safety and Environmental Enforcement**  
**Alaska OCS Region**





**EARTHJUSTICE**

ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN ROCKIES  
NORTHWEST ROCKY MOUNTAIN WASHINGTON, DC INTERNATIONAL

July 31, 2012

**VIA ELECTRONIC MAIL**

BSEE FOIA Officer  
Bureau of Safety and Environmental Enforcement, Headquarters  
MS:HE-2204  
381 Elden Street  
Herndon, VA 20170-4817  
E: BSEEOFIA@bsee.gov

Alaska Regional FOIA Coordinator  
Bureau of Safety and Environmental Enforcement, Alaska Region  
MS:AM 500  
3801 Centerpoint Drive, Suite 500  
Anchorage, AK 99503-5820  
E: BSEEOFIA@bsee.gov

**Re: Freedom of Information Act Request Regarding ConocoPhillips's Chukchi Sea  
Regional Exploration Oil Discharge Prevention and Contingency Plan**

Dear FOIA Officer:

Earthjustice, on behalf of Alaska Wilderness League, Audubon Alaska, Center for Biological Diversity, and Natural Resources Defense Council, submits this request for records pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

**Documents Requested**

In February 2012, ConocoPhillips Company (ConocoPhillips) submitted to the Bureau of Safety and Environmental Enforcement (BSEE) a proposed regional exploration oil discharge prevention and contingency plan (Chukchi Spill Plan) for proposed exploration drilling in the Chukchi Sea, Alaska. As of July 2012, BSEE has not made the Chukchi Spill Plan available to the public.

On July 12, 2011, President Obama issued an executive order to establish an interagency working group to coordinate the efforts of Federal agencies responsible for overseeing the development of onshore and offshore energy resources and associated infrastructure in Alaska (Arctic Working Group) (Executive Order 13580).

**We request copies of all memoranda, studies, reports, data, correspondence, comments, conversation records, files, electronic mail records, or other documents, which were generated, received, kept and/or considered that address the following matters:**

- All documents relating to the Chukchi Spill Plan (or revisions thereto) including, but not limited to, any consultation(s) BSEE is conducting pursuant to the Endangered Species Act, and BSEE's environmental review of the Chukchi Spill Plan under the National Environmental Policy Act; and
- All documents relating to the Arctic Working Group's review or input regarding the Chukchi Spill Plan, including documents generated and/or received from any member of the Working Group (as that term is defined in Executive Order 13580), including deputy level representatives and any other representative or staff member from the respective agency or office.

This request includes all documents sent to and/or received from ConocoPhillips, BSEE, and/or all agencies, bureaus or governmental entities or representatives involved in the Working Group.

We expect BSEE's response will comply with the Attorney General's March 2009 memorandum, reiterating President Obama's directive that in "the face of doubt, openness prevails." Attorney General, Memorandum for Heads of Executive Departments and Agencies at 1 (March 19, 2009). Accordingly, BSEE should apply a presumption in favor of disclosure and consider that it "should not withhold information simply because it may do so legally." *Id.*

### **Fee Waiver Requested**

We request a waiver of any fees associated with this request. FOIA mandates that agencies waive or reduce search and copying fees where the disclosure is "in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii).

In addition to the statutory direction, the U.S. Department of the Interior (Interior) has issued regulations outlining four factors that it considers in deciding whether a fee waiver is warranted: (1) the request concerns the operations or activities of government; (2) the disclosure likely will contribute to public understanding of government operations or activities; (3) the disclosure will contribute significantly to the public understanding; and (4) the disclosure is not primarily in the requester's commercial interest. *See* 43 C.F.R. Part 2, App. D(b).

As one court explained, if a non-profit organization has "identified why they wanted the administrative record, what they intended to do with it, to whom they planned on distributing it, and the [relevant] expertise of their membership," then a waiver is appropriate. *Ctr. for Biological Diversity v. Office of Mgmt. & Budget*, 546 F. Supp. 2d 722, 727 (N.D. Cal. 2008) (internal quotation omitted). The information provided below demonstrates that the requesting groups meet the required criteria and are entitled to a full fee waiver.

#### **I. The Request Concerns Government Operations and Activities.**

This FOIA request seeks information regarding BSEE's operations and activities in carrying out the requirements of the Oil Pollution Act of 1990 (OPA), which enhances the nation's ability to prevent and respond to oil spills. *See* 33 U.S.C. § 2701 *et seq.* To ensure that the owner or operator of an offshore facility is prepared to respond to an oil spill and to verify compliance with the mandates of OPA, BSEE requires owners and operators of offshore facilities to have an approved oil spill response plan. Accordingly, this FOIA request directly concerns the operations and activities of the government in requiring that legal standards regarding oil spill prevention and response are met.

#### **II. The Disclosure Will Likely Contribute to Public Understanding of BSEE's Operations and Activities.**

There is a direct connection between the requested records and BSEE's operations and activities in the Arctic Ocean. The requested records relate to the government's evaluation of oil spill prevention and readiness in the Chukchi Sea and management of public resources in the Arctic Ocean. Access to these records will allow the requesting groups to evaluate BSEE's analyses and compliance with applicable laws and regulations. Consequently, the requested documents are critical to a meaningful assessment of the agency's actions and a thorough public understanding of the government's operations and activities in the Arctic Ocean.

The requesters are public-interest organizations dedicated to protecting the environment, public resources, and human health by, among other mechanisms, monitoring government management of public lands, encouraging public participation in government processes, and ensuring enforcement of applicable public laws. The requesters will scrutinize the scientific and legal underpinnings of the requested documents and these analyses will form the basis for responding to BSEE's actions and educating the public. See *Friends of the Coast Fork v. United States Dep't of the Interior*, 110 F.3d 53, 55 (9th Cir. 1997).

The requesting groups also intend to disseminate information that may be available in the requested records through various means, including newsletters, reports, newspaper and magazine articles, web sites, and through other formal and informal communications. These types of public outreach are sufficient to warrant a fee waiver. See *W. Watersheds Proj. v. Brown*, 318 F. Supp. 2d 1036, 1041 (D. Idaho 2004) (noting cases holding "statements of intent to disseminate requested information through newsletters, popular news outlets, and presentations to public interest groups, government agencies, and the general public sufficient to entitle an organization to a fee waiver").

The requesting organizations possess the experience and expertise necessary to evaluate the requested information and provide it to the public in a useful form. Cf. *W. Watersheds Proj.*, 318 F. Supp. 2d at 1040-41. The groups are qualified to extract, synthesize, analyze, and convey the requested information to our supporters, other organizations, and the public at large in a way that will increase understanding of government actions affecting public resources in Alaska. The organizations have scientists, lawyers, and communications professionals who specialize in public outreach. They use that expertise to analyze and evaluate information about governmental decisions affecting public resources, such as the management of the OCS, and provide our analyses and evaluations to our supporters, other organizations, and the general public.

These groups have a long history of evaluating information similar to that requested here and distributing it to help inform the public and encourage participation in future planning processes. They have been involved in various public processes involving the Alaska OCS.

### **III. The Disclosure Will Contribute Significantly to the Public Understanding.**

Issues involving oil spill response and prevention are of significant public interest. The requested disclosure will increase public understanding of BSEE's actions relating to the Arctic Ocean, and the Chukchi Sea in particular. These records will provide recent information underlying the agency's decision-making, afford insight into the agency's decision-making processes, and highlight any competing viewpoints. These records will allow the requesting groups to evaluate the agency's decision-making and the adequacy of the analyses, facilitating public oversight of agency operations.

### **IV. The Requesters Have No Commercial Interest in the Disclosure of the Information.**

The requesting groups are nonprofit organizations that have no commercial interest in the requested records. *See McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987) (noting that FOIA's fee waiver provision is to be "liberally construed in favor of waivers for noncommercial requestors" (quoting legislative history)).

Please contact me if you have any questions, or if I can clarify this request in any way. I can be reached at (907) 500-7133. As provided by FOIA, 5 U.S.C. § 552(a)(6)(A), we look forward to a reply within twenty working days. Thank you in advance for your assistance.

Sincerely,

s/ Holly A. Harris  
Holly A. Harris  
Attorney  
Earthjustice



**United States Department of the Interior**  
**BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT**

Alaska OCS Region  
3801 Centerpoint Drive, Suite 500  
Anchorage, Alaska 99503-5823

November 15, 2012

John Ryan  
KUOW Puget Sound Public Radio  
4518 University Way NW #310  
Seattle, WA 98105-4535

REF: BSEE 2012-00226

Dear John Ryan:

This letter responds to your FOIA request dated September 19, 2012 and received in this office on September 20, 2012 and assigned Request No. BSEE 2012-00226.

The Bureau of Safety and Environmental Enforcement Alaska OCS Region has located nine documents responsive to your request and these will be forwarded to you with the following exceptions:

- Two documents are pending a final review decision by this office. We will provide a final response when our review is complete.
- For one document (one page) the Bureau is invoking under Exemption (6) of the FOIA information protected by the Privacy Act which permits the withholding of information the release of which could constitute a clearly unwarranted invasion of personal privacy.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The person responsible for this partial denial is myself and was made in consultation with Timothy Baker, Attorney Advisor, Office of the Solicitor. In accordance with 43 CFR 2.28(a)(1), you may appeal this partial denial by writing to:

Office of the Solicitor  
Attn: FOIA Appeals Office  
U.S. Department of the Interior  
1849 C Street, NW, MS6556  
Washington, D.C. 20240

The appeal must be received by the FOIA Appeals Officer no later than 30 workdays after the date of the final response. 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.

