



Civil Division

Washington, D.C. 20530

JMK:jk:145-FOI-NEW

March 7, 2006

Marcia Hofmann
EPIC
1718 Connecticut Avenue, N.W.
Washington, D.C. 20009

Dear Ms. Hofmann:

While processing your December 16, 2005 Freedom of Information Act request (FOIA), 5 U.S.C. §552, the Office of Information & Privacy (OIP), Department of Justice, located one document consisting of four sentences originated by the Civil Division responsive to your request.

On February 28, 2006, OIP referred the document to this office for a disclosure determination and direct response to you. We received your request and the attached responsive document in this office on March 3, 2006.

The document is an electronic communication dated January 13, 2006 from a Civil Division attorney to Steve Bradbury, Office of Legal Counsel, and others commenting on a draft white paper on NSA activities. We are withholding this communication because it is an internal departmental communication exempt pursuant to 5 U.S.C. §552(b)(5), based upon the deliberative process privilege incorporated within this exemption.

This letter constitutes the final action this office will take concerning your request. Because you have filed a lawsuit regarding your request, administrative appeal rights are not being provided.

Sincerely,

James M. Kovakas
Attorney In Charge
FOI/PA Office, Civil Division