



United States Department of the Interior
BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT
Gulf of Mexico OCS Region
1201 Elmwood Park Boulevard
New Orleans, LA 70123-2394

In Reply Refer To: MS GE 555A
(FOIA Request No. 2013-00031)

JUN 20 2013

CERTIFIED MAIL -
RETURN RECEIPT REQUESTED

Mr. Jeff Ruch
Public Employees for Environmental
Responsibility (PEER)
2000 P Street, NW, Suite 240
Washington, DC 20036

Dear Mr. Ruch:

This is in response to your Freedom of Information Act (FOIA) request, Number 2013-00031, sent via e-mail on November 19, 2012. You requested various documents pertaining to the explosion on the Black Elk Energy platform located in Block 32 of the West Delta Area on November 16, 2012.

We apologize for our delay in responding to your FOIA request; however, this delay was unavoidable.

In accordance with the Department of the Interior's regulations (43 CFR 2.12 (b)) in order for a record to be considered subject to a FOIA request, it must be in the possession and control of the Department at the time it begins its search for records. This regulation imposes no obligation on the Department to place a FOIA requester's name on a mailing list for automatic receipt of any kind of records when they become available.

Since the Black Elk panel investigation is still ongoing, the documents you requested do not exist at the present time. Also, due to the amount of time it will take to complete the investigation, we cannot estimate when the documents will be available. Our office suggests you continue to check the Black Elk link on the Bureau of Safety and Environmental Enforcement's website that was previously provided to you via an e-mail on June 7, 2013. Once the investigation is completed, the final

Office of Government Information Services (OGIS)
National Archives and Records Administration
8601 Adelphia Road, Room 2510
College Park, Maryland 20740-6001
Phone: (301) 837-1996 (toll-free: 1-877-684-6448)
Fax: (301) 837-0348
Email: ogist@nara.gov

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

We have appreciated your patience as we processed your request. If you have any questions, please feel free to contact Ms. Angela Distefano either by telephone at (504) 731-7859 or by e-mail at angela.distefano@bsee.gov.

Sincerely,



Karen M. Miller
Freedom of Information Act Officer