Your request for expedited processing has been granted.

Your request for fee waiver has been granted.

If you have any questions, feel free to contact me at (907) 334-5207.

Sincerely,

A handwritten signature in black ink, appearing to read "Natasha Y. Alcantara". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Natasha Y. Alcantara  
Acting Freedom of Information Act Officer  
Bureau of Safety and Environmental Enforcement  
Alaska OCS Region

**Subject:**

FW: News media FOIA request re: Arctic Challenger

**From:** John Ryan [<mailto:jryan@kuow.org>]

**Sent:** Wednesday, September 19, 2012 5:38 PM

**To:** BOEMREFOIA

**Subject:** News media FOIA request re: Arctic Challenger

Sep 19, 2012

**BSEE Alaska Region**

Regional FOIA Coordinator

Bureau of Safety and Environmental Enforcement

Mail Stop: AM 500

3801 Centerpoint Drive, Suite 500

Anchorage, AK 99503-5820

Telephone: 907-334-5207

Email: [BSEFOIA@bsee.gov](mailto:BSEFOIA@bsee.gov)

**FOIA REQUEST**

**Expedited processing requested**

Dear Natasha or other FOIA Officer:

Pursuant to the federal Freedom of Information Act, I request access to and electronic copies of:

\* any formal or informal reports created after Sept. 10, 2012, concerning inspections and/or field tests of the oil-spill containment system (a/k/a "containment dome") of Shell Oil's "Arctic Challenger" barge in Puget Sound, Washington state. Inspectors from BSEE's Anchorage, Alaska, office attended these tests.

Please e-mail me the information to save time and expense. I'd appreciate your communicating with me by telephone, rather than by mail, if you have any questions.

This information is being sought on behalf of KUOW Puget Sound Public Radio for dissemination to the general public. Please waive any applicable fees. As a representative of the news media, I am only required to pay for the direct cost of duplication after the first 100 pages. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities as they affect oil exploration and environmental impacts in the Arctic.

Please provide expedited processing and please provide information in batches as it becomes available. As a journalist, I am primarily engaged in disseminating information. The public has an urgent need for information about Shell's preparedness for Arctic drilling while this summer's exploratory drilling in the Arctic is still ongoing.

Thank you for your assistance! And may your windows, trees, and powerlines survive the latest Anchorage windstorm!



Sincerely,

John Ryan, Reporter

Winner, 2011 SPJ award for [Public Service in Radio Journalism](#)

206-543-0637 / Skype: heyjohnryan / Twitter: [@KUOWJohnR](#)

[KUOW](#) -- Puget Sound Public Radio -- hear [my stories](#)

94.9FM Seattle / 90.3 Bellingham / 1340AM Olympia / 91.7 Tacoma

4518 University Way NE #310 / Seattle, WA 98105-4535

[www.facebook.com/KUOWNews](http://www.facebook.com/KUOWNews)



**United States Department of the Interior**  
**BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT**

Alaska OCS Region  
3801 Centerpoint Drive, Suite 500  
Anchorage, Alaska 99503-5823

November 28, 2012

John Ryan  
KUOW Puget Sound Public Radio  
4518 University Way NW #310  
Seattle, WA 98105-4535

REF: BSEE 2012-00226

Dear John Ryan:

This letter completes the response to your FOIA request dated September 19, 2012 and received in this office on September 20, 2012 and assigned Request No. BSEE 2012-00226.

In addition to our previous response sent on November 15, 2012, the Bureau of Safety and Environmental Enforcement Alaska OCS Region has located one additional document responsive to your request and it is being provided in its entirety. For the two documents that were pending final review in our office as discussed in our November 15, 2012 interim response, our decision is as follows:

- One document (ten pages) contains trade secrets, commercial or financial information obtained by BOEMRE that is considered privileged or confidential and is of a kind that would not customarily be released to the public by the person from whom it was obtained. Therefore, we are withholding the document in its entirety under Exemption 4 of the FOIA (5 U.S.C. § 552(b)(4)).
- One document is being released in its entirety.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The person responsible for this partial denial is myself and was made in consultation with Timothy Baker, Attorney Advisor, Office of the Solicitor. In accordance with 43 CFR 2.28(a)(1), you may appeal this partial denial by writing to:

Office of the Solicitor  
Attn: FOIA Appeals Office  
U.S. Department of the Interior  
1849 C Street, NW, MS6556

Washington, D.C. 20240

The appeal must be received by the FOIA Appeals Officer no later than 30 workdays after the date of the final response. 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.

Your request for expedited processing has been granted.

Your request for fee waiver has been granted.

If you have any questions, feel free to contact me at (907) 334-5207.

Sincerely,

A handwritten signature in black ink, appearing to read "Natasha Y. Alcantara", with a long, sweeping flourish extending to the right.

Natasha Y. Alcantara  
Acting Freedom of Information Act Officer  
Bureau of Safety and Environmental Enforcement  
Alaska OCS Region

**From:** Demer, Lisa [<mailto:ldemer@adn.com>]  
**Sent:** Friday, October 05, 2012 8:54 PM  
**To:** BOEMREFOIA  
**Subject:** FOIA equest regarding Arctic Challenger

Hello FOIA officer:

I'm making this request under the federal Freedom of Information Act. If the information can be provided more quickly informally, that is preferable and I will gladly withdraw this request.

I am working on a story for the Anchorage Daily News regarding what went wrong with the Arctic Challenger, the Shell oil spill containment vessel, and the dome system.

I am seeking Bureau of Safety and Environmental Enforcement records related to the Challenger and the dome system.

Specifically, I seek any emails, incident reports, internal documents or other records that relate to the Sept. 15 incident in which the dome was damaged during testing. This would include but not be limited to any communications from Shell or contractor Superior Energy Services to BSEE or any from BSEE to Shell or Superior.

In addition, I seek any reports, emails, internal documents or other records related overall to the soundness and suitability of the Arctic Challenger for its intended work offshore in Alaska.

I request a waiver of fees because this is a matter of great public interest. If fees cannot be waived, let me know in advance if the fees will exceed \$100 so that I may get permission to spend that money.

Please provide the records in an electronic form. An email attachment is preferred. If the documents are extensive, perhaps you could upload them to your Web site or a shared Dropbox folder. If the records cannot be provided in an electronic format, I would like to pick up copies at the BSEE office in Anchorage, assuming that's the fastest way of getting them.

Please contact me at [907-257-4390](tel:907-257-4390) or [ldemer@adn.com](mailto:ldemer@adn.com) with questions or concerns about the request.

If other organizations have made similar requests, please provide copies of the requests. I may want to revise my request.

Thank you in advance for your prompt attention.

Regards,  
Lisa Demer  
Anchorage Daily News reporter  
[ldemer@adn.com](mailto:ldemer@adn.com)  
[907.257.4390](tel:907.257.4390) office  
[907.952.3965](tel:907.952.3965) cell

**From:** BOEMREFOIA  
**Sent:** Wednesday, October 10, 2012 2:09 PM  
**To:** Alcantara, Natasha Y  
**Cc:** Tinker, Dorothy J  
**Subject:** FW: FOIA Request

Hi Tasha,

Please see request below from PEER. If anything is needed from this office, please let Dottie know.

Thanks much...

Debbie

**From:** Jeff Ruch [<mailto:jruch@peer.org>]  
**Sent:** Wednesday, October 10, 2012 5:34 PM  
**To:** BOEMREFOIA  
**Subject:** FOIA Request

October 10, 2012

BSEE FOIA Officer  
Bureau of Safety and Environmental Enforcement  
Ms. Debbie Kimball  
Atrium Building; HE 2204  
381 Elden Street  
Herndon, VA 20170

**RE: FOIA REQUEST**

**VIA E-MAIL, FAX & MAIL**

Dear Ms. Kimball:

In mid-September, 2012, Royal Dutch Shell PLC (Shell) announced that its containment dome, said to incorporate all the lessons learned from capping the Deepwater Horizon spill, was severely damaged while being tested on Puget Sound. Shell's oil spill response barge, Arctic Challenger, carried the containment dome.

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended, Public Employees for Environmental Responsibility (PEER) requests information concerning this incident, its significance, the role of the Bureau of Safety and Environmental Enforcement (BSEE) and what lessons were derived from it. Specifically, we request the following:

1. Any documents related to the failure of the containment dome test from the Shell spill response barge Arctic Challenger in Bellingham in 2012, including any after-incident alterations or adjustments that Shell proposes to make or has made;
2. Any other deficiencies or compliance issues noted concerning the Arctic Challenger and the containment dome by any state or federal regulatory or marine conservation agency;
3. Any after-incident analysis BSEE has performed following this containment dome failure;
4. Information concerning the nature, timing and standards for future containment dome testing or exercises, including the role played by BSEE personnel and the role, if any, for independent third-party monitoring or participation;
5. Information regarding BSEE requirements or permit conditions relating to containment domes in permits issued to Shell during calendar year 2012; and
6. Information relating to BSEE policies, standards or other requirement regarding the capacity or reliability of containment domes in spill response plans.

In a January 21, 2009 memo, President Barack Obama declared the following policy for the Executive Branch:

“The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails. The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears. Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve... All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA.”

