



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

November 30, 2001

Mr. Jeff Fiedler
Climate Policy Specialist
Natural Resources Defense Council of America
1200 New York Ave., N.W., Suite 400
Washington, D.C. 20005

RE: April 27, 2001, FOIA Request

Dear Mr. Fiedler:

I am writing in response to the appeal you filed with this agency regarding the Above-referenced Freedom of Information Act (FOIA) request.

Your appeal raised two issues. One issue was of the adequacy of the agency's search for records. In response, I reinitiated a search for responsive documents and identified three additional documents that were forwarded to you on September 21, 2001.

You also appealed the lack of a meaningful description of the documents withheld. This letter responds to the part of the appeal. First, we are releasing, either in whole or in part, an additional twenty-six documents which had previously been withheld. Second, I am including a complete list of documents involved in the appeal. The list identifies each document and indicates its current disposition. We are forwarding this list in the belief that in this instance it is the public interest to do so, although we reiterate, as Mr. Boling's letter of July 26, 2001, stated, that requestors are not entitled to such a listing at the administrative stage of processing FOIA requests and appeals.

If you not satisfied with this response, you have the right of judicial review under the provisions of the Freedom of Information Act at 5 U.S.C. §552(a)(6)(A)(ii).

Sincerely,

Dinah Bear
General Counsel
FOIA Appeals Officer

Documents List

NRDC FOIA Request regarding carbon dioxide and the Kyoto Protocol

1. 02/23/2001: email "Re Christie Todd Whitman" from Stephen M. Garrison to Jill Angelo copied to John Howard. RELEASED with redaction of e-mail message from White House staff to CEQ staff.
2. Bullets by CEQ on Global Climate Change Actions – WITHHOLD, PREDECISIONAL AND DELIBERATIVE.
3. Handwritten notes by CEQ staff prefaced "add figures" – WITHHOLD, PREDECISIONAL AND DELIBERATIVE.
4. Bullets on Climate Change Briefing – written by CEQ staff, WITHHOLD, PREDECISIONAL AND DELIBERATIVE.
5. 03/28/01: FAX from EPA Office of Policy, Economics and Innovation to White and CEQ staff - "Negotiation Status and Recommendations" from EPA to White House and CEQ Officials. WITHHOLD, PREDECISIONAL AND DELIBERATIVE.
6. Memo entitled New Approaches to Reducing Greenhouse Gas Emissions written by CEQ staff – WITHHOLD, PREDECISIONAL AND DELIBERATIVE.
7. 04/18/2001: email "Subject: CGH mitigation activities and numbers" from DOE to CEQ – related to internal budget deliberations, WITHHOLD, PREDECISIONAL AND DELIBERATIVE.
8. 04/13/2001: email from OMB to OMB staff; forwarded to CEQ staff. Climate Rept to Congress 2002 domestic - WITHHOLD, PREDECISIONAL AND DELIBERATIVE.
9. 04/17/2001: email from OMB to OMB staff and CEQ staff re climate change budget-related matters; WITHHOLD, PREDECISIONAL AND DELIBERATIVE
10. CEQ memo entitled "General Thoughts" – WITHHOLD, PREDECISIONAL AND DELIBERATIVE.
11. 04/16/2001: draft press guidance entitled "Persistent Organic Pollutants (POPs) Convention", WITHHOLD, PREDECISIONAL AND DELIBERATIVE.
12. "draft – for official use only" Paper by CEQ, EPA, State, USDA, WITHHOLD, PREDECISIONAL AND DELIBERATIVE.
13. 03/21/2001: Tax table "2000 Int'l Energy Agency Data", RELEASED.
14. 03/21/2001: Tax table "1999 Int'l Energy Agency Data" – RELEASED.
15. 04/04/01: message from AMEMBASSY OTTAWA to WHITEHOUSE FOR CEQ with SUBJECT: CLIMATE CHANGE – COMMISSIONER IN OTTAWA – WITHHOLD, PREDECISIONAL AND DELIBERATIVE.
16. April 2001: Department of State information printed presentation entitled "International Cooperation on Climate Change" – RELEASED WITH REDACTIONS (withholding "Negotiating Constraints; UNFCC Scocard, First Period Emission Targets).

