



United States Department of State

Washington, D.C. 20520

January 31, 2003
Ms. Meredith Fuchs
The National Security Archive
Gelman Library, Suite 701
2130 H Street NW
Washington, DC 20037

2002 0515 DOS133

Re: Freedom of Information Act Request No. 200203010

Dear Ms. Fuchs:

Thank you for your letter of January 28, 2003, concerning Freedom of Information request number 200203010, in which you note that the Department of State has not yet responded to Mr. William Ferroggiaro's FOIA request.

This FOIA request is not subject to **administrative** appeal at this time, since no specific material has been denied in response to the request. Section (a)(6)(C) of the Act provides that a requester shall be deemed to have exhausted his administrative remedies if an agency fails to respond within the applicable time limit specified in the paragraph, which is twenty days. The requester, therefore, would not be required to appeal administratively before instituting suit in federal court. This provision does not, however, provide a basis for an administrative appeal.

I can confirm to you that your request is being processed, but am unable to predict the length of time before action on it will be completed. I have sent a copy of your letter to the office, which has been assigned responsibility for processing your request. You may address further questions to that unit, at the following address: Branch Chief, A/RPS/IPS/CR/M/PD, Room 4081, SA-2, Department of State, Washington, DC 20522-6001.

Sincerely,

Charles Lahiguera

Appeals Officer

Office of IRM Programs and Services