**To:** McGahren, John[jmcgahren@morganlewis.com]
**Cc:** Kim, Su Jin[SKim@morganlewis.com]; Albano, Emily[Albano.Emily@epa.gov]; Gravatt, Dan[Gravatt.Dan@epa.gov]
**From:** Weekley, Erin
**Sent:** Fri 8/15/2014 7:17:40 PM
**Subject:** RE: 104(e) information request

John,

I have completed review of the second set of documents. One was claimed as CBI and therefore not responsive, as you agreed to exclude documents claimed as CBI on August 5. All others were releasable. Two discs containing the documents were mailed to you today. The letter accompanying the discs provides more information about the document that was claimed as CBI.

In addition, you requested a certification that the documents are true and correct copies. Unfortunately the folks who can do that process are out of the office until next week. So the documents will be bates numbered and certified next week, and loaded into FOIAonline. At that time I will send you the certification and a link to the bates numbered documents.

If you have any questions please do not hesitate to call.

---

Erin Weekley

Office of Regional Counsel

U.S. Environmental Protection Agency, Region 7

11201 Renner Boulevard

Lenexa, Kansas 66219

(913) 551-7095

**From:** Weekley, Erin
**Sent:** Tuesday, August 05, 2014 3:52 PM
**To:** 'McGahren, John'

**Cc:** Kim, Su Jin; Albano, Emily; Gravatt, Dan; Hoefer, David
**Subject:** RE: 104(e) information request

John,

I have asked that 33 documents that are clearly releasable be processed now and sent to you as soon as possible.

I will finish checking the remaining documents for the CBI, which is now outside the scope of your request, and those will be produced by Friday, August 15. I will provide an index of the excluded documents as requested.

Thanks for your assistance.

---

Erin Weekley

Office of Regional Counsel

U.S. Environmental Protection Agency, Region 7

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(913) 551-7095

**From:** McGahren, John [mailto:jmcgahren@morganlewis.com]
**Sent:** Tuesday, August 05, 2014 2:49 PM
**To:** Weekley, Erin
**Cc:** Kim, Su Jin; Albano, Emily; Gravatt, Dan; Hoefer, David
**Subject:** RE: 104(e) information request

Erin,

We will agree to exclude these CBI documents from our current request. Would it be possible for the agency to give us a general index of the excluded documents with page or bates ranges, so I can readily identify them in the future and seek them directly from the parties which submitted the 104(e) responses?

**John McGahren**
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jmcgahren@morganlewis.com | www.morganlewis.com

Assistant: Margaret M. McGovern | +1.609.919.6651| mmcgovern@morganlewis.com

**From:** Weekley, Erin [mailto:weekley.erin@epa.gov]
**Sent:** Tuesday, August 05, 2014 3:41 PM
**To:** McGahren, John
**Cc:** Kim, Su Jin; Albano, Emily; Gravatt, Dan; Hoefer, David
**Subject:** RE: 104(e) information request

John,

Thank you. In every case I have found so far – and I believe I only have a few remaining to check – the CBI claims cover "minutes of corporate directors' meetings." The claims I have identified so far are made in the responses from:

- The Shrine of St. Jude
- Society of the Propagation of Faith
- West Lake Ready Mix
- S. Francis Baldwin
- West Lake Quarry and Material Company
- Rock Road Industries

As I indicated, the actual materials claimed as CBI do not appear to be in the documents that identify the claims; so it is taking some effort to make sure I've identified all relevant material.

In each case, there isn't a lot more detail in the claim than the description "minutes of corporate directors' meetings," but if you have any questions about this please do give me a call. Thanks,

Erin Weekley

Office of Regional Counsel

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**From:** McGahren, John [mailto:jmcgahren@morganlewis.com]
**Sent:** Tuesday, August 05, 2014 2:32 PM
**To:** Weekley, Erin
**Cc:** Kim, Su Jin; Albano, Emily; Gravatt, Dan; Hoefer, David
**Subject:** RE: 104(e) information request

Erin,

I agree with your suggestion to release the documents that the agency has already identified as releasable and to an extension until next Friday, August 15 for producing those documents. I also agree to a reasonable extension for additional time to follow up on the CBI claims and might agree to exclude those CBI materials altogether if I had a better understanding of the nature of the CBI claims and documents. Would you be able to provide us with any type of description of the documents for which CBI claims were asserted? I would be happy to discuss this with you on the telephone at your convenience. Thanks you