For any documents or portions of documents that you block release due to specific exemption(s) from the requirements of the Freedom of Information Act, please provide an index itemizing and describing the documents or portions of documents withheld. The index should, pursuant to the holding of Vaughn v. Rosen (484 F.2d 820 [D.C. Cir. 1973] cert. denied, 415 U.S. 977 [1974]), provide a detailed justification for claiming a particular exemption that explains why each such exemption applies to the document or portion of a document withheld.

PEER requests that all fees be waived because “disclosure of the information is in the public interest . . . and is not primarily in the commercial interest of the requestor” (5 U.S.C. 552 (a) (4)(A)):

*1. The records concern the operations or activities of the Government.*

The FOIA request is, by its terms, limited to identifiable activities of BSEE.

*2. The disclosure of the requested records is likely to contribute to public understanding of these operations or activities.*

The requested material concerns measures of the effectiveness of safety measures designed to contain or mitigate the enormous environmental damage from an oil spill in Arctic waters. The requested information concerns a recent highly-publicized containment dome failure during routine testing, what lessons have been learned, countermeasures planned and the rigor of BSEE regulation in this area. All of this information would greatly enhance public understanding of how BSEE is, or is not, fulfilling its core mission.

*3. The release of requested records will contribute significantly to public understanding of the governmental activities*

The nature of the information will shed direct light on the quality and extent of spill response measures required by BSEE and how those requirements are enforced. These documents will help the public to understand the reliability of spill containment equipment slated for deployment in sensitive Arctic waters.

PEER believes that the disclosure of the requested information will offer the general public a clear picture of the rigor, prudence and efficacy of BSEE actions and policies on the single greatest challenge facing the agency since its creation.

PEER intends to provide the requested information to the general public through —

- Release to the news media;
- Posting on the PEER web page which draws between 1,000 and 10,000 viewers per day; and
- Publication in PEER's newsletter that has a circulation of approximately 20,000, including 1,500 environmental journalists.

Through these methods, PEER generates an average of 1.5 mainstream news articles per day. Moreover, PEER has demonstrated the ability to generate nationwide news coverage concerning related BSEE activities. Moreover, as noted above, the Shell dome failure at the heart of this request has generated national and international media interest.

*4. Disclosure would not serve a commercial interest of the requestor.*

Disclosure is in no way connected with any commercial interest of the requestors in that PEER is a nonprofit, nonpartisan public interest organization concerned with upholding the public trust through responsible management of our nation's resources and with supporting professional integrity within public land management and pollution control agencies. To that end, PEER is designated as a tax-exempt organization under section 501 (c) (3) of the Internal Revenue code.

If you have any questions about this FOIA request, please contact me at (202) 265-PEER. I look forward to receiving the agency's final response within 20 working days.

Cordially,



Jeff Ruch  
Executive Director  
Public Employees for Environmental Responsibility (PEER)  
2000 P Street, NW Suite 240  
Washington, DC 20036  
Tel: (202) 265-7337; Fax: (202) 265-4192  
Website: [www.peer.org](http://www.peer.org)

Cc. BSEE Alaska Regional FOIA Coordinator

**Scharf, Nikki**

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**Subject:** FW: FOIA Request

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**From:** Jeff Ruch [<mailto:jruch@peer.org>]  
**Sent:** Friday, October 12, 2012 4:22 PM  
**To:** BOEMREFOIA  
**Subject:** FOIA Request

October 12, 2012

BSEE FOIA Officer  
Bureau of Safety and Environmental Enforcement  
Ms. Debbie Kimball  
Atrium Building; HE 2204  
381 Elden Street  
Herndon, VA 20170

**RE: FOIA REQUEST**

**VIA E-MAIL, FAX & MAIL**

Dear Ms. Kimball:

In September, 2012, Royal Dutch Shell PLC (Shell) drill ship the Noble Discoverer experienced moving sea ice which kept it away from a Chukchi Sea prospect for several days. Ultimately, these delays led Shell to abandon this work for the remainder of the year.

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended, Public Employees for Environmental Responsibility (PEER) requests information concerning the prevalence of conditions of surface or scour ice in permit areas, the analysis of the Bureau of Safety and Environmental Enforcement (BSEE) and what lessons are derived from these experiences and analyses. Specifically, we request the following:

1. Any documents in BSEE possession (whether internally or externally generated) related to the risk posed by ice scour and surface sea ice for offshore oil and gas operations in the Arctic OCS;
2. Any information relating to the specific risks posed to permitted activities by Shell;
3. Shell's proposed mitigation of this risk;
4. Any analysis, by the agency or outside entities, assessing the adequacy of this Shell mitigation plans or other mitigation plans to address this risk; and
5. Any information concerning delays or shutdowns caused by ice scour or sea ice to Shell's Arctic OCS operations during 2012.

In a January 21, 2009 memo, President Barack Obama declared the following policy for the Executive Branch:

“The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails. The Government should not keep information confidential merely because

public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears. Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve... All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA.”

For any documents or portions of documents that you block release due to specific exemption(s) from the requirements of the Freedom of Information Act, please provide an index itemizing and describing the documents or portions of documents withheld. The index should, pursuant to the holding of Vaughn v. Rosen (484 F.2d 820 [D.C. Cir. 1973] cert. denied, 415 U.S. 977 [1974]), provide a detailed justification for claiming a particular exemption that explains why each such exemption applies to the document or portion of a document withheld.

PEER requests that all fees be waived because “disclosure of the information is in the public interest . . . and is not primarily in the commercial interest of the requestor” (5 U.S.C. 552 (a) (4)(A)):

*1. The records concern the operations or activities of the Government.*

The FOIA request is, by its terms, limited to identifiable activities of BSEE.

*2. The disclosure of the requested records is likely to contribute to public understanding of these operations or activities.*

The requested material concerns the extent of sea ice interruptions of drilling operations, the risk posed for potential oil spills and the effectiveness of safety measures designed to contain or mitigate these risks. The requested information also concerns recent highly-publicized delays in drilling operations caused by sea ice. All of this information would greatly enhance public understanding of how BSEE is, or is not, fulfilling its core mission of ensuring safety and environmental enforcement.

*3. The release of requested records will contribute significantly to public understanding of the governmental activities*

The nature of the information will shed direct light on the extent and seriousness of a risk posed by moving surface and subsurface bodies of ice in Arctic waters being newly opened for oil and gas exploration and development. These documents will help the public to understand whether sea and scour ice will greatly limit oil and gas operations in Arctic waters. In addition, the public would be extremely interested to know whether surface and scour ice could cause accidents leading to spills and, if so, what are the effective countermeasures.

PEER believes that the disclosure of the requested information will offer the general public a clear picture of the rigor, prudence and efficacy of BSEE actions and policies on the single greatest challenge facing the agency since its creation.

PEER intends to provide the requested information to the general public through —

- Release to the news media;
- Posting on the PEER web page which draws between 1,000 and 10,000 viewers per day; and
- Publication in PEER’s newsletter that has a circulation of approximately 20,000, including 1,500 environmental journalists.

Through these methods, PEER generates an average of 1.5 mainstream news articles per day. Moreover, PEER has demonstrated the ability to generate nationwide news coverage concerning related BSEE activities. Moreover, as noted above, the sea ice delays of Shell operations this year generated national and international media coverage.

*4. Disclosure would not serve a commercial interest of the requestor.*

Disclosure is in no way connected with any commercial interest of the requestors in that PEER is a nonprofit, nonpartisan public interest organization concerned with upholding the public trust through responsible management of our nation's resources and with supporting professional integrity within public land management and pollution control agencies. To that end, PEER is designated as a tax-exempt organization under section 501 (c) (3) of the Internal Revenue code.

If you have any questions about this FOIA request, please contact me at (202) 265-PEER. I look forward to receiving the agency's final response within 20 working days.

Cordially,

Jeff Ruch  
Executive Director  
Public Employees for Environmental Responsibility (PEER)  
2000 P Street, NW Suite 240  
Washington, DC 20036  
Tel: (202) 265-7337; Fax: (202) 265-4192  
Website: [www.peer.org](http://www.peer.org)

Cc. BSEE Alaska Regional FOIA Coordinator

**From:** Jeff Ruch [mailto:jruch@peer.org]  
**Sent:** Tuesday, October 16, 2012 3:00 PM  
**To:** BOEMREFOIA  
**Subject:** FOIA Request

October 16, 2012

BSEE FOIA Officer  
Bureau of Safety and Environmental Enforcement  
Ms. Debbie Kimball  
Atrium Building; HE 2204  
381 Elden Street  
Herndon, VA 20170

**RE: FOIA REQUEST**

**VIA E-MAIL, FAX & MAIL**

Dear Ms. Kimball:

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended, Public Employees for Environmental Responsibility (PEER) requests information concerning well design and well integrity control for Royal Dutch Shell PLC (Shell) Beaufort Sea and Chukchi Sea exploratory Outer Continental Shelf (OCS) wells which have permits issued by the Bureau of Safety and Environmental

Enforcement (BSEE). Specifically, we request the following:

1. All documents related to the specific detail of well design and well integrity control these Shell wells, including but not limited to –
  - a) Specifications for casings;
  - b) Centralizers;
  - c) Float valves;
  - d) Maintenance of circulating pressure;
  - e) Cement slurry formulation;
  - f) Cement testing;
  - g) Drilling mud make-up and control;
  - h) Pressure testing;
  - i) Response to pressure anomalies;
  - j) Plans for cement evaluation logs;
  - k) Temporary abandonment procedures;
  - l) Kick detection;
  - m) Diversion and blowout preventer (BOP) activation procedures;
  - n) Drill floor management; and
  - o) Stop-work authorities.
2. All risk assessments done on the well design and well integrity for the Shell Arctic OCS wells.
3. Any documents relating to the compliance, or lack thereof, of Shell's well design and integrity control with standards of the American Association of Drilling Engineers, the American Petroleum Institute, and/or the American Society of Mechanical Engineers.

