



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

JAN 11 2010

OFFICE OF  
INSPECTOR GENERAL

Mr. David B. McCoy  
Executive Director  
Citizen Action New Mexico  
P.O. Box 4276  
Albuquerque, NM 87196-4276

**Reference:** Freedom of Information Act request (RIN 01862-09)

Dear Mr. McCoy:

This responds to your Freedom of Information Act request dated August 17, 2009. You requested:

Access to a full and complete copies of all work papers and documents containing factual information including the report prepared for the investigation including all documents in any form, whether from schedules, correspondence, memoranda, tape recordings, electronic or handwritten communications, notes or handout documents used to prepare the report regarding the well monitoring network at Sandia National Laboratories' Mixed Waste Landfill (MWL) etc.

Your request is being denied under FOIA 5 U.S.C. 552 Section (b)(5). Exemption (b)(5) exempts from disclosure inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency. This FOIA exemption generally permits withholding privileged information such as that protected by the deliberative process privilege. OIG is invoking this exemption because the analysis of this project is not complete nor have either a draft or final report been issued.

You may appeal this denial to the Counsel to the Inspector General, Office of Counsel, Office of Inspector General, 1200 Pennsylvania Avenue, N.W., Mail Code (2411T), Washington, DC 20460, Fax (202)-566-0870, e-mail [oig.foia@epa.gov](mailto:oig.foia@epa.gov). The appeal must be made in writing and must be submitted no later than 30 calendar days from the date of this letter. The Counsel to the Inspector General will not consider appeals received after the 30 calendar day limit. The appeal letter should include the RIN number listed above. If possible, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any questions concerning this matter, you may contact Shushona Hyson, Freedom of Information Officer at (202) 566-0869.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy E. Long". The signature is fluid and cursive.

*for* Eileen McMahon  
Assistant Inspector General  
for Congressional, Public Affairs  
and Management

cc: FOIA Staff