**John McGahren**
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Assistant: Margaret M. McGovern | +1.609.919.6651| mmcgovern@morganlewis.com

**From:** Weekley, Erin [mailto:weekley.erin@epa.gov]
**Sent:** Tuesday, August 05, 2014 3:21 PM
**To:** McGahren, John
**Cc:** Kim, Su Jin; Albano, Emily; Gravatt, Dan; Hoefer, David
**Subject:** RE: 104(e) information request

John,

I have identified a number of claims of confidential business information (CBI) in my review of the documents you requested. Because the documents that claim the CBI do not appear to be the documents that contain the alleged CBI, I am still searching to make sure I have identified everything subject to these claims - not a small task as this request encompasses nearly 18,000 pages. We will need some additional time to determine whether these claims have already been substantiated, or to do so at this point. I propose to produce the documents that I have already identified as releasable, and to request additional time to follow up on the CBI claims. Alternately, you could narrow the scope of your request to exclude material that has been claimed as CBI, in which case it would still be useful to extend the deadline until next Friday, August 15. Please let me know how you would like to proceed.

Thanks,

Erin Weekley

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**From:** McGahren, John [mailto:jmcgahren@morganlewis.com]
**Sent:** Thursday, July 31, 2014 12:31 PM
**To:** Weekley, Erin
**Cc:** Kim, Su Jin; Albano, Emily; Gravatt, Dan
**Subject:** Re: 104(e) information request

Erin,

I agree to the requested extension and would appreciate anything EPA can do to get it to us sooner. Thanks again

**John McGahren**
**Morgan, Lewis & Bockius LLP**
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Assistant: Margaret M. McGovern | +1.609.919.6651|mmcgovern@morganlewis.com

On Jul 31, 2014, at 1:26 PM, "Weekley, Erin" <weekley.erin@epa.gov> wrote:

John,

I hate to request another extension, but I am experiencing some access privilege issues in our system that are delaying my review. Would you mind extending this one additional week, to Aug. 12?

Thanks,

Erin Weekley

Office of Regional Counsel

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(913) 551-7095

**From:** McGahren, John [mailto:jmcgahren@morganlewis.com]
**Sent:** Tuesday, July 22, 2014 3:55 PM
**To:** Weekley, Erin
**Cc:** Kim, Su Jin; Albano, Emily; Gravatt, Dan
**Subject:** Re: 104(e) information request

No problem, Erin. I appreciate your attention to our request. Thank you

**John McGahren**
**Morgan, Lewis & Bockius LLP**
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On Jul 22, 2014, at 3:53 PM, "Weekley, Erin" <weekley.erin@epa.gov> wrote:

> John, due to the volume of documents in this request, it has taken a little longer than normal to upload these files for our review process. We request a one week extension (until August 5, 2014) to complete this FOIA request. Please let me know if this is acceptable to you. Thanks,
>
> Erin Weekley

Office of Regional Counsel

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**From:** McGahren, John [mailto:jmcgahren@morganlewis.com]
**Sent:** Thursday, July 03, 2014 12:13 PM
**To:** Weekley, Erin
**Cc:** Hoefer, David; Kim, Su Jin
**Subject:** RE: 104(e) information request

Erin,

Dan Gravatt called me this morning to discuss our preference for inspecting and/or receiving copies of the documents requested in our recent FOIA. Dan said that it would be easiest for them to burn the documents to CDs after your review is completed. This is acceptable to us. I would appreciate it if Dan (or the appropriate agency representative) could also provide a certification attesting that the electronic documents were retrieved from the agency's files and are true and correct copies. I expect that you may have a form already prepared for this purpose, but something along the lines of the certification below would help us to establish authenticity and admissibility of the documents down the road, if necessary. Thank you and I hope you have a nice holiday weekend.

I, _____ am the _____ of the United States Environmental Protection Agency, and I am duly authorized as Custodian of Records (or applicable title) with the authority to certify records.

This office is entrusted with _____ [describe office's record-keeping responsibilities].

