



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 29 2014

OFFICE OF
AIR AND RADIATION

Christopher Horner
Competitive Enterprise Institute
1899 L Street N.W., Suite 1200
Washington, D.C. 20036

Re: Freedom of Information Act Request No. EPA-HQ-2014-002006

Dear Mr. Horner:

This letter is in reference to your Freedom of Information Act (FOIA) request received by the U.S. Environmental Protection Agency on December 19, 2014, in which you requested copies of text messages sent or received by eleven EPA employees on a government-issued device during the period of June 1, 2009 to December 19, 2013. On December 23, 2013, your request for a fee waiver was denied by EPA's FOIA Office. On January 13, 2014 you appealed this decision. On March 7, 2014, the Office of General Counsel upheld the denial of a fee waiver for this request. On March 26, 2014 EPA sent you an assurance of payment letter notifying you that the estimated cost of processing your request is \$182. You filed a lawsuit on April 9, 2014 concerning the Agency's denial of the fee waiver request.

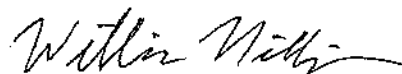
The EPA has determined that it will waive your fees as a matter of administrative discretion, pursuant to 40 C.F.R. § 2.107(l)(5) as an inefficient use of Agency resources to litigate this matter. The EPA has concluded its search for records responsive to your request and is providing the requested records. Portions of the records you requested are being withheld in part pursuant to 5 U.S.C. § 552(b)(6) Personal Privacy, and are so indicated by redactions on the responsive records. Additionally, 12 responsive records are being withheld in full pursuant to 5 U.S.C. § 552(b)(6) Personal Privacy as they relate to personal medical information of an EPA employee. The records are exempt from disclosure because they contain personal information which would be an unwarranted invasion of personal privacy if released. There is no public interest in the disclosure of the withheld records or portions of records. The cost to process your request will not be charged to you as a matter of administrative discretion.

This letter concludes our response to your request. You may appeal this response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service, or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20001. Your appeal must be

made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the tracking number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "**Freedom of Information Act Appeal.**"

If you have any questions concerning this response please contact Larry Weinstock at weinstock.larry@epa.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "William Niebling".

William Niebling
Senior Advisor for Congressional and
International Affairs
Office of Air and Radiation

Enclosure(s)