



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

October 8, 2010

Mr. David B. McCoy, Director
Citizen Action New Mexico
P.O. Box 4262
Albuquerque, NM 87196-4276

RE: Freedom of Information Act (FOIA) Request No. 06-FOI-00375-10

Dear Mr. McCoy:

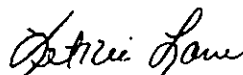
This letter is in response to your FOIA request, received on June 4, 2010, which we numbered 06-FOI-00375-10. Please refer to that number in all communications regarding this request. You requested information concerning previous FOIA requests from Citizen Action, specifically access to full and complete copies of documents/communications between the Environmental Protection Agency (EPA), Sandia National Laboratories, the Department of Energy (DOE), New Mexico Environment Department (NMED) and/or any of their contractors regarding IG Hotline Report of April 14, 2010. Your request described and numbered seven specific items of information being sought.

Region 6 does not receive, generate, or maintain classified or controlled unclassified information for the subject Sandia Mixed Waste Landfill. Accordingly, no records have been withheld based on classification under national security requirements. Additionally, no records have been withheld based on mislabeling. The draft "Sandia Mixed Waste Landfill Groundwater Monitoring Well System and Program Oversight Review" document and related internal draft summary documents previously withheld were withheld based on their internal draft deliberative nature pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5), and not because they contained any classified information. Said documentation regarding this site has already been addressed in our January 24, 2008, and July 20, 2009, responses to your FOIA requests. The reasons for withholding the documentation were clearly stated in said responses. You appealed our responses, and Kevin Miller, EPA Assistant General Counsel for Information Law, answered your appeals on August 7, 2008, and November 12, 2009, respectively, and upheld Region 6's FOIA position regarding the internal draft deliberative material. Those decisions stand and apply to additional FOIA requests from you for the same information.

Additionally, our records indicate that you have received over 3200 pages of copies of records related to the Sandia Mixed Waste Landfill from EPA Region 6. Further, our records indicate that the same information has been provided to you in full on two separate occasions in response to two previous requests for this information. You may want to consider visiting the EPA Region 6 offices for a file review should you make future requests regarding this facility.

You may appeal this response to the National Freedom of Information Officer, U.S. EPA, Records, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, NW (2822T), Washington, D.C. 20460, FAX: (202) 566-2147, E-mail: hqfoia@epa.gov. The appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The appeal letter should include the FOI number listed above. For the quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal." Please contact attorney Carrie Thomas of our Office of Regional Counsel at (214) 665-7121 if you need additional information on this response.

Sincerely yours,



Leticia Lane,
Region 6 FOI Officer