

EXHIBIT D



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

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National Institutes of Health
National Institute of
Environmental Health Sciences
P.O. Box 12233, MD K3-16
Research Triangle Park, NC 27709-2233

SENT VIA ELECTRONIC MAIL

November 9, 2017

Andrew Prins
Laura Glickman
Latham & Watkins, LLP
555 Eleventh Street, NW, Suite 1000
Washington, D.C. 2004
(202) 637-2328
laura.glickman@lw.com

Re: FOIA Request Case No. 47174

Dear Mr. Prins and Ms. Glickman:

This correspondence is regarding your request seeking certain public records at the National Institute of Environmental Health Sciences (NIEHS) under the Freedom of Information Act (FOIA). Your request, dated October 20, 2017, was received by NIEHS via priority mail on 10/26/2017. A copy of your submission is enclosed for reference.

In sum, your request seeks:

All documents and records of communication sent or received by John Ray Bucher dated 10/01/2013 thru 10/01/2014 that include terms: Guyton, Straif, and/or IARC (in email header fields or body of email).

We are searching for NIEHS records responsive to your request. If any documents responsive to your request are located, after they are reviewed to identify and redact confidential or protected information in accordance with federal laws, all releasable information will be sent to you. We will do everything possible to comply with your request in a timely manner. Please feel free to contact our office for additional information or to inquire about the status of your request (contact information is provided in the above letterhead).

There may be a fee assessed for your request. Provisions of the FOIA allow us to recover part of the cost of complying with your request. If fees are applicable, we shall charge you for records in accordance with the Department of Health and Human Services (HHS) FOIA Regulations as they apply to "commercial-use" requesters – i.e., you would be charged for duplication at 10-cents per page; and for search and review time at the hourly rate of the searcher and reviewer (\$23.00, \$46.00 and \$83.00). Please be advised that the HHS FOIA Regulations allow us to charge for search time even if we do

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not locate any responsive records or if we determine that some or all of the responsive records are exempt under one of the FOIA's nine exemptions. If there are any fees associated with processing this request, you will be sent an invoice with our final response.

At any time during the processing of your request, you may seek assistance from me:

NIEHS FOIA Public Liaison
Regina J. Stabile, J.D.
P.O. Box 12233
Mail Drop K3-16
Research Triangle Park, NC 27709
919-541-3365 (phone)
regina.stabile@nih.gov (email)

We will contact you again to provide public records responsive to your request or, if necessary, to discuss the processing of your request further.

Sincerely,

A handwritten signature in blue ink that reads "Regina Stabile". The signature is written in a cursive, flowing style.

Regina J. Stabile, J.D.
NIEHS FOIA Public Liaison
NIEHS/OD Office

Enclosure

555 Eleventh Street, N.W., Suite 1000
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LATHAM & WATKINS LLP

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October 20, 2017

FOIA Coordinator
National Institute of Environmental Health Services
P.O. Box 12233
Research Triangle Park, NC 27709

Re: Freedom of Information Act Request

Dear Sir or Madam:

Pursuant to the Freedom of Information Act (FOIA), as amended, 5 U.S.C. §§ 552, *et seq.*, Latham & Watkins, LLP hereby requests the following:

- All documents and records of communication of any kind, including but not limited to email communications, sent to or received by John Ray Bucher, dated October 1, 2013 through October 1, 2014, inclusive, that include the terms “Guyton,” “Straif,” and/or “IARC” in the to:, from:, cc:, bcc:, subject fields, or the body of the email.

We request that you provide accurate copies of the documents requested, and we agree to pay reasonable search and production costs. However, please notify us if search and production costs are expected to exceed \$5,000. This is a commercial request.

We understand that NIEHS, as part of the Department of Health and Human Services, is required to decide whether to respond to this request within 10 working days. 45 C.F.R. § 5.32(3). We prefer electronic copies of the documents, but if courier or overnight delivery is necessary, please contact us for delivery or pickup information. If you have any questions, please contact Laura Glickman at (202) 637-2328 or laura.glickman@lw.com.

Thank you for your prompt attention to this request.

Best regards,

Latham & Watkins LLP
Andrew Prins
Laura Glickman
555 Eleventh Street, NW
Suite 1000
Washington, D.C. 20004