

Legal Opinion: GMP-0128

Index: 7.350

Subject: FOIA Appeal: SF-83, Request for OMB Review

November 12, 1992

Arthur R. Hessel, Esq.
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Washington, D.C. 20005

Dear Mr. Hessel:

This is in response to your Freedom of Information Act (FOIA) appeal dated September 11, 1992. You appeal the partial denial dated August 13, 1992 from Anna-Marie Kilmade Gatons, Director, Executive Secretariat. Ms. Gatons withheld the Department's "Request for OMB Review" (SF-83) under Exemption 5 of the FOIA, 5 U.S.C. Section 552(b)(5). You question the applicability of Exemption 5 since notifications of such OMB requests are routinely published in the Federal Register.

I have determined to reverse the initial denial.

The SF-83, "Request for OMB Review," in question, concerns the Department's proposal to revise its HUD Forms-93104/A, "Monthly Report of Excess Income." At the time of your FOIA request, OMB's clearance was still ongoing and the Department's decision to withhold the SF-83 submitted to OMB under Exemption 5 was correct. However, OMB's clearance has been completed and the information can, therefore, be released to you. A copy of the SF-83 is enclosed.

Very sincerely yours,

George L. Weidenfeller
Deputy General Counsel (Operations)

Enclosure

cc: Yvette Magruder