



United States Department of the Interior RECEIVED
OFFICE OF THE SECRETARY COMMITTEE ON RESOURCES
Washington, DC 20240 2012 FEB -2 PM 5: 03

FEB 2 2012

The Honorable Doc Hastings
Chairman, Committee on Natural Resources
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Department of the Interior ("Department") is in receipt of your letter dated January 25, 2012, regarding the Department's ongoing response to the Committee's April 25, 2011, letter. In that letter, the Committee seeks information regarding the Department's Office of Inspector General 2010 Report of Investigation into the description of the peer review in the executive summary of the Department's 2010 report entitled "Increased Safety Measures for Energy Development on the Outer Continental Shelf" (ISM Report). The Department also received your letter of January 31, 2012, acknowledging that Committee staff have located the Department's October 24, 2011, submission to the Committee that provided both documents and an additional offer of accommodation responding to each of the information needs prioritized by the Committee in its last communication prior to the January 25 letter.

The Department respectfully disagrees with the characterization in your January 25 letter that the Department has failed to respond to your requests in a meaningful way or has defied repeated efforts by the Committee to obtain relevant documents and communications related to it. Instead, the communications between your office and the Department reflect the many efforts the Department has made to accommodate the Committee's requests for information related to the OIG investigation of the description of the peer review in the executive summary of the ISM Report.

Although the description of the peer review in the executive summary was already publicly addressed by the Department and thoroughly examined by the independent OIG, which found no intent to mislead, the Department has made offers of accommodation that include providing responsive documents, indices of attachments in the OIG report that implicate Executive Branch confidentiality interests, and offers to view material related to the OIG report that also implicate these interests. These offers were based on the Committee staff's identification of the Committee's most important information needs regarding the description of the peer review. These offers were accepted by Committee staff, who came to the Department to review documents. It is our view that when Department and Committee staff have engaged, it has resulted in a productive dialogue and a respectful accommodation of the constitutional interests of the legislative and executive branches. We believe that continued open communication between the Department and the Committee will allow the Department to continue to work to

meet the Committee's information needs regarding the description of the peer review and can help avoid any concerns and confusion about responsiveness in the future.

Contrary to the Committee's assertion in its January 31 letter, the documents provided with the Department's October 24 response, which comprised emails between Steve Black and Neal Kemkar and the Department's peer reviewers of the ISM Report, were responsive to the Committee's request for these documents in previous letters. In providing these documents, the Department has demonstrated transparency and dedication to accommodating the Committee's requests.

In addition, our previous letters have addressed the 13 OIG documents requested by the Committee. As noted in our letter on October 13, 2011, we have informed Committee staff both informally and formally that, of the 13 documents, six are copies of the same attachments to the 2010 OIG report for which the Department provided an index on August 2, 2011, and three of which Committee staff have reviewed *in camera* at the Department. With regard to the remaining seven, the Department provided an index describing all 13 documents, including the remaining seven on October 13, 2011 at which time the Department noted that these seven documents, although collected by the OIG, were not related to the Committee's articulated interest concerning how the peer review was described in the Executive Summary to the ISM report. Still, the Department offered in both its October 13 and 24 letters to accommodate the Committee's interest while respecting the Executive Branch confidentiality interests by meeting with Committee staff to provide more information on the nature of these documents. Although we have received no response, we continue to extend that offer of accommodation to the Committee.

In addition to the documents discussed in the preceding paragraph, the Committee's January 25 and 31 letters request additional documents to be produced by February 2. With respect to the request for documents sent by the Department to Committee staff with instructions for responding to the OIG's 2010 investigation, Secretary Salazar has instructed all employees of their obligations to cooperate with the OIG. A copy of his 2010 directive is included on the enclosed CD, titled "00035235_Hastings_001."

With regard to specific documents, it is the OIG that makes requests of individuals during the course of its investigation. We would be happy to brief the Committee regarding the manner in which the Department responded to the OIG requests as well as the manner in which the Department has handled the Committee's request for documents in this matter. The Committee also requested a copy of any index of administrative record prepared for the *Hornbeck* litigation. That litigation was terminated before an administrative record was completed and filed with the court. Accordingly, there was no administrative record index prepared for the *Hornbeck* litigation.

We look forward to continuing to work with the Committee over the coming weeks to meet the Committee's specific information needs regarding the description of the peer review and, as always, we remain committed to working to accommodate those needs to the fullest extent consistent with Executive Branch confidentiality interests and the Department's limited resources.

If you have any questions or need additional assistance, please do not hesitate to contact me at (202) 208-7693.

Sincerely yours,

A handwritten signature in blue ink that reads "Christopher Mansour". The signature is fluid and cursive, with the first name "Christopher" written in a larger, more prominent script than the last name "Mansour".

Christopher J. Mansour
Director, Office of Congressional
and Legislative Affairs
U.S. Department of the Interior

cc: The Honorable Edward Markey
Ranking Member

The Honorable Doug Lamborn
Chairman, Subcommittee on Energy
and Mineral Resources

The Honorable Rush Holt
Ranking Member, Subcommittee on Energy
and Mineral Resources