



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

OFFICE OF
GENERAL COUNSEL

NOV 14 2017

Chris Fedeli
Judicial Watch, Inc.
425 Third Street SW, Suite 800
Washington, DC 20024

Re: Judicial Watch, Inc. v. U.S. EPA, Civil Action No. 1:17-cv-01218 (D.D.C.)

Dear Mr. Fedeli:

The U.S. Environmental Protection Agency ("EPA") has completed its search for and review of documents responsive to the Freedom of Information Act request that is at issue in the above-referenced litigation. EPA's search for responsive agency records is consistent with the Plaintiff's Freedom of Information Act ("FOIA") request, as clarified within the Joint Status Report filed with the court on August 14, 2017.

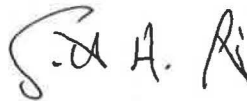
EPA's search and production yielded the following results:

- 421 responsive documents, including emails and attachments;
 - 273 total documents released;
 - 258 documents released in full (RIF);
 - 15 documents released with redactions;
 - Portions of emails were redacted under FOIA's Exemption 5, the attorney client and deliberative process privileges, and Exemption 6, personal privacy;
 - 148 documents withheld in full;
 - The 148 documents withheld in full related to EPA's response to the December 14, 2014 Government and Accountability Office ("GAO") report concerning EPA's use of the Thunderclap social media platform;
 - As included in the attached index, withheld documents relating to the GAO report contained internal, confidential communications concerning legal issues between EPA attorneys and EPA employees and were withheld under FOIA's Exemption 5, the attorney client privilege and/or the deliberative process privilege;

- Some of the attachments to these withheld emails were duplicates of documents independently released in full (accounted for within the 258 RIF figure) and were therefore regarded as nonresponsive duplicates when attached to these withheld emails.

This completes EPA's search for and production of documents responsive to the FOIA request at issue in this litigation. If you have additional questions, please contact Assistant United States Attorney Mark Nebeker at (202) 252-2536 or by email at: Mark.Nebeker@usdoj.gov. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "S. H. Albright". The signature is written in a cursive, slightly stylized font.

Scott H. Albright
Attorney advisor
Office of General Counsel

cc: W. Mark Nebeker, Assistant U.S. Attorney, U.S. Attorney's Office, District of Columbia

Enclosures