The enclosed documents, produced in electronic format on __ CDs, are true and correct copies of documents that were filed with and maintained by this Agency, as authorized under the applicable laws. As _____, I have custody of these records on behalf of the United States Environmental Protection Agency.

Affixed hereto is my seal, as the _____ of the United States Environmental Protection Agency. [Duly executed, _____]

**John McGahren**
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**From:** Weekley, Erin [mailto:weekley.erin@epa.gov]
**Sent:** Monday, June 23, 2014 5:28 PM
**To:** McGahren, John
**Cc:** Hoefer, David; Kim, Su Jin
**Subject:** RE: 104(e) information request

John:

Regarding the documents you already have, for Rock Road Industries – 104(e) response dated July 22, 1991, Volume I of IV (164 pages) --- the copy I located has 170 pages; not obvious why there would be this discrepancy, but I can provide this copy for you.

I have located electronic copies of the documents that you specifically requested, with the exception of #2, which as you may recall I was unable to locate. The rest of the documents are too large to send via email, so I will send them on a disc. Before I do, though, I wanted to address your final request for other 104(e) requests/responses for West Lake in addition to the ones identified specifically in your email. I did a search for relevant documents in our system and came up with the following list.

| Doc Date | Title | Pages |
|---|---|---|
| 5/13/1991 | ANSWERS TO THE CERCLA 104 (e) RESPONSE Walter and Dorothy Trump | 3 |
| 5/14/1991 | CERCLA 104 (e) Information request to Red Bird Ready Mix Company (concurrence copy) with response | 28 |
| 5/14/1991 | CERCLA 104 (e) Information request to #5 Chapel Hill Estates (concurrence copy) | 11 |
| 5/14/1991 | CERCLA 104 (e) Information request to Walter Trump (concurrence copy) | 14 |
| 5/14/1991 | CERCLA 104(e) INFORMATION REQUEST to Walter Trump | 28 |
| 5/14/1991 | CERCLA 104 (e) Information request to Walter Wittenberg (concurrence copy) | 13 |
| 5/14/1991 | CERCLA 104 (e) Information request to William E. McCullough (concurrence copy) | 12 |
| 5/14/1991 | CERCLA 104 (e) Information request to Rock Road Industries, Inc. (concurrence copy) | 18 |
| 5/14/1991 | CERCLA 104 (e) Information request to The Society for the Propagation of Faith, Archdiocese of St. Louis (concurrence copy) | 13 |
| 5/14/1991 | CERCLA 104 (e) Information request to West Lake Ready Mix Company (concurrence company) | 20 |
| 5/14/1991 | CERCLA 104 (e) Information request to S. Francis Baldwin (concurrence company) | 12 |
| 5/14/1991 | CERCLA 104 (e) Information Request to The Shrine of St. Jude (concurrence copy) | 16 |
| 5/14/1991 | CERCLA 104 (e) Information request to the Archdiocese of St. Louis (concurrence company) | 16 |
| 5/14/1991 | CERCLA 104 (e) Information request to Laidlaw Waste System, Inc. (concurrence company) | 19 |
| 5/14/1991 | CERCLA 104 (e) Information request to Laidlaw Waste Systems, Inc. (concurrence company) | 19 |
| 5/14/1991 | CERCLA 104 (e) Information request to West Lake Quarry and Material Co. (concurrence copy) | 12 |
| 5/14/1991 | CERCLA 104 (e) Information request to William E. Whitaker (concurrence company) | 11 |
| 6/26/1991 | APPROVAL OF EXTENSION TO GATHER CERCLA 104(E) INFORMATION - Walter Wittenburg | 1 |
| 7/12/1991 | Response to CERCLA 104 (e) Information request to Laidlaw Waste Systems (Bridgeton), Inc., Laidlaw Waste Systems, Inc., and West Lake Landfill, Inc. | 35 |
| 7/12/1991 | CERCLA 104 (e) Information Request to Cotter Corporation (concurrence copy) | 10 |