In a January 21, 2009 memo, President Barack Obama declared the following policy for the Executive Branch:

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For any documents or portions of documents that you block release due to specific exemption(s) from the requirements of the Freedom of Information Act, please provide an index itemizing and describing the documents or portions of documents withheld. The index should, pursuant to the holding of Vaughn v. Rosen (484 F.2d 820 [D.C. Cir. 1973] cert. denied, 415 U.S. 977 [1974]), provide a detailed justification for claiming a particular exemption that explains why each such exemption applies to the document or portion of a document withheld.

PEER requests that all fees be waived because “disclosure of the information is in the public interest . . . and is not primarily in the commercial interest of the requestor” (5 U.S.C. 552 (a) (4)(A)):

*1. The records concern the operations or activities of the Government.*

The FOIA request is, by its terms, limited to identifiable activities of BSEE.

*2. The disclosure of the requested records is likely to contribute to public understanding of these operations or activities.*

The requested material concerns the safety and reliability of drilling operations, the risk posed for potential oil spills and the effectiveness of measures designed to contain or mitigate these risks. All of this information would greatly enhance public understanding of how BSEE is, or is not, fulfilling its core mission of ensuring safety and environmental enforcement.

*3. The release of requested records will contribute significantly to public understanding of the governmental activities*

The nature of the information will shed direct light on well management integrity and safety procedures required for operation in Arctic waters being newly opened for oil and gas exploration. These documents will help the public to understand what steps are being taken to insure against an environmental disaster such as the 2010 BP Gulf Spill.

In addition, the public would be extremely interested to know whether Shell is complying with industry standards on critical safety equipment. PEER believes that the disclosure of the requested information will offer the general public a clear picture of the rigor, prudence and efficacy of BSEE actions and policies on the single greatest challenge facing the agency since its creation.

PEER intends to provide the requested information to the general public through —

- Release to the news media;
- Posting on the PEER web page which draws between 1,000 and 10,000 viewers per day; and
- Publication in PEER’s newsletter that has a circulation of approximately 20,000, including 1,500 environmental journalists.

Through these methods, PEER generates an average of 1.5 mainstream news articles per day. Moreover, PEER has demonstrated the ability to generate nationwide news coverage concerning related BSEE activities.

*4. Disclosure would not serve a commercial interest of the requestor.*

Disclosure is in no way connected with any commercial interest of the requestors in that PEER is a nonprofit, nonpartisan public interest organization concerned with upholding the public trust through responsible management of our nation’s resources and with supporting professional integrity within public land management and pollution control agencies. To that end, PEER is designated as a tax-exempt organization under section 501 (c) (3) of the Internal Revenue code.

If you have any questions about this FOIA request, please contact me at (202) 265-PEER. I

look forward to receiving the agency's final response within 20 working days.

Cordially,

Jeff Ruch  
Executive Director  
Public Employees for Environmental Responsibility (PEER)  
2000 P Street, NW Suite 240  
Washington, DC 20036  
Tel: (202) 265-7337; Fax: (202) 265-4192  
Website: [www.peer.org](http://www.peer.org)

Cc. BSEE Alaska Regional FOIA Coordinator





Public Employees for Environmental Responsibility

2000 P Street, NW • Suite 240 • Washington, D.C. 20036 • 202-265-PEER(7337) • fax: 202-265-4192  
e-mail: info@peer.org • website: www.peer.org

October 31, 2012

BSEE FOIA Officer  
Bureau of Safety and Environmental Enforcement  
Ms. Debbie Kimball  
Atrium Building; HE 2204  
381 Elden Street  
Herndon, VA 20170

Post-it® Fax Note	7671	Date	# of pages 3
To		From	
Co./Dept.		Co.	
Phone #	ORIGINAL	Phone #	
Fax #	VIA US MAIL	Fax #	EMAIL

**RE: FOIA REQUEST**

**VIA E-MAIL, FAX & MAIL**

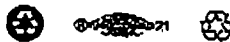
Dear Ms. Kimball:

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended, Public Employees for Environmental Responsibility (PEER) requests information concerning the blow-out preventer (BOP) systems for Royal Dutch Shell PLC (Shell) to be deployed in Beaufort Sea and Chukchi Sea exploratory Outer Continental Shelf (OCS) wells which have permits issued by the Bureau of Safety and Environmental Enforcement (BSEE). Specifically, we request the following:

1. All records describing the BOP systems to be deployed on Shell Arctic OCS exploratory wells, including design features, manufacturer, maintenance responsibilities, and any testing results concerning BOP efficacy or reliability; and
2. Any analysis concerning these Shell BOP systems relative to the BOP deployed by BP and/or Transocean in the 2010 Macondo well in the Gulf of Mexico, which failed.

In a January 21, 2009 memo, President Barack Obama declared the following policy for the Executive Branch:

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PEER requests that all fees be waived because “disclosure of the information is in the public interest . . . and is not primarily in the commercial interest of the requestor” (5 U.S.C. 552 (a) (4)(A)):

*1. The records concern the operations or activities of the Government.*

The FOIA request is, by its terms, limited to identifiable activities of BSEE.

*2. The disclosure of the requested records is likely to contribute to public understanding of these operations or activities.*

The requested material concerns the safety and reliability of drilling operations, the risk posed for potential oil spills and the effectiveness of measures designed to prevent these risks. All of this information would greatly enhance public understanding of how BSEE is, or is not, fulfilling its core mission of ensuring safety and environmental enforcement.

*3. The release of requested records will contribute significantly to public understanding of the governmental activities*

The nature of the information will shed direct light on major spill prevention procedures required for operation in Arctic waters being newly opened for oil and gas exploration. These documents will help the public to understand what steps are being taken to insure against an environmental disaster such as the 2010 BP Gulf Spill.

In addition, the public would be extremely interested to know whether Shell is complying with industry standards on critical safety equipment. PEER believes that the disclosure of the requested information will offer the general public a clear picture of the rigor, prudence and efficacy of BSEE actions and policies on the single greatest challenge facing the agency since its creation.

PEER intends to provide the requested information to the general public through —

- Release to the news media;
- Posting on the PEER web page which draws between 1,000 and 10,000 viewers per day; and
- Publication in PEER’s newsletter that has a circulation of approximately 20,000, including 1,500 environmental journalists.

Through these methods, PEER generates an average of 1.5 mainstream news articles per day. Moreover, PEER has demonstrated the ability to generate nationwide news coverage concerning related BSEE activities.

*4. Disclosure would not serve a commercial interest of the requestor.*

Disclosure is in no way connected with any commercial interest of the requestors in that PEER is a nonprofit, nonpartisan public interest organization concerned with upholding the public trust through responsible management of our nation's resources and with supporting professional integrity within public land management and pollution control agencies. To that end, PEER is designated as a tax-exempt organization under section 501 (c) (3) of the Internal Revenue code.

If you have any questions about this FOIA request, please contact me at (202) 265-PEER. I look forward to receiving the agency's final response within 20 working days.

Cordially,



Jeff Ruch  
Executive Director

Cc. BSEE Alaska Regional FOIA Coordinator

**From:** Jeff Ruch [mailto:jruch@peer.org]  
**Sent:** Friday, November 02, 2012 12:55 PM  
**To:** BOEMREFOIA  
**Subject:** FOIA request

November 2, 2012

BSEE FOIA Officer  
Bureau of Safety and Environmental Enforcement  
Ms. Debbie Kimball  
Atrium Building; HE 2204  
381 Elden Street  
Herndon, VA 20170

**RE: FOIA REQUEST**

**VIA E-MAIL, FAX & MAIL**

Dear Ms. Kimball:

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended, Public Employees for Environmental Responsibility (PEER) requests information concerning testing on the reliability or efficacy of equipment or systems which Royal Dutch Shell PLC (Shell) plans to be deployed in Beaufort Sea and Chukchi Sea exploratory Outer Continental Shelf (OCS) wells and which have permits issued by the Bureau of Safety and Environmental Enforcement (BSEE). Specifically, we request the following:

1. Any results of testing or monitoring of equipment to be deployed by Shell in its Arctic OCS operations whether conducted by BSEE, sister agencies, Shell or third parties; and
2. Any schedule or plans for future (from 9/1/12, forward) testing of any equipment to be used by Shell in its Arctic OCS drilling.

Item # 1 above excludes material provided in response to an earlier FOIA (submitted July 16, 2012 by Professor Richard Steiner, FOIA request BSEE-2012-00203).

In a January 21, 2009 memo, President Barack Obama declared the following policy for the Executive Branch:

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PEER requests that all fees be waived because “disclosure of the information is in the public interest . . . and is not primarily in the commercial interest of the requestor” (5 U.S.C. 552 (a) (4)(A)):

*1. The records concern the operations or activities of the Government.*

The FOIA request is, by its terms, limited to identifiable activities of BSEE.

*2. The disclosure of the requested records is likely to contribute to public understanding of these operations or activities.*

The requested material concerns the safety and reliability of drilling operations, the risk posed for potential oil spills and the effectiveness of measures designed to prevent these risks. All of this information would greatly enhance public understanding of how BSEE is, or is not, fulfilling its core mission of ensuring safety and environmental enforcement.

