



Homeland Security

November 20, 2011

Steven Aftergood
Federation of American Scientists
1725 DeSales Street NW, Suite 600
Washington, DC 20036

Re: **S&T 11-0003.54**

Dear Mr. Aftergood:

This is the final response to your October 28, 2011, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Science and Technology Directorate (S&T), for a report entitled "Solar EMP" that was performed for DHS S&T this year by the JASON advisory panel. Your request was received in this office on October 28, 2011. Your perfected request, which included report reference number JSR-11-320 was received in this office on November 18, 2011.

A search of S&T's Director of Research and Development Partnerships for documents responsive to your request produced a total of 109 pages. Of those pages, I have determined that 109 pages are withheld in their entirety pursuant to Title 5 U.S.C. § 552 (b)(5) as described below. The requested report, JSR-11-320 is entitled "Impacts of Severe Space Weather on the Electric Grid" and is a draft document that has not been finalized.

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I determined that the responsive documents qualify for protection under the

- **Deliberative Process Privilege**

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington,

D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA [AND PRIVACY ACT] allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need to contact our office again about this matter, please refer to **S&T 11-0003.54**. This office can be reached at (202) 254-6742 or stfoia@dhs.gov.

Sincerely,

A handwritten signature in black ink that reads "Marshall Caggiano". The signature is written in a cursive style with a prominent flourish at the end.

Marshall Caggiano
Attorney/Advisor
Science and Technology Directorate



**Homeland
Security**

Science and Technology

December 27, 2011

Steven Aftergood
Federation of American Scientists
1725 DeSales Street NW, Suite 600
Washington, DC 20036

Re: **S&T 11-0003.54**

Dear Mr. Aftergood:

This is an amended final response to your October 28, 2011, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Science and Technology Directorate (S&T), for a report entitled "Solar EMP" that was performed for DHS S&T this year by the JASON advisory panel. Your request was received in this office on October 28, 2011. Your perfected request, which included report reference number JSR-11-320 was received in this office on November 18, 2011.

In a letter dated November 20, 2011 we informed you that a search of S&T's Director of Research and Development Partnerships Group for documents responsive to your request were withheld in their entirety pursuant to Title 5 U.S.C. § 552 (b)(5) because the requested report, JSR-11-320 "Impacts of Severe Space Weather on the Electric Grid" was a draft document that had not been finalized. S&T's Director of Research and Development Partnerships Group recently received final documents responsive to your request which produced a total of 105 pages. I have determined that 105 pages of the records are releasable in their entirety.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA [AND PRIVACY ACT] allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need to contact our office again about this matter, please refer to **S&T 11-0003.54**. This office can be reached at (202) 254-6742 or stfoia@dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katrina Hagan', written in a cursive style.

Katrina Hagan
FOIA Analyst

Enclosure: 1) Impacts of Severe Space Weather on the Electric Grid Report JSR-11-320,
105 pages