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September 14, 2015

National Freedom of Information Officer
U.S. EPA, FOIA and Privacy Branch
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Subject: Appeal regarding FOIA EPA-HQ-2015-009715

Dear National Freedom of Information Officer:

I hereby submit this constructive denial appeal pursuant to 5 U.S.C. § 552(a)(6), concerning the EPA's failure to timely provide records responsive to my August 9, 2015 FOIA Request.

On August 9, 2015 I requested specific documents from the EPA under the *Freedom of Information Act*. My request was assigned the following identification number: **EPA-HQ-2015-009715** and was placed in the "Complex" track. 23 working days have passed since this FOIA request was filed with no determination by the EPA – in excess of the mandated 20 day limit.

I must also challenge the EPA's decision to place this FOIA request in the "Complex" rather than "Simple" request track. My request is for 11 specific documents/records which I have identified by name, date, and author – having obtained this information from an EPA document released to me as a result of a previous FOIA request. Inasmuch as this request involves no searching and the existence of these documents is not in question there would appear to be no justification for classifying this request as "Complex."

In conclusion, because the EPA has neither made the determination required by the statute, nor promptly provided the required records, I hereby appeal the agency's constructive denial of the August 9, 2015 FOIA Request. Pursuant to 5 U.S.C. § 552(a)(6)(A)(ii)

I expect to receive a response to this FOIA appeal within 20 working days.

Thank you for considering my appeal.

Sincerely,

John H. Scofield
Professor of Physics