17. Table (sources: UNFCCC Data tables, Energy Information Agency "Annual Energy Outlook, 2001", "Report of the European Commission for Monitoring Mechanism of Community Greenhouse Gas Emissions, 11/22/2000") entitled "Summary of the Greenhouse Gas Picture for Certain Key Countries" - RELEASED WITH REDACTIONS (redacted columns labeled "Achieve Target with domestic measures?" and "Achieve Target with intl. market mechanisms?")
18. 03/19/2001: email "Subject: For Gary—further background for climate change review" with attachment entitled "0601 Agenda and Scope of Work" from CEQ staff to NSC staff - WITHHOLD, PREDECISIONAL AND DELIBERATIVE
19. 04/03/2001: email "Subject: climate change legislation" from Bryan Hannegan, Senate Energy to John Howard and Andrew Lundquist, with reply from John Howard and with attachment (PROPOSED SECTION-SECTION ANALYSIS) - RELEASED
20. 04/20/2001: email "Subject: FW: Climate Session at the 7th National Clean Cities Conference" from Transition Team to White House, CEQ - RELEASED
21. 04/24/2001: email "Subject: Food for thought from Green Sheets" from James Connaughton to John Howard - RELEASED
22. 03/15/2001: email "Subject: FW: Measures" from James Connaughton to John Howard. RELEASED.
23. 03/25/2001: memorandum from White House staff to CEQ staff seeking thoughts on attached memos and articles on global climate change - RELEASED WITH REDACTIONS (cover memo from White House staff to CEQ staff redacted as predecisional and deliberative).
24. "Draft Environmental Talking Points" - prepared by CEQ staff; WITHHOLD, PREDECISIONAL AND DELIBERATIVE.
25. Letter to a Mr. Marcus from John Howard thanking Marcus for his letter on Sweden's actions on emissions - RELEASED.
26. 03/27/2001: "Environmental and Conservation Talking Points" - prepared by CEQ staff. WITHHOLD, DELIBERATIVE AND PREDECISIONAL
27. 05/02/2001: email from - RELEASED with redaction of e-mail messages between White House staff, copied to CEQ staff as predecisional and deliberative.
28. Climate Review Working Groups list with attachment ("Draft, For Official Use Only, Specifications for Issue Papers) - RELEASED WITH REDACTION OF ONE CELL PHONE NUMBER ON PRIVACY GROUNDS
29. 05/07/2001: email "Subject: climate change" from CEQ staff to CEQ staff - WITHHOLD, PREDECISIONAL AND DELIBERATIVE
30. Bullets for "Press Talking Points/Cabinet Level Climate Change Review" - RELEASED
31. Bullets for "Press Talking Points/ Cabinet Level Climate Change Review" - RELEASED
32. 04/10/2001: email "Subject: GCC Staff Meeting" from White House staff to invitees- RELEASED.
33. Draft work plan and recommended presenters entitled "Cabinet Level Climate Review" - WITHHOLD, PREDECISIONAL AND DELIBERATIVE

