



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

NOV 19 2002

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OFFICE OF  
GENERAL COUNSEL

RECEIVED NOV 21 2002

Mr. William Ferroggiaro  
National Security Archive  
George Washington University  
Gelman Library, Suite 701  
2130 H Street, N.W.  
Washington, D.C. 20037

Re: Freedom of Information Act Request HQ-RIN-02440-02

Dear Mr. Ferroggiaro:

This is in response to your Freedom of Information Act (FOIA) request of September 4, 2002. Specifically, you requested documents concerning the Environmental Protection Agency's (EPA or Agency) implementation of Attorney General John Ashcroft's October 12, 2001 memorandum on the FOIA. This letter is the EPA Office of General Counsel's response to your request. I understand that EPA's Office of Environmental Information has responded to you separately.

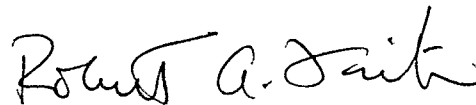
I am enclosing copies of 15 documents that are responsive to your request. I am withholding 77 other responsive documents that I have determined to be exempt from disclosure under Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5). A list of the documents that are being withheld, along with the basis for withholding, is provided in an enclosure to this letter.

If you are dissatisfied with this determination, you may appeal to the Headquarters Freedom of Information Staff, Records, Privacy and FOIA Branch, Office of Information Collection, Office of Environmental Information, Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W. (Mail Code 2822T), Washington, D.C. 20460. The appeal must be made in writing, and it must be submitted to the Headquarters Freedom of Information Staff no later than 30 calendar days from the date of this letter. The appeal may include as much or as little related information as you wish, as long as it clearly identifies the determination being appealed (including the assigned FOIA request number, HQ-RIN-02440-02). For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

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If you have any questions, please contact Patricia K. Hirsch, Assistant General Counsel for Information Law, at (202) 564-5462.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Friedrich". The signature is written in a cursive style with a large initial "R".

Robert A. Friedrich  
Deputy Associate General Counsel  
Finance and Operations Law Office

Enclosures

cc: Betty Lopez, FOIA Officer  
Linda D. Smith, OGC

## DOCUMENTS RELEASED

Documents 1, 2, 6, 11, 31, 39, 43, 47, 62, 69, 71, 72, 73, 81, and 84.

## DOCUMENTS WITHHELD

The following documents were withheld under FOIA Exemption 5 and have been marked to indicate the basis: Deliberative Process Privilege (DP) or Attorney-Client Privilege (AC). Documents 1-69 were from the records of Patricia (Pat) Hirsch, Assistant General Counsel, EPA OGC. Documents 70-92 were from the records of Robert Friedrich, Deputy Associate General Counsel, EPA OGC.

<u>Document</u>	<u>Description</u>
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- |        |   |
|--------|---|
| 3.     | Email from Nancy Ketcham-Colwill, EPA OGC, to Pat Hirsch, EPA OGC. Dated 10/17/01; 11:09 am. (DP)   |
| 4.     | Email from Betty Lopez, EPA Office of Environmental Information (OEI), to FOIA Officers, cc to Pat Hirsch, EPA OGC. Dated 10/17/01; 10:13 pm. (DP)  |
| 5.     | Email from John Heinz, EPA OGC, to Pat Hirsch, EPA OGC. Dated 10/18/01; 8:42 am. (DP)   |
| 7.     | Email from Mark Bialek, EPA Office of Inspector General (OIG), to Robert Friedrich, Marla Diamond, and Pat Hirsch, EPA OGC. Dated 10/18/01; 10:55 am. (DP)  |
| 8.     | Email from Betty Lopez, EPA OEI, to Ray Spears, EPA Office of the Administrator; cc to Pat Hirsch, EPA OGC, et al. Dated 10/18/01; 1:08 pm. (DP)  |
| 9.     | Email from Robert Heiss, EPA Office of Enforcement and Compliance Assurance (OECA), to Ariadne Goerke, EPA OGC, cc to Pat Hirsch, EPA OGC, et al. Dated 10/18/01; 1:46 pm; responding to Email from Ariadne Goerke, EPA OGC; Dated 10/04/01; 2:57 pm. (DP) (AC) |
| 10.    | Email from Orelia Merchant, EPA Office of Regional Counsel (ORC) Region 5, to Pat Hirsch, EPA OGC. Dated 10/18/01; 6:16 pm. (DP) (AC)   |
| 12-17. | Email from and to Pat Hirsch, EPA OGC, Alan Margolis, EPA OEI, and Robert Friedrich, EPA OGC, regarding drafts of transmittal memorandum for Administrator. Dated 10/22/01-10/24/01. (DP)   |
| 18-21. | Emails to and from Brian Grant, Hale Hawbecker, Carrie Wehling, Lisa Friedman, and Pat Hirsch, all EPA OGC. Dated 10/24/01-10/26/01. (DP)   |
| 22-23. | Emails from Renee Sarajian, EPA ORC Region 3, and Joanna Glowacki, EPA ORC Region 5, to Pat Hirsch, EPA OGC et al. Dated 10/31/01-11/01/01. (DP)  |
| 24.    | Email from Ariadne Goerke, EPA OGC to Robert Heiss, EPA OECA, cc Pat Hirsch, EPA OGC. Dated 11/05/01; 11:44 am. (DP) (AC)   |
| 25.    | Email from Pat Hirsch, EPA OGC, to Geoffrey Cooper, EPA OGC. Dated 11/05/01; 4:29 pm. (DP)  |

