



Reply to the attention of:

JUL 30 2010

Mr. Jeff Ruch
PEER
2000 P Street, NW, Suite 240
Washington, DC 20036

Dear Mr. Ruch:

This is in response to your July 20, 2010, Freedom of Information Act (FOIA) request for Occupational Safety and Health Administration (OSHA) records pertaining to surveys completed by investigators and managers/supervisors working in OSHA's Whistleblower Protection Program.

Pursuant to Exemption 5 of the FOIA 5 U.S.C. §552(b)(5), the agency is withholding the surveys since they are part of a broader, on-going review of the Whistleblower Protection Program. This exemption protects confidential intra-agency or inter-agency opinions from disclosure in order to safeguard the consultative functions and decision-making processes of the government. A report containing summaries of these surveys may be available on the agency's web page in the future.

You have a right to appeal this denial of information under the FOIA. If you wish to do so, you may file an appeal with the Solicitor of Labor within 90 days from the date of this letter. The appeal must state, in writing, the grounds for appeal, including any supporting statements or arguments. To facilitate processing, you may wish to fax your appeal to: 202-693-5538. The appeal should include a copy of your initial request and a copy of this letter. The appeal must be addressed to: Solicitor of Labor, U.S. Department of Labor, 200 Constitution Ave., NW, N-2428, Washington, DC 20210. If mailed, both the envelope and the letter of the appeal itself should be clearly marked: Freedom of Information Act Appeal."

If we can be of further assistance, please feel free to contact the Directorate of Enforcement Programs at 202-693-2100.

Sincerely,

Thomas Galassi, Acting Director
Directorate of Enforcement Programs