*3. The release of requested records will contribute significantly to public understanding of the governmental activities*

The nature of the information will shed direct light on major spill prevention procedures required for operation in Arctic waters being newly opened for oil and gas exploration. These documents will help the public to understand what steps are being taken to insure against an environmental disaster such as the 2010 BP Gulf Spill.

In addition, the public would be extremely interested to know whether Shell is complying with industry standards on critical safety equipment. PEER believes that the disclosure of the requested information will offer the general public a clear picture of the rigor, prudence and efficacy of BSEE actions and policies on the single greatest challenge facing the agency since its creation.

PEER intends to provide the requested information to the general public through —

- Release to the news media;
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*4. Disclosure would not serve a commercial interest of the requestor.*

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If you have any questions about this FOIA request, please contact me at (202) 265-PEER. I look forward to receiving the agency's final response within 20 working days.

Cordially,

Jeff Ruch  
Executive Director  
Public Employees for Environmental Responsibility (PEER)  
2000 P Street, NW Suite 240  
Washington, DC 20036  
Tel: (202) 265-7337; Fax: (202) 265-4192  
Website: [www.peer.org](http://www.peer.org)

Cc. BSEE Alaska Regional FOIA Coordinator



December 31, 2012

## VIA ELECTRONIC MAIL

BSEE FOIA Officer  
Bureau of Safety and Environmental Enforcement, Headquarters  
MS: HE-2204  
381 Elden Street  
Herndon, VA 20170-4817  
E: BSEEOFIA@bsee.gov

Alaska Regional FOIA Coordinator  
Bureau of Safety and Environmental Enforcement, Alaska Region  
MS:AM 500  
3801 Centerpoint Drive, Suite 500  
Anchorage, AK 99503-5820  
E: BSEEOFIA@bsee.gov

**Re: Supplement to Freedom of Information Act Requests Regarding Shell's Applications for Permits to Drill in the Beaufort and Chukchi Seas and ConocoPhillips's Chukchi Sea Regional Exploration Oil Discharge Prevention and Contingency Plan**

Dear FOIA Officer:

Earthjustice, on behalf of Alaska Wilderness League, Audubon Alaska, Center for Biological Diversity, and Natural Resources Defense Council, submits this request for records pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. This request supplements our May 8, 2012, FOIA request (MMS-2012-00166, MMS-2012-00163) and our July 31, 2012, FOIA request BSEE-2012-00212, BSEE-2012-00213).

## Documents Requested

- On May 8, 2012, we submitted a FOIA request to the Bureau of Safety and Environmental Enforcement (BSEE) for documents related to ten applications for permits to drill (APD) wells in the Beaufort and Chukchi seas submitted by Shell Offshore Inc. and Shell Gulf of Mexico Inc. (collectively Shell). BSEE Alaska Region acknowledged receipt of our request on May 10, 2012, and assigned it the reference number: MMS-2012-0166. On October 15, 2012, BSEE Alaska Region indicated by letter that while it had located documents responsive to our request, there would be "a delay in processing" the request due to "overall workload and the large backlog of FOIA

requests.” BSEE Headquarters acknowledged receipt of our request on May 24, 2012, assigned it the reference number: MMS-2012-00163, and indicated that there would be a delay in processing our request “due to the large backlog of FOIA requests received by this office.” As of the date of this letter, neither BSEE Alaska Region nor BSEE Headquarters has provided responsive documents.

- On July 31, 2012, we submitted a FOIA request to BSEE for documents related to ConocoPhillips Company’s (ConocoPhillips) regional exploration oil discharge prevention and contingency plan (Chukchi Spill Plan) for proposed exploration drilling in the Chukchi Sea. BSEE Alaska Region acknowledged receipt of our request on August 10, 2012, and assigned it the reference number: BSEE-2012-00212. On October 15, 2012, BSEE Alaska Region indicated by letter that while it had located documents responsive to our request, there would be “a delay in processing” the request due to “overall workload and the large backlog of FOIA requests.” BSEE Headquarters acknowledged receipt of our request on August 27, 2012, assigned it the reference number: BSEE-2012-00213, and indicated there would be a delay in processing our request “due to the large backlog of FOIA requests received by this office.” As of the date of this letter, neither BSEE Alaska Region nor BSEE Headquarters has provided responsive documents.

The correspondence related to these prior requests is attached to this letter for your information.

We now request that BSEE (i) provide us expeditiously with responses—already overdue—to our prior requests and (ii) additionally supplement our prior requests, which should include copies of all documents, including memoranda, studies, reports, data, correspondence, comments, conversation records, files, and electronic messages, which were generated, received, kept and/or considered that address the following matters and are not covered by our prior requests (*e.g.*, because the materials were created after the receipt of those requests) :

- All documents relating to Shell’s ten APDs in the Beaufort and Chukchi seas;
- All documents relating to ConocoPhillips’s submission of its proposed Chukchi Spill Plan (or revisions thereto) including, but not limited to, any consultation(s) BSEE is conducting pursuant to the Endangered Species Act, and BSEE’s environmental review of the Chukchi Spill Plan under the National Environmental Policy Act; and
- All documents relating to the review or input by the Arctic Working Group, the interagency working group created by President Obama by Executive Order 13580 on July 12, 2011, regarding Shell’s APDs and ConocoPhillips’s Chukchi Spill Plan, including documents generated by, sent from, and/or received by any member of the Working Group (as that term is defined in Executive Order 13580), including deputy level representatives and any other representative or staff member from the respective agency or office, Shell, ConocoPhillips, and BSEE.



We expect BSEE's response will comply with the Attorney General's March 2009 memorandum, reiterating President Obama's directive that in "the face of doubt, openness prevails." Attorney General, Memorandum for Heads of Executive Departments and Agencies at 1 (March 19, 2009). Accordingly, BSEE should apply a presumption in favor of disclosure and consider that it "should not withhold information simply because it may do so legally." *Id.*

### **Fee Waiver Requested**

We request a waiver of any fees associated with this request. FOIA mandates that agencies waive or reduce search and copying fees where the disclosure is "in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii).

In addition to the statutory direction, the U.S. Department of the Interior (Interior) has issued regulations outlining four factors that it considers in deciding whether a fee waiver is warranted: (1) the request concerns the operations or activities of government; (2) the disclosure likely will contribute to public understanding of government operations or activities; (3) the disclosure will contribute significantly to the public understanding; and (4) the disclosure is not primarily in the requester's commercial interest. *See* 43 C.F.R. Part 2, App. D(b).

As one court explained, if a non-profit organization has "identified why they wanted the administrative record, what they intended to do with it, to whom they planned on distributing it, and the [relevant] expertise of their membership," then a waiver is appropriate. *Ctr. for Biological Diversity v. Office of Mgmt. & Budget*, 546 F. Supp. 2d 722, 727 (N.D. Cal. 2008) (internal quotation omitted). The information provided below demonstrates that the requesting groups meet the required criteria and are entitled to a full fee waiver.

#### **1. The Request Concerns Government Operations and Activities.**

This FOIA request seeks information regarding BSEE's operations and activities in carrying out the requirements of the Outer Continental Shelf Lands Act and the Oil Pollution Act of 1990. BSEE is responsible for the review and approval of applications for permit to drill and oil spill response plans. *See* 76 Fed. Reg. 64,432 (Oct. 18, 2011); *id.* 64,434 (BSEE duties); 30 C.F.R. § 550.281. Accordingly, this FOIA request directly concerns the operations and activities of the government in requiring that legal standards governing offshore drilling and oil spill prevention and response are met.

## **2. Disclosure Will Contribute to Public Understanding of BSEE's Operations and Activities.**

There is a direct connection between the requested records and BSEE's operations and activities in the Arctic Ocean. The requested records relate to the government's evaluation of Shell's APDs and ConocoPhillips's plan for oil spill prevention and readiness in the Chukchi Sea. Access to these records will allow the requesting groups to evaluate BSEE's analyses and compliance with applicable laws and regulations. Consequently, the requested documents are critical to a meaningful assessment of the agency's actions and a thorough public understanding of the government's operations and activities in the Arctic Ocean.

The requesters are public-interest organizations dedicated to protecting the environment, public resources, and human health by, among other mechanisms, monitoring government management of public lands, encouraging public participation in government processes, and ensuring enforcement of applicable public laws. We will scrutinize the scientific and legal underpinnings of the APDs and the exploration plan and these analyses will form the basis for responding to BSEE's actions and educating the public. *See Friends of the Coast Fork v. United States Dep't of the Interior*, 110 F.3d 53, 55 (9th Cir. 1997).

The requesting groups also intend to disseminate information that may be available in the requested records through various means, including newsletters, reports, newspaper and magazine articles, web sites, and through other formal and informal communications. These types of public outreach are sufficient to warrant a fee waiver. *See W. Watersheds Proj. v. Brown*, 318 F. Supp. 2d 1036, 1041 (D. Idaho 2004) (noting cases holding "statements of intent to disseminate requested information through newsletters, popular news outlets, and presentations to public interest requestors, government agencies, and the general public sufficient to entitle an organization to a fee waiver").

