



Homeland  
Security

April 27, 2009

Scott H. Amey, Esquire  
General Counsel, POGO  
scott@pogo.org

Re: **FOIA No. 09-459**

Dear Mr. Amey,

On April 21, 2009, FEMA released a copy of a Screening Arrangement document to you pursuant to the above-referenced FOIA request. In response to your request of that same date for ethics opinions or recusal documents referencing Mr. McNamara, Dewberry or EO 13490 that supplement the Screening Arrangement Document, your request is denied. The responsive document, an opinion letter from the FEMA Chief Counsel underlying the Screening Arrangement document, is withheld based on the attorney client privilege.

The opinion letter is a matter of privilege, insofar as it provides a legal interpretation of the conflicts raised by the Standard Form 278 at issue, which is a publicly available document. The individual involved and the agency consider the interpretation privileged, as it was used to develop the Screening Arrangement document that addressed how conflicts will be identified and when recusal will occur.

You have a right to appeal this withholding determination. Should you wish to do so, you may send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel, 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](http://www.dhs.gov/foia). I may be reached at (202) 646-3949 should you have any questions.

Sincerely,

*Deirdre MacNeil*

Deirdre MacNeil  
Senior General Attorney  
FEMA, Office of the Chief Counsel  
US Department of Homeland Security  
500 C Street, SW, Suite 715  
Washington, DC 20472