



OFFICE *of* GOVERNMENT INFORMATION SERVICES

September 2, 2016 — Sent via email

[REDACTED]

Re: Case No. 201601128
NG: KR

NATIONAL
ARCHIVES
and RECORDS
ADMINISTRATION

8601 ADELPHI ROAD
OGIS
COLLEGE PARK, MD
20740-6001

web: www.ogis.archives.gov
e-mail: ogis@nara.gov
phone: 202-741-5770
toll-free: 1-877-684-6448
fax: 202-741-5769

Dear [REDACTED]:

This responds to your request for assistance from the Office of Government Information Services (OGIS), which we received on July 22, 2016 via email. Your request for assistance pertains to [REDACTED] records request to the Environmental Protection Agency (EPA).

OGIS was created to complement existing Freedom of Information Act (FOIA) practice and procedure; we strive to work in conjunction with the existing request and appeal process. The goal is for OGIS to allow, whenever practical, the requester to exhaust his or her remedies within the agency, including the appeal process. Please know that OGIS has no investigatory or enforcement power, nor can we compel an agency to release documents. OGIS serves as the Federal FOIA Ombudsman and our jurisdiction is limited to assisting with the FOIA process.

OGIS provides mediation services to resolve disputes between FOIA requesters and Federal agencies. After opening a case, OGIS gathers information from the requester and the agency to learn more about the nature of the dispute. This process helps us gather necessary background information, assess whether the issues are appropriate for mediation, and determine the willingness of the parties to engage in our services. As part of our information gathering, OGIS carefully reviewed your submission of information.

On [REDACTED] made a request to the EPA. The EPA and [REDACTED] worked to narrow the scope of the request, which resulted in an email agreement on [REDACTED]. On [REDACTED] EPA issued an interim release letter, acknowledging that the agency will produce records on a rolling basis. In the interim release EPA partially withheld pages pursuant to FOIA Exemption 6, 5 U.S.C. §552a (b)(6). On [REDACTED] emailed EPA to discuss the use of Exemption 6. EPA responded on [REDACTED]



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explaining the agency's position. On [REDACTED] emailed the agency explaining the public interest in the information the agency partially withheld. You requested OGIS assistance with this matter.

OGIS contacted EPA and asked EPA about the agency's use of Exemption 6. EPA looked at the redactions of the names as a result of our request and informed OGIS that the withholdings of names were proper. EPA also informed OGIS it is firm in their position to withhold the information. In cases in which the agency is firm in its position, there is little for OGIS to do beyond providing more information about the agency's actions.

Since the request is being processed and interim responses are being issued, [REDACTED] may wish to consider filing an appeal, which includes the information regarding public interest from his [REDACTED] email. By filing an appeal, requesters preserve their administrative rights and give the agency's FOIA appeals unit a chance to carefully review and reconsider every part of a request and the agency's decision. The initial appeal deadline of 30 days from the [REDACTED] [REDACTED] release has passed, however, if [REDACTED] wishes to file an appeal, he can do so after the next release of information.

We also asked about EPA's estimated date of completion for this request. EPA informed us that the unit estimates completing [REDACTED] request by the end of September 2016.

I hope that this information about your requests is useful to you. Thank you for contacting OGIS; we will now consider this matter closed.

Sincerely,

/s/

NIKKI GRAMIAN
Acting Director

We appreciate your feedback. Please visit <https://www.surveymonkey.com/s/OGIS> to take a brief anonymous survey on the service you received from OGIS.