



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

JAN 24 2008

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

RE: Freedom of Information Act (FOIA) Request No. 06-RIN-00123-08

Dear Mr. McCoy:

This is in response to your FOIA Request which we numbered 06-RIN-00123-08. Please refer to that number in all communications regarding your FOIA. You requested copies of all correspondence, documents, and records in any form which were used or have been generated as a result of the U.S. Environmental Protection Agency's (EPA) internal review of ground water monitoring at the Sandia National Laboratory, New Mexico, Mixed Waste Landfill (MWL).

With the exceptions below, I enclose all subject documents relevant to your request. I initially deny your request for the listed documents as they are exempt from the mandatory disclosure requirements pursuant to 5 USC 552(b)(5) regarding privileged materials, including intra-agency memoranda. The exempted materials are:

- Twenty-one internal draft summary documents regarding our review of the MWL with dates varying between August 16, 2007, and December 10, 2007. Please note that EPA Region 6 has not prepared a final "report." Instead, the various staff opinions and results of our technical reviews have been summarized in these internal draft compilations. The conclusion of these reviews was provided to you in the EPA Region 6 letter of December 13, 2007, from the Director, Multimedia Planning and Permitting Division.
- Approximately 93 pages of internal e-mails with dates varying between March 5, 2007, and December 10, 2007.
- Approximately 68 pages of personal notes with dates varying between March 5, 2007, and December 10, 2007.
- Handwritten notes from two telephone conversations (nine pages) on November 7, 2007, and November 21, 2007.

I am not providing copies of the following material because it is already being addressed elsewhere under FOIA or is otherwise already available to you:

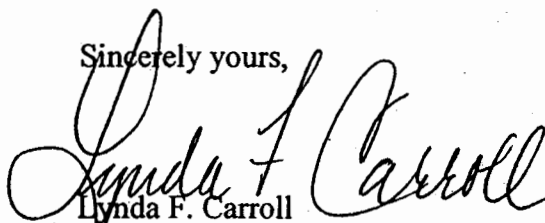
- Copies of MWL well DVDs. These videos were originated by Sandia National Laboratories NM and the Department of Energy (SNL/DOE) with copies sent to us. It is our understanding that you have also requested copies of these videos from SNL/DOE under FOIA. Therefore, this material is being separately addressed by SNL/DOE.

- Copies of general reference documents, reports, and data originated by the New Mexico Environment Department (NMED), SNL, DOE, and other entities. In general, we reviewed all publicly available information regarding groundwater monitoring for the MWL. This material is available to you on the NMED website and local libraries, or has already been provided to you through your previous FOIA requests to NMED, SNL/DOE, or EPA. However, as a courtesy, we are providing the cover page for several of these various reference documents to assist you.

- Copies of documents which you and Citizen Action New Mexico had sent to us but are publicly available as indicated in the previous item.

You may receive a bill, if appropriate, from the EPA Freedom of Information Officer. You may appeal this determination within thirty (30) days of receipt of this letter by writing to the FOIA Officer (2822T), USEPA, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460. Your appeal letter should refer to the date of this letter, your Request Identification Number (RIN) above, my name and address, and which records to which access was denied as the subject of the appeal.

Sincerely yours,


Lynda F. Carroll
Assistant Regional Administrator
for Management

Enclosures

cc: Ms. Carolyn A. Becknell
Freedom of Information Act Officer
NNSA Service Center
Office of Public Affairs
P.O. Box 5400
Albuquerque NM 87185-5400

foi officer @ doeal.gov