- 26-34. Emails between Pat Hirsch, Robert Friedrich, Marla Diamond, EPA OGC, Alan Margolis, EPA OEI, regarding drafts of Q & A's and transmittal memorandum for Administrator. Dated 11/05/01-11/13/01. (DP) (AC)
- 35-38,  
40-42. Emails between Pat Hirsch EPA OGC, and EPA Region 3 and 5 attorneys. Dated 11/13/01 and 12/12/01. (DP)
44. Email from Pat Hirsch, EPA OGC, to Scott Sherlock, EPA, Office of Prevention, Pesticides, and Toxic Substances. Dated 1/07/02; 10:12 am. (DP)
- 45-46. Emails between Nancy Ketcham-Colwill, Pat Hirsch, and Geoffrey Cooper, EPA OGC. Dated 1/10/02-1/11/02. (DP)
- 48-51. Emails between Betty Lopez, EPA OEI, and Ariadne Goerke and Pat Hirsch, EPA OGC. Dated 3/05/02-3/18/02. (DP) (AC)
- 52-63. Emails between EPA OGC attorneys (Pat Hirsch, Aron Golberg, et al.) and EPA ORC attorneys from Regions 3 and 7, and Alan Margolis, EPA OEI. Dated 3/20/02-5/31/02. (DP)
- 64-66. Emails between Pat Hirsch, Jocelyn Atkins, Marla Diamond, and Geoffrey Cooper, EPA OGC, regarding comments on draft report on access. Dated 6/19/02-6/21/02. (DP)
- 67-68. Emails from Pat Hirsch and Robert Friedrich, EPA OGC, to Marla Diamond, Geoffrey Cooper, Lisa Jaeger, EPA OGC, regarding transmittal memo from the Administrator. Dated 7/24/02-8/08/02. (DP)
70. Email from Robert Friedrich, EPA OGC, to Anna Wolgast, EPA OGC, et al. Dated 10/18/01; 10:54 am. (DP)
- 74-80, 85,  
88-92. Emails from and to Robert Friedrich and Pat Hirsch, EPA OGC, and Alan Margolis, EPA OEI, regarding drafts of the Administrator's transmittal memo. Dated 10/23/01-11/09/01. (DP)
82. Email from Betty Lopez, EPA OEI, to Robert Friedrich, EPA OGC, and Ray Spears, EPA Office of the Administrator. Dated 10/18/01; 1:08 pm. (DP)
- 83, 86. Emails from Pat Hirsch, EPA OGC, to OGC and ORC information attorneys. Dated 10/18/01-10/24/01. (DP)
87. Email from Renee Sarajian, EPA ORC Region 3, to Robert Friedrich, EPA OGC, et al. Dated 10/31/01; 5:11 pm. (DP) (AC)