GREENPEACE

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Jean Carter Johnson, FOIA Officer
National Oceanic and Atmospheric Administration
Public Reference Facility (OFA56)
1315 East West Highway (SSMC3)
Room 10730
Silver Spring, Maryland 20910
Fax: (301) 713-1169

July 30, 2010

Dear Ms. Johnson:

In accordance with the Freedom of Information Act (FOIA), 5 USC Sec. 552, Greenpeace requests a copy of each of the following documents, or access to them for inspection or duplication, which are in the possession of or generated by the National Oceanic and Atmospheric Administration:

> Details of all meetings (dates, agendas, minutes) and correspondence (emails and letters) within NOAA and between NOAA and BP regarding underwater or subsurface oil plumes.

We request that you search the above records for the time period of April 20, 2010 to the date upon which this request is received.

FEE CATEGORY

Greenpeace seeks the above listed records for noncommercial use as a representative of the news media. Greenpeace qualifies as a news media organization under the definition provided by Congress in the OPEN Government Act because it "gathers information of potential interest to a large segment of the public, and uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience."

Specifically, Greenpeace is seeking this FOIA request because the information in it is of interest to a large portion of the pubic, including the many concerned citizens that regularly acquire information through our extensive range of publications. These publications include websites, blogs, newsletters, reports, press statements, social media networks such as Facebook, Twitter, and Flickr, videos, presentations and demonstrations at various venues. In addition, Greenpeace reaches out to many traditional news media outlets that regularly broadcast our publications through television, radio, print and electronic articles and interviews.

Greenpeace plans to compile the information from this request into a distinct, original work that will be released to the public through the publications listed above.

FEE WAIVER

Greenpeace seeks a waiver of fees accompanying fulfillment and processing of this FOIA request.

In the paragraphs below, Greenpeace addresses the 6 factors that are used to determine whether the fee waiver requirements are met.

1) Greenpeace is not seeking the documents in order to obtain intrinsic information regarding BP operations. Instead, Greenpeace is solely seeking information on the extent of NOAA's activities and communications regarding underwater oil plumes.

2) Greenpeace has not found any publicly available records of internal communications within NOAA or between NOAA and BP addressing underwater oil plumes. We believe this information is not currently available in the public domain.

3) Greenpeace employs an array of analysts, researchers and environmental specialists that have expertise in environmental activities and policies and their potential impacts on people and ecosystems. For nearly 40 years, concerned citizens have trusted this expertise and relied on Greenpeace to serve as a government watchdog, exposing activities that may be harmful to the environment, as well as activities that are beneficial.

   Our website provides an extensive archive of publications from the past 40 years, including blogs, newsletters, reports, press statements, articles, Facebook, Twitter and Flickr feeds, videos and other presentations that expose a large range of government activities that impact the environment, including U.S. government and international governments.

   Per our tradition, Greenpeace would compile the information provided through this FOIA request into a distinct, original work that includes our perspective on how the disclosed activities may result in environmental impacts. We would disseminate this work to the public through the range of media listed in the previous paragraph. We would also reach out to many traditional news media outlets that regularly broadcast our publications through television, radio, print and electronic articles and interviews.

   In addition, Greenpeace also hosts a FOIA website that archives over 4,000 scanned documents that were obtained through other FOIA requests. Greenpeace regularly references documents on this site and also frequently refers news reporters, researchers and writers to this site. The address is http://research.greenpeaceusa.org and documents from this FOIA request will be uploaded to this site.

4) As noted in #2, there are currently no publicly available records of internal communications within NOAA or between NOAA and BP regarding underwater oil plumes. Greenpeace believes the public is uncertain and increasingly concerned about the existence and extent of human-induced underwater oil plumes in the Gulf of Mexico. Fulfillment of this request would shed light on these NOAA's activities to track and monitor the existence of underwater oil plumes.

5) Greenpeace is a non-profit public interest organization that seeks solutions to environmental dilemmas and promotes open, informed debate about society's environmental choices.

Greenpeace's primary activities are bearing witness to environmental destruction, using direct confrontations to raise the level and quality of public debate, and exposing threats to the environment and finding solutions. Greenpeace maintains complete financial independence from political and commercial interests. We do not intend to make a profit from the information provided through this FOIA request.

6) Greenpeace has no commercial interest in this material and does not intend to disclose the information to data brokers or others who compile and market government information for economic return. Whereas our work generates income from concerned individual donors, this income serves to perpetuate our activities and not to provide a profit to individuals associated with Greenpeace. With such limited or non-existent commercial interest, it is clear that the public interest in disclosure is far greater in magnitude than Greenpeace's commercial interest.

In as much as Greenpeace is making this request in the course of carrying out its public education and nonprofit activities, we request that charge for duplicating be waived.

If you deny all or any part of this request, please cite each specific exemption that you believe justifies your withholding of information. Please be sure to notify me of appeal procedures available under the law in the event of any denial.

Please also contact me with any questions regarding this request at (202) 319-2475 or cpapatha@greenpeace.org.

Thank you,

Claudette Juska
Research Specialist

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