The requesting organizations possess the experience and expertise necessary to evaluate the requested information and provide it to the public in a useful form. *Cf. W. Watersheds Proj.*, 318 F. Supp. 2d at 1040-41. The groups are qualified to extract, synthesize, analyze, and convey the requested information to our supporters, other organizations, and the public at large in a way that will increase understanding of government actions affecting public resources in Alaska. The organizations have scientists, lawyers, and communications professionals who specialize in public outreach. They use that expertise to analyze and evaluate information about governmental decisions affecting public resources, such as the management of the outer continental shelf, and provide our analyses and evaluations to our supporters, other organizations, and the general public.

These groups have a long history of evaluating information similar to that requested here and distributing it to help inform the public and encourage participation in future planning processes. They have been involved in various public processes involving the Alaska outer continental shelf.

**3. The Disclosure Will Contribute Significantly to Public Understanding.**

Issues involving offshore drilling and oil spill response and prevention in the Arctic Ocean are of significant public interest. The requested disclosures will increase public understanding of BSEE's actions relating to the Arctic Ocean. These records will provide recent information underlying the agency's decision-making, afford insight into the agency's decision-making processes, and highlight any competing viewpoints. These records will allow the requesting groups to evaluate the agency's decision-making and the adequacy of the analyses, facilitating public oversight of agency operations.

**4. The Requesters Have No Commercial Interest in the Disclosure of the Information.**

The requesting groups are nonprofit organizations that have no commercial interest in the requested records. *See McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987) (noting that FOIA's fee waiver provision is to be "liberally construed in favor of waivers for noncommercial requestors" (quoting legislative history)).

Please contact me if you have any questions, or if I can clarify this request in any way. I can be reached at 907-792-7102. As provided by FOIA, 5 U.S.C. § 552(a)(6)(A), we look forward to a reply within twenty working days. Thank you in advance for your assistance.

Sincerely,  
s/ Erik Grafe  
Erik Grafe  
Staff Attorney

Correspondence Related to MMS-2012-00166 and  
MMS-2012-00163



**EARTHJUSTICE**

ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN ROCKIES  
NORTHWEST ROCKY MOUNTAIN WASHINGTON, DC INTERNATIONAL

May 8, 2012

**VIA ELECTRONIC MAIL**

BSEE FOIA Officer  
Bureau of Safety and Environmental Enforcement  
Headquarters  
Mail Stop: HE 2204  
381 Elden Street  
Herndon, VA 20170-4817  
F: 703-787-1207  
E: BOEMREFOIA@boemre.gov

Alaska Region FOIA Officer  
Bureau of Safety and Environmental Enforcement  
Alaska OCS Region  
MS:8001  
3801 Centerpoint Drive, Suite 500  
Anchorage, AK 99503-5820  
F: 907-334-5202  
E: BOEMREFOIA@boemre.gov

**Re: Freedom of Information Act Request Regarding Shell's Applications for Permit to Drill in the Beaufort and Chukchi Seas**

Dear FOIA Officers:

Earthjustice, on behalf of Alaska Wilderness League, Audubon Alaska, Center for Biological Diversity, and Natural Resources Defense Council, submits this request for records pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

On May 1, 2012, Director James Watson, told reporters at the Offshore Technology Conference that the Bureau of Safety and Environmental Enforcement (BSEE) is scrutinizing Shell Offshore Inc. and Shell Gulf of Mexico Inc.'s (collectively Shell) plans to drill a total of 10 wells in Arctic waters. According to the reports, Shell submitted 10 separate applications for permits (APDs) to drill wells in the Chukchi and Beaufort seas.

## **Documents Requested**

We request copies of all documents, including memoranda, studies, reports, data, correspondence, comments, conversation records, files, and electronic mail that address the following matters:

- All documents relating to Shell's 10 APDs in the Beaufort and Chukchi seas;
- All documents relating to the capping stack and related equipment that Shell intends to use to support its Arctic exploration drilling activities; and,
- All documents relating to Shell's Arctic Containment System and related equipment, including the vessel and barge, that Shell intends to use to support its Arctic exploration drilling activities.

This request includes all documents sent to and/or received from any of the following: (1) Shell Offshore Inc., (2) Shell Gulf of Mexico Inc., and/or (3) all agencies, bureaus or governmental entities or representatives.

We expect BSEE's response will comply with the Attorney General's March 2009 memorandum, reiterating President Obama's directive that in "the face of doubt, openness prevails." Attorney General, Memorandum for Heads of Executive Departments and Agencies at 1 (March 19, 2009). Accordingly, BSEE should apply a presumption in favor of disclosure and consider that it "should not withhold information simply because it may do so legally." *Id.*

## **Fee Waiver Requested**

We request a waiver of any fees associated with this request. FOIA mandates that agencies waive or reduce search and copying fees where the disclosure is "in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii).

In addition to the statutory direction, the U.S. Department of the Interior (Interior) has issued regulations outlining four factors that it considers in deciding whether a fee waiver is warranted: (1) the request concerns the operations or activities of government; (2) the disclosure likely will contribute to public understanding of government operations or activities; (3) the disclosure will contribute significantly to the public understanding; and (4) the disclosure is not primarily in the requester's commercial interest. *See* 43 C.F.R. Part 2, App. D(b).

As one court explained, if a non-profit organization has “identified why they wanted the administrative record, what they intended to do with it, to whom they planned on distributing it, and the [relevant] expertise of their membership,” then a waiver is appropriate. *Ctr. for Biological Diversity v. Office of Mgmt. & Budget*, 546 F. Supp. 2d 722, 727 (N.D. Cal. 2008) (internal quotation omitted). The information provided below demonstrates that the requesting groups meet the required criteria and is entitled to a full fee waiver.

**1. The Request Concerns Government Operations and Activities.**

This FOIA request seeks information regarding BSEE’s operations and activities in carrying out the requirements of the Outer Continental Shelf Lands Act and the Oil Pollution Act of 1990. BSEE is responsible for the review and approval of applications for permit to drill and oil spill response plans. *See* 76 Fed. Reg. 64,432 (Oct. 18, 2011); *id.* 64,434 (BSEE duties); 30 C.F.R. § 550.281. Accordingly, this FOIA request directly concerns the operations and activities of the government in requiring that legal standards governing offshore drilling and oil spill prevention and response are met.

**2. Disclosure Will Contribute to Public Understanding of BSEE’s Operations and Activities.**

There is a direct connection between the requested records and BSEE’s operations and activities in the Arctic Ocean. The requested records relate to the government’s evaluation of Shell’s APDs and oil spill containment devices in the Arctic Ocean. Access to these records will allow the requesting groups to evaluate BSEE’s analyses and compliance with applicable laws and regulations. Consequently, the requested documents are critical to a meaningful assessment of the agency’s actions and a thorough public understanding of the government’s operations and activities in the Arctic Ocean.

The requesters are public-interest organizations dedicated to protecting the environment, public resources, and human health by, among other mechanisms, monitoring government management of public lands, encouraging public participation in government processes, and ensuring enforcement of applicable public laws. We will scrutinize the scientific and legal underpinnings of the APDs and the oil spill containment devices and these analyses will form the basis for responding to BSEE’s actions and educating the public. *See Friends of the Coast Fork v. United States Dep’t of the Interior*, 110 F.3d 53, 55 (9th Cir. 1997).

The requesting groups also intend to disseminate information that may be available in the requested records through various means, including newsletters, reports, newspaper and magazine articles, web sites, and through other formal and informal communications. These types of public outreach are sufficient to warrant a fee waiver. *See W. Watersheds Proj. v. Brown*,

318 F. Supp. 2d 1036, 1041 (D. Idaho 2004) (noting cases holding “statements of intent to disseminate requested information through newsletters, popular news outlets, and presentations to public interest requestors, government agencies, and the general public sufficient to entitle an organization to a fee waiver”).

The requesting organizations possess the experience and expertise necessary to evaluate the requested information and provide it to the public in a useful form. *Cf. W. Watersheds Proj.*, 318 F. Supp. 2d at 1040-41. The groups are qualified to extract, synthesize, analyze, and convey the requested information to our supporters, other organizations, and the public at large in a way that will increase understanding of government actions affecting public resources in Alaska. The organizations have scientists, lawyers, and communications professionals who specialize in public outreach. They use that expertise to analyze and evaluate information about governmental decisions affecting public resources, such as the management of the outer continental shelf, and provide our analyses and evaluations to our supporters, other organizations, and the general public.

These groups have a long history of evaluating information similar to that requested here and distributing it to help inform the public and encourage participation in future planning processes. They have been involved in various public processes involving the Alaska outer continental shelf.

**3. The Disclosure Will Contribute Significantly to Public Understanding.**

Issues involving offshore drilling and oil spill response and prevention are of significant public interest. The requested disclosure will increase public understanding of BSEE’s actions relating to the Arctic Ocean. These records will provide recent information underlying the agency’s decision-making, afford insight into the agency’s decision-making processes, and highlight any competing viewpoints. These records will allow the requesting groups to evaluate the agency’s decision-making and the adequacy of the analyses, facilitating public oversight of agency operations.

**4. The Requesters Have No Commercial Interest in the Disclosure of the Information.**

The requesting groups are nonprofit organizations that have no commercial interest in the requested records. *See McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987) (noting that FOIA’s fee waiver provision is to be “liberally construed in favor of waivers for noncommercial requestors” (quoting legislative history)).



Please contact me if you have any questions, or if I can clarify this request in any way. I can be reached at 907-500-7133. As provided by FOIA, 5 U.S.C. § 552(a)(6)(A), we look forward to a reply within twenty working days. Thank you in advance for your assistance.

