



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Research Triangle Park, NC 27711

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
September 10, 2010

OFFICE OF
GENERAL COUNSEL

Mr. Larry Fisher
[REDACTED]
[REDACTED]

RE: Freedom of Information Act Request No. HQ-FOI-1897-10

Dear Mr. Fisher:

This is in response to your Freedom of Information Act request of August 31, 2010 regarding a copy of the deposition transcript for the deposition that I took of you on August 23, 2007. As you were informed at the time, all parties in a litigation matter must bear their own costs. Thus EPA ordered and paid for its copy of your deposition transcript from the court reporter and you were told that you could do the same. If you want a copy of your deposition transcript, you must contact the court reporter, Marie Currin, at 919-851-3936, and pay her fee for a copy. With regard to your request for this transcript under FOIA, I have determined that the records in question may contain confidential business information, trade secrets, or commercial or financial information which is exempt from disclosure under 5 U.S.C. 552(b) Exemption 4. Pursuant to 40 C.F.R. 2.204(d)(1), your request is being initially denied because further inquiry by EPA is required before a final determination can be made. We will consult with the third party covering these records and the appropriate EPA legal office will issue a final confidentiality determination.

You may appeal this initial denial by addressing your written appeal to the National Freedom of Information Officer U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416 West, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter must include the FOI number HQ-FOI-01897-10, copies of your initial request, the response letter from the Agency, and the reasons for your appeal. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in cursive script that reads "Karen J. Palmer".

Karen J. Palmer
Attorney, US EPA
Office of General Counsel
General Law Office



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