34. Draft work plan and recommended presenters entitled "Cabinet Level Climate Review" - WITHHOLD, PREDECISIONAL AND DELIBERATIVE
35. 01/23/2001: E-mail from CEQ/NSC Staff to NSC Staff, RE: "global warming story in today's Washington Post front page and elsewhere." WITHHOLD, PREDECISIONAL AND DELIBERATIVE.
36. 04/24/2001: Agenda for Cabinet Level Climate Change Review - RELEASED.
37. 04/24/2001: draft work plan and recommended presenters for Cabinet Level Climate Review - WITHHOLD, PREDECISIONAL AND DELIBERATIVE
38. 03/04/2001: Memo from CEQ/NSC Staff to White House Staff re reactions to Cabinet Secretary's memorandum - WITHHOLD, PREDECISIONAL AND DELIBERATIVE.
39. Draft memo to the President from NSC and CEA regarding "International Climate Change Negotiations"; WITHHOLD, PREDECISIONAL AND DELIBERATIVE.
40. "Questions and Answers" and "Talking Points" for use within EOP - WITHHOLD, PREDECISIONAL AND DELIBERATIVE
41. 03/06/2001: memo "Subject Please pass to Gary—Knollenberg rider issue" from CEQ/ NSC staff to NSC staff; WITHHOLD - PREDECISIONAL AND DELIBERATIVE
42. 04/11/2001: memo entitled Climate Change - RELEASED
43. 01/23/2001: OES Press Guidance - WITHHOLD, PREDECISIONAL AND DELIBERATIVE
44. 02/01/2001: fax from Office of the Secretary Transition Team concerning Intergovernmental Panel on Climate Change - RELEASED
45. 02/02/2001: fax from Office of the Secretary Transition Team (Dan Nichols) with Christopher Horner's article on Kyoto attached - RELEASED
46. 04/07/2001: emails concerning "global climate change--research, development and deployment" between CEQ and OSTP staff - RELEASED
47. 04/20/2001: email concerning "FW: Kyoto/POPs" from State Department to CEQ staff; WITHHOLD, PREDECISIONAL AND DELIBERATIVE
48. 04/09/2001: draft version of document entitled Global Climate Change Actions - WITHHOLD, PREDECISIONAL AND DELIBERATIVE
49. 04/19/2001: fax version (from NSC EXEC SEC) of printed presentation entitled Climate Policy Economics - withheld based on CEA's statement that they are not subject to FOIA per *Rushforth vs. Council of Economic Advisors*, 762 F.2d 1038 (D.C. Cir. 1985).
50. 03/27/2001: fax from EPA Office of Policy, Economics and Innovation to CEQ and White House staff with Draft Ministerial Communique attached - WITHHOLD, PREDECISIONAL AND DELIBERATIVE
51. 03/2001: "Summary for Policy Makers of the IPCC WG III Third Assessment Report" - RELEASED
52. Document with heading "Ad Hoc Group on International Climate Change and Negotiations" - WITHHOLD, PREDECISIONAL AND DELIBERATIVE

53. 04/10/2001: letter concerning "Global Climate Change and the Summit of the Americas from Andrew McLeod to President Bush – RELEASED
54. 04/02/2001: letter to Chairman of CEQ from Katrina Strathmann concerning withdrawal from Kyoto Protocol - RELEASED
55. 04/10/2001: letter from Thomas and Jessica Hammond to CEQ concerning mining laws, forest practices and alternative energy - RELEASED
56. Documents authored by CEQ staff entitled Priorities for Policy Review on Global Environment Issues; Legislative Priorities on Global Environment Issues; Opportunities on Global Environment Issues – WITHHOLD, PREDECISIONAL AND DELIBERATIVE
57. 04/09/2001: email from DOE staff to CEQ staff with attachment entitled "State of Scientific Research on Climate Change" and a second attachment with two charts – RELEASED
58. Document entitled "Summary of Views of International Non-Governmental Stakeholders – RELEASED
59. 02/12/2001: memorandum for National Security Council concerning "Climate Change Interagency Process" – from Department of State; WITHHOLD, PREDECISIONAL AND DELIBERATIVE
60. 03/26/2001: fax from Department of State staff to CEQ staff regarding communications concerning "Summit of Americas: Climate Change Language" – WITHHOLD, PREDECISIONAL AND DELIBERATIVE
61. 03/27/2001: fax of memo on "Interim Climate Change Strategy Pending Completion of Policy Review" with talking points and Q and A attached, from Department of State staff to CEQ staff – WITHHOLD, PREDECISIONAL AND DELIBERATIVE
62. NASA document, text and charts, on climate change – RELEASED
63. 04/09/2001: email "Subject: Draft Materials on Climate Change" with four attachments (summary of Dr. James Hansen's findings, views of key domestic stakeholders, activity in the House, activity in the Senate) from EPA to White House and CEQ staff - RELEASED
64. 03/27/2001: fax from EPA Office of Policy, Economics and Innovation to White House and CEQ staff, with attachment of "Draft Ministerial Communique" – WITHHOLD, PREDECISIONAL AND DELIBERATIVE
65. 2/27/01: memorandum for the President from Secretary of the Treasury, "Global Climate Change" – WITHHOLD, PREDECISIONAL AND DELIBERATIVE.
66. 3/15/01, "Addressing Concerns on Climate Change Science: Excerpts from IPCC Summary of Policymakers", RELEASED