| | | |
|---|---|---|
| 7/15/1991 | RE:CERCLA SECTION 104(e) INFORMATION REQUESTS TO LAIDLAW WASTE SYSTEMS (BRIDGETON),INC.,LAIDLAW WASTE SYSTEMS INC., AND WEST LAKE LANDFILL,INC. | 2 |
| 7/15/1991 | INFORMATION REQUEST NUMBER 4 AND INF.REQ. 9 AND INF.REQ.10 - from Laidlaw Waste Systems | 111 |
| 7/15/1991 | INFORMATION REQUEST NO.17 - RESPONSE - From Laidlaw Waste Systems | 442 |
| 7/15/1991 | Response to CERCLA 104 (e) Information Request to Laidlaw Waste System and West Landfill Inc. | 266 |
| 7/15/1991 | Response to CERCLA 104 (e) Information Request to Laidlaw Waste System and West Landfill Inc. | 214 |
| 7/15/1991 | Response to CERCLA 104 (e) Information Request to Laidlaw Waste System and West Landfill Inc. | 32 |
| 7/15/1991 | Response to CERCLA 104 (e) Information Request to Laidlaw Waste System Inc. and West Landfill Inc. | 299 |
| 7/15/1991 | Response to CERCLA 104 (e) Information Request to Laidlaw Waste System Inc. and West Landfill Inc. | 29 |
| 7/15/1991 | Response to CERCLA 104 (e) Information Request to Laidlaw Waste System Inc. and West Landfill Inc. | 22 |
| 7/16/1991 | RESPONSE TO CERCLA 104 (E) INFORMATION REQUEST to Walter Wittenburg | 10 |
| 7/16/1991 | RESPONSE TO 104(e) REQUEST FOR INFORMATION To William J. McCullough | 10 |
| 7/16/1991 | RE:CERCLA SECTION 104(e)INFORMATION REQUEST TO LAIDLAW WASTE SYSTEMS (BRIDGETON), INC.LAIDLAW WASTE SYSTEMS,INC.,AND WEST LAKE LANDFILL,INC. | 1 |
| 7/18/1991 | Response to CERCLA 104 (e) Information Request to Reverend John L. May Archbishop (Volume III of III) | 399 |
| 7/18/1991 | Response to CERCLA 104 (e) Information Request to Rock Road Industries (Volume I of IV) | 170 |
| 7/18/1991 | Response to CERCLA 104 (e) Information Request to Rock Road Industries (Volume II of IV) | 519 |
| 7/18/1991 | Response to CERCLA 104 (e) Information Request to Propagation of Faith (Volume I of III) | 149 |
| 7/18/1991 | Response to CERCLA 104 (e) Information Request to Propagation of Faith (Volume II of III) | 521 |
| 7/18/1991 | Response to CERCLA 104 (e) Information Request to Propagation of Faith (Volume III of III) | 401 |
| 7/18/1991 | RESPONSE OF WEST LAKE READY MIX COMPANY TO CERCLA 104(e)REQUEST FOR INFORMATION VOLUME IV OF IV | 465 |
| 7/18/1991 | RESPONSE OF WEST LAKE READY MIX COMPANY TO CERCLA 104(e)REQUEST FOR INFORMATION VOLUME I OF IV | 168 |
| 7/18/1991 | RESPONSE OF WEST LAKE READY MIX COMPANY TO CERCLA 104(e)REQUEST FOR INFORMATION VOLUME II OF IV | 540 |
| 7/18/1991 | RESPONSE OF WEST LAKE READY MIX COMPANY TO CERCLA 104(e)REQUEST FOR INFORMATION VOLUME III OF IV | 404 |