Sincerely,

s/ Holly A. Harris  
Holly A. Harris  
Attorney  
Earthjustice



# United States Department of the Interior

## BUREAU OF OCEAN ENERGY MANAGEMENT

Alaska Outer Continental Shelf Region

3801 Centerpoint Drive, Suite 500

Anchorage, Alaska 99503-5823

May 10, 2012

RECEIVED  
MAY 14 2012  
EARTHJUSTICE

Holly Harris  
Attorney  
EarthJustice  
325 Fourth Street  
Juneau , AK 99801

REF: MMS-2012-00166

Dear Holly Harris:

The Bureau of Safety and Environmental Enforcement (BSEE) Alaska OCS Region Freedom of Information Act Officer received your FOIA request dated May 08, 2012 on May 10, 2012 and assigned it Request No. MMS-2012-00166. Please reference this number on correspondence concerning your request. We will advise you of the status of our response within 20 workdays if we anticipate a delay. Unusual circumstances may warrant an additional 10-workday extension.

A separate response will be provided from BSEE Headquarters FOIA Office.

If you have any questions, feel free to contact Natasha Alcantara at (907) 334-5207.

Sincerely,

Natasha Y. Alcantara  
Freedom of Information Act Officer  
Bureau of Ocean Energy Management  
Alaska OCS Region



United States Department of the Interior  
BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT  
WASHINGTON, DC 20240-0001

In Reply Refer To:  
Mail Stop HE-2204

May 24, 2012

**RECEIVED  
MAY 29 2012**

EarthJustice  
Attention: Ms. Holly A. Harris  
325 Fourth Street  
Juneau, Alaska 99801

**EARTHJUSTICE**

Dear Ms. Harris:

The Bureau of Safety and Environmental Enforcement (BSEE) received your Freedom of Information Act (FOIA) request dated May 8, 2012, sent via e-mail to the FOIA mailbox.

We have assigned your request Number MMS-2012-00163; please reference this number on any correspondence concerning this request.

You have requested all associated fees for this request be waived. The FOIA permits documents to be furnished without charge or at a reduced charge if disclosure of the information:

1. Is in the public interest because it is likely to contribute significantly to the public understanding of the operations and activities of the Government, and
2. Is not primarily in your interest.

The U.S. Department of the Interior considers the following factors (see 43 C.F.R. Part 2, Subpart D) in deciding whether you are entitled to a fee waiver:

1. How do the records concern the operations or activities of the Government?
2. If the records concern the operations or activities of the Government, how will disclosure likely contribute to public understanding of these operations and activities?
3. If there is likely to be a contribution to public understanding, will release of the requested records contribute significantly to public understanding?
4. Would disclosure be primarily in your interest?

We feel your request meets all of the criteria set forth above; therefore, we are hereby granting your request for a fee waiver, in accordance with the FOIA (5 U.S.C. § 552) and the Department of Interior's FOIA regulations (43 C.F.R. § 2.19).

Due to the large backlog number of FOIA requests received by this office, there will be a delay in processing your request. Please be assured that our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

If you have any questions, please contact me at [BSEFOIA@bsee.gov](mailto:BSEFOIA@bsee.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Debbie Kimball".

Debbie Kimball  
FOIA Office



United States Department of the Interior  
BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT  
Alaska OCS Region  
3801 Centerpoint Drive, Suite 500  
Anchorage, Alaska 99503-5823  
October 15, 2012

RECEIVED  
OCT 18 2012  
EARTHJUSTICE

Holly Harris  
EarthJustice  
325 Fourth Street  
Juneau, AK 99801

REF: MMS-2012-00166

Dear Holly Harris:

This letter is to provide an update on your FOIA Request No. MMS 2012-00166 dated May 8, 2012 and received on May 10, 2012.

The Bureau of Safety and Environmental Enforcement (BSEE) Alaska OCS Region has located documents that are responsive to your request. BSEE is currently processing these documents and determining whether exemptions apply. Based on the volume of documents requested, complexity of the issues, this office's overall workload and the large backlog of FOIA requests received by this office, there will be a delay in processing your request. Please be assured that our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

You have the right to appeal this response. In accordance with 43 CFR 2.28(a)(1), you may appeal this finding by writing to:

Office of the Solicitor  
Attn: FOIA Appeals Office  
U.S. Department of the Interior  
1849 C Street, NW, MS6556  
Washington, D.C. 20240

The appeal must be received by the FOIA Appeals Officer no later than 30 workdays after the date of this letter. A copy of your original request and this response 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.

We regret the delay and appreciate your consideration in this matter. Should you have any additional questions, please contact me at 907-334-5207.

Sincerely,

A handwritten signature in black ink, appearing to read "Natasha Y. Alcantara". The signature is fluid and cursive, with a prominent initial "N" and a long, sweeping tail.

Natasha Y. Alcantara  
Acting Freedom of Information Act Officer  
Bureau of Safety and Environmental Enforcement  
Alaska OCS Region

Correspondence Related to BSEE-2012-00212 and  
BSEE-2012-00213



**EARTHJUSTICE**

ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN ROCKIES  
NORTHWEST ROCKY MOUNTAIN WASHINGTON, DC INTERNATIONAL

July 31, 2012

**VIA ELECTRONIC MAIL**

BSEE FOIA Officer  
Bureau of Safety and Environmental Enforcement, Headquarters  
MS:HE-2204  
381 Elden Street  
Herndon, VA 20170-4817  
E: BSEEOFIA@bsee.gov

Alaska Regional FOIA Coordinator  
Bureau of Safety and Environmental Enforcement, Alaska Region  
MS:AM 500  
3801 Centerpoint Drive, Suite 500  
Anchorage, AK 99503-5820  
E: BSEEOFIA@bsee.gov

**Re: Freedom of Information Act Request Regarding ConocoPhillips's Chukchi Sea  
Regional Exploration Oil Discharge Prevention and Contingency Plan**

Dear FOIA Officer:

Earthjustice, on behalf of Alaska Wilderness League, Audubon Alaska, Center for Biological Diversity, and Natural Resources Defense Council, submits this request for records pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

**Documents Requested**

In February 2012, ConocoPhillips Company (ConocoPhillips) submitted to the Bureau of Safety and Environmental Enforcement (BSEE) a proposed regional exploration oil discharge prevention and contingency plan (Chukchi Spill Plan) for proposed exploration drilling in the Chukchi Sea, Alaska. As of July 2012, BSEE has not made the Chukchi Spill Plan available to the public.



On July 12, 2011, President Obama issued an executive order to establish an interagency working group to coordinate the efforts of Federal agencies responsible for overseeing the development of onshore and offshore energy resources and associated infrastructure in Alaska (Arctic Working Group) (Executive Order 13580).

**We request copies of all memoranda, studies, reports, data, correspondence, comments, conversation records, files, electronic mail records, or other documents, which were generated, received, kept and/or considered that address the following matters:**

- All documents relating to the Chukchi Spill Plan (or revisions thereto) including, but not limited to, any consultation(s) BSEE is conducting pursuant to the Endangered Species Act, and BSEE's environmental review of the Chukchi Spill Plan under the National Environmental Policy Act; and
- All documents relating to the Arctic Working Group's review or input regarding the Chukchi Spill Plan, including documents generated and/or received from any member of the Working Group (as that term is defined in Executive Order 13580), including deputy level representatives and any other representative or staff member from the respective agency or office.

This request includes all documents sent to and/or received from ConocoPhillips, BSEE, and/or all agencies, bureaus or governmental entities or representatives involved in the Working Group.

We expect BSEE's response will comply with the Attorney General's March 2009 memorandum, reiterating President Obama's directive that in "the face of doubt, openness prevails." Attorney General, Memorandum for Heads of Executive Departments and Agencies at 1 (March 19, 2009). Accordingly, BSEE should apply a presumption in favor of disclosure and consider that it "should not withhold information simply because it may do so legally." *Id.*

### **Fee Waiver Requested**

We request a waiver of any fees associated with this request. FOIA mandates that agencies waive or reduce search and copying fees where the disclosure is "in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii).

In addition to the statutory direction, the U.S. Department of the Interior (Interior) has issued regulations outlining four factors that it considers in deciding whether a fee waiver is warranted: (1) the request concerns the operations or activities of government; (2) the disclosure likely will contribute to public understanding of government operations or activities; (3) the disclosure will contribute significantly to the public understanding; and (4) the disclosure is not primarily in the requester's commercial interest. *See* 43 C.F.R. Part 2, App. D(b).

As one court explained, if a non-profit organization has "identified why they wanted the administrative record, what they intended to do with it, to whom they planned on distributing it, and the [relevant] expertise of their membership," then a waiver is appropriate. *Ctr. for Biological Diversity v. Office of Mgmt. & Budget*, 546 F. Supp. 2d 722, 727 (N.D. Cal. 2008) (internal quotation omitted). The information provided below demonstrates that the requesting groups meet the required criteria and are entitled to a full fee waiver.

#### **I. The Request Concerns Government Operations and Activities.**

This FOIA request seeks information regarding BSEE's operations and activities in carrying out the requirements of the Oil Pollution Act of 1990 (OPA), which enhances the nation's ability to prevent and respond to oil spills. *See* 33 U.S.C. § 2701 *et seq.* To ensure that the owner or operator of an offshore facility is prepared to respond to an oil spill and to verify compliance with the mandates of OPA, BSEE requires owners and operators of offshore facilities to have an approved oil spill response plan. Accordingly, this FOIA request directly concerns the operations and activities of the government in requiring that legal standards regarding oil spill prevention and response are met.

