



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

Dr. John H. Scofield  
Wright Physics Laboratory  
110 North Professor Street  
Oberlin, OH 44074

OCT 30 2015

OFFICE OF  
GENERAL COUNSEL

Re: Freedom of Information Act Appeals HQ-APP-2015-010727 (Req. EPA-HQ-2015-009715)

Dear Dr. Scofield:

I am responding to your September 15, 2015 Freedom of Information Act ("FOIA") appeal. You appealed the "constructive denial" of your August 9, 2015 FOIA request for documents related to the Senior Care Facility Energy Star model. In your appeal letter you state that your FOIA request EPA-HQ-2015-009727 was placed on the "Complex" processing track, and that you have not received a response to your request or a determination on your response, which you allege is for eleven specified documents. You argue that this is an incorrect application of EPA's multi-track processing system for FOIA requests, and that the Agency is required to provide you with a response to your request within 20 working days.

I have carefully considered the EPA's responses to your requests and your appeal, and have determined that your appeal should be granted. Pursuant to the EPA's FOIA regulations at 40 C.F.R. § 2.104(k), I am remanding this response to the EPA's Climate Protection Partnerships division for processing. The EPA's Climate Protection Partnerships Division will provide you with a response to EPA-HQ-2015-009727 within the next **20 working days**.

This letter constitutes EPA's final determination on your appeal. In accordance with 5 U.S.C. § 552(a)(4)(B), you have the right to seek judicial review of this determination by instituting an action in the district court of the United States in the district in which you reside, or have your principal place of business, or in which the Agency records are situated, or in the District of Columbia. As part of the 2007 FOIA amendments, the Office of Government Information Services ("OGIS") within the National Archives and Records Administration was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD, 20740-6001; e-mail, [ogis@nara.gov](mailto:ogis@nara.gov); telephone, 301-837-1996 or 1-877-684-6448; and facsimile, 301-837-0348.

Dr. John H. Scofield

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Should you have any questions concerning this matter, please call Jennifer Hammitt at (202) 564-5097.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Miller", written in a cursive style.

FOR Kevin Miller  
Assistant General Counsel  
General Law Office

cc: HQ FOIA Office  
EPA Office of Air and Radiation, Climate Protection Partnerships Division