| | | |
|---|---|---|
| 7/18/1991 | Response to CERCLA 104 (e) Information Request to S. Francis Baldwin (Volume I of III) | 168 |
| 7/18/1991 | Response to CERCLA 104 (e) Information Request to S. Francis Baldwin (Volume II of III) | 543 |
| 7/18/1991 | Response to CERCLA 104 (e) Information Request to Reverend John L. May (Volume I of III) | 148 |
| 7/18/1991 | Response to CERCLA 104 (e) Information Request to Reverend John L. May (Volume II of III) | 520 |
| 7/18/1991 | Response to CERCLA 104 (e) Information Request to S. Francis Baldwin (Volume III of III) | 377 |
| 7/18/1991 | Response to CERCLA 104 (e) Information Request to West Lake Quarry and Material Company (Volume I of IV) | 174 |
| 7/18/1991 | Response to CERCLA 104 (e) Information Request to West Lake Quarry & Material Co. | 170 |
| 7/18/1991 | Response to CERCLA 104 (e) Information Request to West Lake Quarry and Material Company (Volume IV of IV) | 480 |
| 7/18/1991 | Response to CERCLA 104 (e) Information Request to West Lake Quarry and Material Company (Volume III of IV) | 405 |
| 7/18/1991 | Response to CERCLA 104 (e) Information Request to West Lake Quarry and Material Company (Volume II of IV) | 520 |
| 7/18/1991 | Response to CERCLA 104 (e) Information Request to Rock Road Industries (Volume IV of IV) | 478 |
| 7/18/1991 | Response to CERCLA 104 (e) Information Request to Rock Road Industries (Volume III of IV) | 400 |
| 7/18/1991 | Response to CERCLA 104 (e) Information Request to William E. Whitaker (Volume I of III) | 166 |
| 7/18/1991 | Response to CERCLA 104 (e) Information Request to William E. Whitaker (Volume II of III) | 542 |
| 7/18/1991 | Response to CERCLA 104 (e) Information Request to William E. Whitaker (Volume III of III) | 377 |
| 7/19/1991 | Transmittal of CERCLA 104 (e) Information Request Response for Reverend John L. May, Propagation of Faith, S. Francis Baldwin, William E. Whitaker, West Lake Quarry and Material Co., West Lake Ready Mix Co., and Rock Road Industries (w/o attachment) | 1 |
| 7/31/1991 | Response to CERCLA 104 (e) Information Request to The Shrine of St. Jude (Volume III of III) | 395 |
| 7/31/1991 | Response to CERCLA 104 (e) Information Request to The Shrine of St. Jude (Volume I of III) | 151 |
| 7/31/1991 | Response to CERCLA 104 (e) Information Request to The Shrine of St. Jude (Volume II of III) | 521 |
| 8/5/1991 | letter regarding Confirmation of Extension for CERCLA 104 (e) Information Request to Cotter Corporation dated 07/12/91 | 1 |
| 9/6/1991 | Response to CERCLA 104 (e) Information Request to Cotter Corporation | 358 |
| 12/27/1991 | WESTLAKE LANDFILL INFORMATION REQUEST to Robert S. Davis/B&K Construction Co. | 3 |

| | | |
|---|---|---|
| 6/13/1994 | Response to CERCLA 104 (e) Information Request to Anheuser-Busch Inc., Metal Container Corporation, St. Louis Refrigeration Car Co., Civic Center Corporation, Manufactures Railway Co., and Manufactures Cartage Co. | 200 |
| 3/14/1995 | Response to CERCLA 104 (e) Information Request to Laidlaw Waste System | 763 |
| 9/1/1995 | Response to CERCLA 104 (e) Information Request to Browning-Ferris Industries (BFI) (Supplemental Responses 2, 3, and 7) | 698 |
| 9/1/1995 | Response to CERCLA 104 (e) Information Request to Browning-Ferris Industries (BFI) (Supplemental Response 2, 3, and 7) | 608 |
| 9/1/1995 | Response to CERCLA 104 (e) Information Request to Browning-Ferris Industries (BFI) (Supplemental Response 2, 3, and 7) | 799 |
| 9/1/1995 | Response to CERCLA 104 (e) Information Request to Browning-Ferris Industries (BFI) (Supplemental Response 2, 3, and 7) | 638 |
| 9/1/1995 | Response to CERCLA 104 (e) Information Request to Browning-Ferris Industries (BFI) (Supplemental Response 2, 3, and 7) | 866 |
| 9/19/1995 | TRANSMITTAL OF SUPPLEMENT TO RESPONSE TO 104(e) REQUEST - Proctor & Gamble | 2 |
| 11/6/1995 | SUPPLEMENTAL RESPONSE TO 104 (e) INFORMATION REQUEST - from Mallinckrodt Group | 10 |
| 7/8/1996 | SUPPLEMENT TO COTTER CORP'S 104(e) RESPONSE | 56 |
| 7/8/1996 | Response to CERCLA 104 (e) Information Request to Cotter Corporation (Supplemental Response) | 58 |
| 8/4/2004 | 104(e) information request to AAA Trailer Services, Inc. | 7 |
| 8/25/2004 | Fax transmitting a 104(e) response received from AAA Trailer Services, Inc. | 12 |
| 8/25/2004 | 104 (e) response received from Terra Technologies | 11 |
| 9/1/2004 | 104(e) information request to AAA Trailer Services, Inc. | 3 |
| 9/1/2004 | Letter regarding an overdue Response to 104(e) Information Request to Crossroads Property | 1 |
| 9/10/2004 | Response to 09/01/04 letter requesting clarification to information request - Terra Technologies | 4 |
| 01-01-1111 | 104(e) RESPONSE - COTTER CORP | 25 |
| 01-01-1111 | INFORMATION REQUEST NO.14 - RESPONSE - SOIL SAMPLES ASSOCIATED WITH CONSTRUCTION - from Laidlaw | 640 |

