



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, DC 20460

OFFICE OF
GENERAL COUNSEL

08/03/2020

Austin Evers
American Oversight
1030 15th St., NW
Suite B255
Washington, DC 20005

Re: FOIA No. EPA-HQ-2020-001702, Final Response

Dear Mr. Evers:

This correspondence serves as the final response to the above referenced Freedom of Information Act (FOIA) request, submitted to the U.S. Environmental Protection Agency (EPA) on December 12, 2019, seeking copies of the following:

1. All email communications (including emails, email attachments, and calendar invitations) between former Deputy General Counsel Marcella Burke and American Petroleum Institute's Senior Policy Advisor Holly Hopkins (hopkinsh@api.org) and Senior Director Carrie Domnitch (domnitchc@api.org) from November 1, 2018 to March 30, 2019;
2. Any handwritten or electronic notes, including handouts provided in person or via email, or summaries or readouts of the meeting, from the calendar entry entitled "CALL: BSEE/DOI Final Revisions to the Blowout Preventer Systems and Well Control Rule (1014-AA39)" held on February 26, 2019 from 3:30 PM – 4:00 PM.

On January 27, 2020, your colleague Khalilah Shaw, submitted additional information for Item 2, of your request. Specifically, the calendar of Department of Interior's (DOI), Bureau of Safety and Environmental Enforcement (BSEE), Director (Scott Angelle), was received. The calendar includes a copy the invitation to the BSEE meeting referenced within your request.

In an effort to identify records responsive to Item 2, the Agency performed electronic searches of Marcella Burke's Outlook 365 contents (e-mail and calendar) and network data files. The following search parameters were applied:

- Time Frame: November 1, 2018 to March 30, 2019;
- Key Words: BSEE/DOI Final Revisions to the Blowout Preventer Systems and Well Control Rule (1014-AA39).

Despite our efforts, records responsive to Item 2, of your request were not identified. Please note that Ms. Burke is no longer an EPA employee. Moreover, her departure pre-dates the referenced meeting. It is also important to mention that the meeting invitation provided does not include the names of EPA employees. For the reasons specified, EPA does not have records responsive to your request.

This letter concludes our response to your request. You may appeal this determination by email at hq.foia@epa.gov, or by mail to the EPA's National FOIA Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460 or through FOIAonline if you are an account holder. If you are submitting

your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1200 Pennsylvania Avenue, N.W., WJC-N Building, Room 7309C, Washington, DC 20460.

Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90-calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

If you need any further assistance or would like to discuss any aspect of your request, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or call (202) 566-1667. You may also seek assistance from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001; email: ogis@nara.gov; telephone: (202) 741-5770 or (877) 684-6448; or fax: (202) 741-5769. For all media inquiries, please contact press@epa.gov.

Sincerely,

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Ariadne Goerke
Acting Associate Deputy General Counsel