



U.S. Department  
of Transportation  
**MARITIME  
ADMINISTRATION**

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**[VIA EMAIL]**

April 3, 2017

Mr. Andrew C Simpson  
2191 Church St., Ste. 5  
Christiansted, VI 00820  
[andysimpson82@savekingspoint.com](mailto:andysimpson82@savekingspoint.com)

Subject: FOIA Control Number 17-0048-FOIA

Dear Mr. Simpson:

This letter is in response to your subject Freedom of Information Act (FOIA) request dated March 27, 2017, in which you requested expedited review. The Department of Transportation has promulgated the following regulation detailing the circumstances under which FOIA requests may be given expedited treatment (see 49 C.F.R. § 7.31(c)):

“Requests and appeals will be taken out of order and given expedited treatment whenever a compelling need is demonstrated and it is determined that the compelling need involves: (I) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (ii) Requests made by a person primarily engaged in disseminating information, with an urgency to inform the public of actual or alleged Federal Government activity.”

Requestors who believe they may qualify for expedited treatment under these standards must “submit a statement, certified to be true and correct to the best of that person’s knowledge and belief, explaining in detail the basis for requesting expedited processing.”

MARAD has determined that the information and reasoning you offer in support of your request for expedited treatment fails to meet the above criteria. With no evidence to support a basis under imminent threat to life, your request must show a compelling need pursuant to (c)(ii) of 46 CFR 7.31. In support of your request you state that “*the*

*information is urgently needed to inform the public about the status of the response by USMMA to MSCHE. As indicated on the KPS website, it has now been 270 days since USMMA updated the public about its response to MSCHE. The Academy's potential loss of accreditation has major ramifications for students attending the school.*" Your argument that there is an urgent need to release the report due to what you describe as the "potential loss of accreditation" having "major ramifications" for USMMA students relates to the importance of the issues facing the Academy and its student body, but offers no evidence of any urgency necessary to support expedited processing of your request. Having failed to establish a particular urgency beyond that of the public's right to know about Government activity generally, your request for expedited review is denied.

A search of MARAD records is ongoing, and a response to your FOIA is being compiled. When all responsive documents have been located they will be reviewed by the FOIA office for release to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitch Hudson", written in a cursive style.

T. Mitchell Hudson, Jr.  
Freedom of Information Act Officer