As you can see, there are quite a few other 104(e)s and responses. If you are requesting just a few others, I can put them on the disc. If you are looking for more than a couple, it may be more appropriate to do so via the FOIA process. Please let me know how you'd like to proceed.

Thanks,

Erin Weekley

Office of Regional Counsel

U.S. Environmental Protection Agency, Region 7

11201 Renner Boulevard

Lenexa, Kansas 66219

(913) 551-7095

**From:** McGahren, John [mailto:jmcgahren@morganlewis.com]
**Sent:** Wednesday, June 18, 2014 1:51 PM
**To:** Weekley, Erin
**Cc:** Hoefer, David; Kim, Su Jin
**Subject:** RE: 104(e) information request

Erin and David,

Thank you very much for providing the DOE special notice letter and Mallinckrodt's supplemental 104(e) response. I understand that you are currently unable to locate Mallinckrodt's initial 104(e) response or EPA's initial 104(e) letter to Mallinckrodt. We currently have copies of the following 104(e)-related documents for West Lake:

1. B&K Construction – response to 104(e) request dated December 27, 1991 (2 pages)

2. Laidlaw – 104(e) request from EPA dated May 14, 1991 (19 pages) and Laidlaw's response dated July 12, 1991 (without supporting documents) (37 pages)

3. Mallinckrodt – supplemental response dated November 6, 1995 and supporting documents (10 pages)

4. Rock Road Industries – 104(e) response dated July 22, 1991, Volume I of IV (164 pages)

5. West Lake Quarry and Material Co. – 104(e) response dated July 18, 1991 and supporting documents, Volumes I (454 pages but missing Exhibits 14B-G – reports and sampling data, 19A-19WWW – minutes of directors' meetings) and IV (478 pages) (of IV).

We would appreciate it if you would provide copies of the following additional 104(e) documents:

1. Laidlaw – supporting documents referenced in its July 12, 1991 response to EPA's 104(e) request

2. Mallinckrodt – 104(e) request from EPA dated February 11, 1994 and initial response dated March 22, 1994

3. Rock Road Industries – 104(e) response dated July 22, 1991, Volumes II, III, and IV

4. West Lake Quarry and Material Co. – 104(e) response dated July 18, 1991, Volumes II, III, and the missing portions of Volume I (i.e., Exhibits 14B-G, 19A-19WWW)

Please also let us know if there are other 104(e) requests/responses for West Lake in addition to those identified above. Thanks again

**John McGahren**
Morgan, Lewis & Bockius LLP
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Direct: 609.919.6641 | Main: 609.919.6600 | Fax: 609.919.6701
jmcgahren@morganlewis.com | www.morganlewis.com

Assistant: Margaret M. McGovern | 609.919.6651| mmcgovern@morganlewis.com

**From:** Weekley, Erin [mailto:weekley.erin@epa.gov]
**Sent:** Monday, May 19, 2014 5:02 PM
**To:** McGahren, John; Kim, Su Jin
**Subject:** RE: 104(e) information request

Gentlemen:

You requested any 104(e) information requests to and responses from Department of Energy and Mallinckrodt. This search was complicated by the age of the file and the number of staff who have worked on the site, many of whom are now retired. The file indicates that there was an information request sent to Mallinckrodt, but I have not been able to locate the letter or Mallinckrodt's initial response. I did find Mallinckrodt's supplemental response, which is attached. You also requested the notice letter to DOE, which is attached. I have not found an information request to DOE.

Please let me know if you have any questions. Thanks,

Erin Weekley

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