



**AUG 27 2014**

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Re: Freedom of Information Request – 754345 (2014 - 66)  
FedEx/Estabrook/4-1760-14-002

Dear Mr. Silverstone:

This is in response to your written request for a copy of the above referenced investigative file, which was received on July 24, 2014.

Occupational safety and health files contain records compiled for law enforcement purposes and information contained in such records may be withheld in accordance with the Freedom of Information Act (FOIA) (5 U.S.C. 522(b)(7)). I have determined, however, that some information can be released to you in the public interest and would not impede the discharge of any of the department's functions.

You will note from the attachments that certain items have been deleted. The deletions and reasons therefore are given in enclosures 1 and 2 respectively.

29 CFR 70.40 provides that the Department of Labor may charge \$10.00 per quarter hour for professional time and \$5.00 for clerical time (excluding the first quarter hour for clerical time spent in locating and reproducing the case file, and \$1.50 per CD used to store the releasable documents. This office has expended 3.5 hour(s) of clerical time costing \$65.00 and 0 hour(s) of professional time costing \$0. Your cost for the CD of releasable documents is \$1.50. Your total cost is \$66.50. Please make your check payable to the Treasury Of The United States, along with an attachment of this letter.

You may file an appeal of this decision with the Solicitor of Labor within 90 days from the date of this letter. The appeal must state, in writing, the grounds for the appeal, including any supporting statement or arguments. To facilitate processing, you may fax your appeal to: (202) 693-5538. The appeal should include a copy of your initial request and this letter.

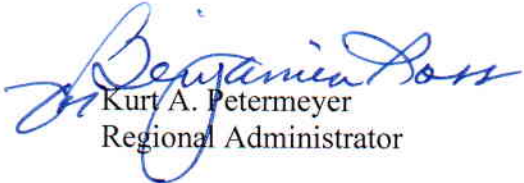
The appeal must be addressed to:

Solicitor of Labor, U.S. Department of Labor, Rm. N-2428,  
200 Constitution Avenue, N.W., Washington, D.C. 20210.

If mailed, both the envelope, and the letter of appeal itself should be clearly marked: "Freedom of Information Act Appeal."

If you have any questions, please feel free to contact Cassandra Riggins, Administrative Assistant - Whistleblower Protection Programs, at (678) 237-0413.

Sincerely,



Kurt A. Petermeyer  
Regional Administrator

Enclosures: **Index of Pages**  
**Reasons for Deletions**  
**CD of Releasable Documents**

**Attachment 1**

**LISTING OF DOCUMENTS**

**Freedom of Information Request – 754345 (2014-66)  
FedEx/Estabrook/41760-14-002**

<b>Page Number</b>	<b>Description</b>	<b>Reason for Exclusion</b>	<b>Authorities</b>
<b>9</b>	<b>Personal/Identifying Information</b>	<b>Confidential</b>	<b>7(c)</b>
<b>12</b>	<b>Personal/Identifying Information</b>	<b>Confidential</b>	<b>7(c)</b>
<b>70, 71</b>	<b>Personal/Identifying Information</b>	<b>Confidential</b>	<b>7(c)</b>
<b>140</b>	<b>Personal/Identifying Information</b>	<b>Confidential</b>	<b>7(c)</b>
<b>148 - 151</b>	<b>Personal/Identifying Information</b>	<b>Confidential</b>	<b>7(c)</b>
<b>180 - 186</b>	<b>Personal/Identifying Information</b>	<b>Confidential</b>	<b>7(c)</b>
<b>195</b>	<b>Personal/Identifying Information</b>	<b>Confidential</b>	<b>7(c)</b>
<b>209</b>	<b>Agency Interoffice Documentation</b>	<b>Confidential</b>	<b>5</b>

**Attachment 2**  
**Freedom of Information Request**

**REASONS FOR DELETIONS UNDER 5 U.S.C. 552(b)**

1. Exemption 4 and 29 CFR permits withholding of information not customarily be made public by the person from whom it was obtained.
2. Exemption 5 and 29 CFR 70.25 permits the withholding of staff opinions, conclusions, and recommendations contained in internal documents which reflects the deliberative process the issuance of an agency determination. Material deleted was compiled exclusively for the guidance of OSHA personnel in determining to what extent applicable safety and health standards may have been violated.
3. Exemption 6 and 29 CFR 70.26 exempts personal, medical, and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
4. Exemption 7(a) and CFR 70.27 permits withholding of information where it could reasonably be expected to interfere with enforcement proceedings.
5. Exemption 7(c) and 29 CFR 70.27 protects personal information contained in investigative files relating to individuals other than the FOIA requester (such as home addresses, telephone numbers, ages, salaries, and details of physical conditions, education and training), the disclosure of which would constitute an unwarranted invasion of privacy.
6. Exemption 7(d) and 29 CFR 70.27 permits the withholding of data contained in investigatory files compiled for law enforcement purposes which could reasonably be expected to identify individuals who provide information to the Government in confidence, or under circumstances implying confidentiality.
7. Exemption 7(e) and 29 CFR 70.27 exempts investigatory records where disclosure would reveal investigative techniques and procedures.