



NATURAL RESOURCES DEFENSE COUNCIL

April 27, 2001

Ellen M. Athas
Deputy General Counsel
Council on Environmental Quality
722 Jackson Place, N.W.
Washington, DC 20503

Re: FOIA Request regarding carbon dioxide and the Kyoto Protocol

Dear Ms. Athas:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Section 552, we hereby request all agency records created, sent, or received from January 20, 2001 to the date of this letter concerning the subjects enumerated below. This request is made on behalf of the Natural Resources Defense Council (NRDC).

Carbon dioxide

1. All records relating to the inclusion or exclusion of carbon dioxide in any plan, policy, recommendation, legislative proposal, or other action concerning emissions into the air from electric power generating plants;
2. All records relating to any analysis of the cost or other impacts of limiting carbon dioxide emissions from power plants;
3. All records relating to whether carbon dioxide is a pollutant under the Clean Air Act;
4. All records relating to whether carbon dioxide emissions from power plants should be regulated under any existing legal authority;
5. All records relating to whether mandatory or non-mandatory limits on carbon dioxide emissions from power plants should be addressed in any new legislation; or
6. All records relating to whether carbon dioxide emissions from power plants should be subject to any other program or regime.

The Kyoto Protocol

7. All records relating to any possible change to United States policy as it existed prior to January 20, 2001, regarding the Kyoto Protocol to the United Nations Framework Convention on Climate Change;

8. All records relating to any discussion of United States policy regarding the Kyoto Protocol or climate change in connection with preparations for, or the conduct of:
- a. the meeting of G-8 environment ministers in Trieste in March 2001;
 - b. the meeting of hemispheric environmental ministers in Ottawa in March 2001 in preparation for the Summit of the Americas;
 - c. the meeting of the U.N. Commission on Sustainable Development in New York in April 2001 (including the high-level consultation on climate change negotiations on April 21, 2001);
 - d. the resumed sixth meeting of the Conference of the Parties scheduled to be held in Bonn in July 2001, or the seventh meeting of the Conference of the Parties scheduled for Marrakech in the fall of 2001;
 - e. any other bi-lateral or multi-lateral meeting after January 20, 2001, with one or more representatives of another government, including the Summit of the Americas which took place in April 2001, the presidential summit scheduled with leaders of the European Union in June 2001, and the G-8 heads of state meeting in Genoa in July 2001.

As used throughout this letter, the terms "record" and "records" mean all writings (handwritten, typed, electronic or otherwise produced, reproduced or stored) in the agency's possession, including, but are not limited to, any correspondence, minutes of meetings, memoranda, notes, e-mails, calendar or daily entries, agendas, notices, and telefaxes. "Record" and "records" should also be understood to include, but not be limited to, any such writings received by any employee of this agency from, or sent by any such employee to, anyone who is not an employee of this agency (including the presidential transition team). The term "employee of this agency" includes any consultant retained by the agency since January 20, 2001, who has consulted with the agency on the subjects listed above.

If you regard one or more of the requested records to be exempt from required disclosure under FOIA, we request that you disclose them nevertheless as such disclosure would serve the public interest of educating citizens.

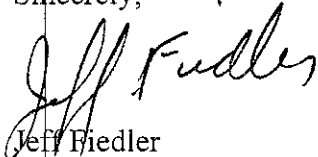
Should you decide to invoke a FOIA exemption in order to withhold one or more records, please include in your response letter sufficient information for us to appeal such withholding. To comport with legal requirements this information must include, *inter alia*, basic factual material about each withheld item, including the originator, date, length, general subject matter, and location of each item, and a detailed explanation of the basis for withholding, including an identification of the applicable exemption and an explanation of how the exemption fits the withheld material.

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii), we respectfully request that you waive all fees in connection with this request. NRDC is a national, non-profit, environmental organization. We make information available to thousands of citizens by means of our numerous and varied publications, educational programs, seminars, media initiatives, and public interest litigation. NRDC has no commercial interest in obtaining

this information; we instead intend to make the information available to the public through the methods specified above.

We appreciate your help in obtaining this information. As provided in FOIA, we expect a reply within ten working days. If you find that this request is unclear in any way, or that the number of records responsive to this request is relatively large or difficult to copy, please do not hesitate to call Jeff Fiedler at 202-289-6868 to see if we can clarify the request or otherwise expedite and simplify your efforts to comply with it. Please send the requested records to Jeff Fiedler, NRDC, 1200 New York Ave., NW, Suite 400, Washington, DC, 20005.

Sincerely,

A handwritten signature in black ink that reads "Jeff Fiedler". The signature is written in a cursive, slightly slanted style.

Jeff Fiedler
Climate Policy Specialist