#### **II. The Disclosure Will Likely Contribute to Public Understanding of BSEE's Operations and Activities.**

There is a direct connection between the requested records and BSEE's operations and activities in the Arctic Ocean. The requested records relate to the government's evaluation of oil spill prevention and readiness in the Chukchi Sea and management of public resources in the Arctic Ocean. Access to these records will allow the requesting groups to evaluate BSEE's analyses and compliance with applicable laws and regulations. Consequently, the requested documents are critical to a meaningful assessment of the agency's actions and a thorough public understanding of the government's operations and activities in the Arctic Ocean.

The requesters are public-interest organizations dedicated to protecting the environment, public resources, and human health by, among other mechanisms, monitoring government management of public lands, encouraging public participation in government processes, and ensuring enforcement of applicable public laws. The requesters will scrutinize the scientific and legal underpinnings of the requested documents and these analyses will form the basis for responding to BSEE's actions and educating the public. See *Friends of the Coast Fork v. United States Dep't of the Interior*, 110 F.3d 53, 55 (9th Cir. 1997).

The requesting groups also intend to disseminate information that may be available in the requested records through various means, including newsletters, reports, newspaper and magazine articles, web sites, and through other formal and informal communications. These types of public outreach are sufficient to warrant a fee waiver. See *W. Watersheds Proj. v. Brown*, 318 F. Supp. 2d 1036, 1041 (D. Idaho 2004) (noting cases holding "statements of intent to disseminate requested information through newsletters, popular news outlets, and presentations to public interest groups, government agencies, and the general public sufficient to entitle an organization to a fee waiver").

The requesting organizations possess the experience and expertise necessary to evaluate the requested information and provide it to the public in a useful form. Cf. *W. Watersheds Proj.*, 318 F. Supp. 2d at 1040-41. The groups are qualified to extract, synthesize, analyze, and convey the requested information to our supporters, other organizations, and the public at large in a way that will increase understanding of government actions affecting public resources in Alaska. The organizations have scientists, lawyers, and communications professionals who specialize in public outreach. They use that expertise to analyze and evaluate information about governmental decisions affecting public resources, such as the management of the OCS, and provide our analyses and evaluations to our supporters, other organizations, and the general public.

These groups have a long history of evaluating information similar to that requested here and distributing it to help inform the public and encourage participation in future planning processes. They have been involved in various public processes involving the Alaska OCS.

### **III. The Disclosure Will Contribute Significantly to the Public Understanding.**

Issues involving oil spill response and prevention are of significant public interest. The requested disclosure will increase public understanding of BSEE's actions relating to the Arctic Ocean, and the Chukchi Sea in particular. These records will provide recent information underlying the agency's decision-making, afford insight into the agency's decision-making processes, and highlight any competing viewpoints. These records will allow the requesting groups to evaluate the agency's decision-making and the adequacy of the analyses, facilitating public oversight of agency operations.

### **IV. The Requesters Have No Commercial Interest in the Disclosure of the Information.**

The requesting groups are nonprofit organizations that have no commercial interest in the requested records. *See McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987) (noting that FOIA's fee waiver provision is to be "liberally construed in favor of waivers for noncommercial requestors" (quoting legislative history)).

Please contact me if you have any questions, or if I can clarify this request in any way. I can be reached at (907) 500-7133. As provided by FOIA, 5 U.S.C. § 552(a)(6)(A), we look forward to a reply within twenty working days. Thank you in advance for your assistance.

Sincerely,

s/ Holly A. Harris  
Holly A. Harris  
Attorney  
Earthjustice



# United States Department of the Interior

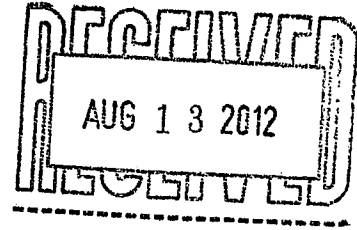
BUREAU OF OCEAN ENERGY MANAGEMENT

Alaska Outer Continental Shelf Region

3801 Centerpoint Drive, Suite 500

Anchorage, Alaska 99503-5823

August 10, 2012



Holly Harris  
Earthjustice  
441 West 5<sup>th</sup> Avenue, Suite 301  
Anchorage, AK 99501

REF: BSEE 2012-00212

Dear Holly Harris:

The Bureau of Ocean Energy Management Alaska Region received your FOIA request dated July 31, 2012 on August 1, 2012 and assigned it Request No. BSEE 2012-00212. Please reference this number on correspondence concerning your request. We will advise you of the status of our response within 20 workdays if we anticipate a delay. Unusual circumstances may warrant an additional 10-workday extension.

If you have any questions, feel free to contact Natasha Alcantara at (907) 334-5207.

Sincerely,

Natasha Y. Alcantara  
Freedom of Information Act Officer  
Bureau of Ocean Energy Management  
Alaska OCS Region



United States Department of the Interior  
BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT  
WASHINGTON, DC 20240-0001

In Reply Refer To:  
Mail Stop HE-2204

August 27, 2012

RECEIVED  
AUG 31 2012  
EARTHJUSTICE

EarthJustice  
Attention: Ms. Holly A. Harris  
325 Fourth Street  
Juneau, Alaska 99801

Dear Ms. Harris:

The Bureau of Safety and Environmental Enforcement (BSEE) received your Freedom of Information Act (FOIA) request dated July 31, 2012, sent via e-mail to the FOIA mailbox.

We have assigned your request Number BSEE-2012-00213; please reference this number on any correspondence concerning this request.

We would like to advise you that some members of the Working Group are assigned to the Department of the Interior's Office of the Secretary. Thus, you may wish to file a request with this office if you have not done so already. Any FOIA requests to that agency should be directed to the following address:

Clarice Julka, FOIA Officer  
Office of the Secretary  
U.S. Department of the Interior  
MS-116, SIB  
1951 Constitution Avenue, N.W.  
Washington, D.C. 202740  
Phone: (202) 513-0765  
E-Mail: [os\\_foia@ios.doi.gov](mailto:os_foia@ios.doi.gov)

Due to the large backlog number of FOIA requests received by this office, there will be a delay in processing your request. Please be assured that our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

If you have any questions, please contact me at [BSEEFOIA@bsee.gov](mailto:BSEEFOIA@bsee.gov).

Sincerely,

Dorothy Tinker  
BSEE FOIA Office



United States Department of the Interior  
BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

Alaska OCS Region  
3801 Centerpoint Drive, Suite 500  
Anchorage, Alaska 99503-5823

October 15, 2012

RECEIVED  
OCT 18 2012  
EARTHJUSTICE

Holly Harris  
EarthJustice  
325 Fourth Street  
Juneau , AK 99801

REF: MMS-2012-00212

Dear Holly Harris:

This letter is to provide an update on your FOIA Request No. MMS 2012-00212 dated July 31, 2012 and received on August 1, 2012.

The Bureau of Safety and Environmental Enforcement (BSEE) Alaska OCS Region has located documents that are responsive to your request. BSEE is currently processing these documents and determining whether exemptions apply. Based on the volume of documents requested, complexity of the issues, this office's overall workload and the large backlog of FOIA requests received by this office, there will be a delay in processing your request. Please be assured that our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

You have the right to appeal this response. In accordance with 43 CFR 2.28(a)(1), you may appeal this finding by writing to:

Office of the Solicitor  
Attn: FOIA Appeals Office  
U.S. Department of the Interior  
1849 C Street, NW, MS6556  
Washington, D.C. 20240

The appeal must be received by the FOIA Appeals Officer no later than 30 workdays after the date of this letter. A copy of your original request and this response 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.

We regret the delay and appreciate your consideration in this matter. Should you have any additional questions, please contact me at 907-334-5207

Sincerely,

A handwritten signature in black ink, appearing to read 'Natasha Y. Alcantara', with a long horizontal flourish extending to the right.

**Natasha Y. Alcantara**  
**Acting Freedom of Information Act Officer**  
**Bureau of Safety and Environmental Enforcement**  
**Alaska OCS Region**



Debbie Kimball, FOIA officer  
Bureau of Safety and Environmental Enforcement  
US Department of the Interior  
(703)787-1689  
By email to [BSEEOFIA@bsee.gov](mailto:BSEEOFIA@bsee.gov)

Dear Ms. Kimball,

Under the Freedom of Information Act, Reuters requests a copy of your FOIA log for the past three years; all FOIA request letters during that time which reference government or corporate work in the Arctic Ocean; and the cover letter of any responses to those requests which contain responsive materials (not the procedural letters).

We would appreciate this information in electronic format. We are a global news organization primarily concerned with disseminating information to the general public, and for that reason time is of the essence. We request the media fee waiver, but agree if necessary to pay up to \$50 without further notice.

We are working on articles related to the government role in the Arctic and with Shell Oil, now prominent in the news. For those reasons, we request expedited treatment to process this as soon as practicable. Further, it is not a very complicated request and the responsive records should be readily available. There is a compelling need for expedited treatment with respect to this request by a news organization because of the urgency to inform the public about Department of Interior activity in overseeing Arctic activity. These matters are in the news with the Shell accident and pending government reviews. The lack of expedited treatment could deprive us of the chance to further educate the public about these matters and deprive the public of its opportunity to have influence on government reviews.

Please contact me by telephone or email if I can clarify or expedite this request.

Thank you,

Sincerely,

Duff Wilson  
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Reuters  
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