



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

August 9, 2004

William L. Pardee  
Assistant Attorney General  
Office of the Attorney General  
Commonwealth of Massachusetts  
200 Portland Street  
Boston, Massachusetts 02114

Re: Freedom of Information Act Request

Dear Mr. Pardee:

This is the final response to your July 15, 2003 Freedom of Information Act (FOIA) request, which was received by the Council on Environmental Quality (CEQ) on July 15, 2003 (by fax). You requested records on behalf of the Commonwealth of Massachusetts and the States of Connecticut and Maine, specifically:

All records of, or concerning, communications by or to CEQ in 2002 or 2003 concerning either the *U.S. Climate Action Report 2002*, which was submitted to the United Nations in May 2002 (Climate Action Report), or drafts or revisions of the Climate Action Report.

The subject matter of your request concerns the actions and operations of CEQ and certain other agencies (including the Environmental Protection Agency or EPA) with respect to the Climate Action Report, excluding documents published on CEQ's or EPA's public websites or in the Federal Register.

In our initial response, on August 13, 2003, we released eighty-five (85) documents totaling one thousand four hundred and ninety-six (1,496) pages. Those documents concerned records and communications from 2002. At that time we began an identification and review process concerning records and communications created in 2003. Your request for a waiver of fees was granted.

In our second response, on November 1, 2003, we released an additional one hundred eighty-six (186) documents, in their entirety, totaling six hundred and eighty-six (686) pages. At that time we also released twenty-nine (29) documents, totaling one hundred and seven (107) pages, with redactions for non-responsiveness and for exemption from disclosure pursuant to 5 U.S.C. § 552(b)(5) and 5 U.S.C. § 552(b)(6).

Our identification and review also returned documents that were created by the Department of Energy (DOE), the Department of State (DOS), the Department of Justice (DOJ), the Environmental Protection Agency (EPA), the Department of Agriculture (USDA), the National Oceanic and Atmospheric Administration (NOAA), the Office of Management and Budget (OMB), the Office of Science and Technology Policy (OSTP), the White House Office (WHO), and the Council of Economic Advisors (CEA). Those documents were referred to their

originating agencies for review and consultation pursuant to 5 U.S.C. section 552(a)(6)(B). That process is complete and CEQ is now releasing forty-four (44) documents, totaling one hundred sixty-two (162) pages, in their entirety. We are also releasing thirty-eight (38) documents reviewed in that process, a total of two hundred twenty-one (221) pages, with redactions. The redactions cover non responsive material and material exempt from disclosure pursuant to 5 U.S.C. § 552(b)(5). Six (6) complete documents reviewed in that process, a total of eleven (11) pages, are exempt from disclosure pursuant to 5 U.S.C. § 552(b)(5).

CEQ also initiated a review of electronic documents (an Automated Records Management System or ARMS search). That process is complete and CEQ is now releasing eleven (11) documents, totaling twenty-three (23) pages, in their entirety. We are also releasing thirty-four (34) documents, totaling one hundred eighteen (118) pages, with redactions. The redactions cover non responsive material and material exempt from disclosure pursuant to 5 U.S.C. § 552(b)(5). One email document (ARMS 36), totaling four pages, is being released while its attachment, a draft version of the Climate Action Report, is being withheld pursuant to 5 U.S.C. § 552(b)(5). Another email document (ARMS 42), is being released with redactions pursuant to 5 U.S.C. § 552(b)(5) while its attachment, a draft version of the Climate Action Report, is being withheld pursuant to 5 U.S.C. § 552(b)(5). Five (5) complete documents, a total of thirty-one (31) pages, are exempt from disclosure pursuant to 5 U.S.C. § 552(b)(5).

Our final identification and review also returned additional conventional hard copy documents. We are now releasing seven (7) documents, totaling twenty-three (23) pages, in their entirety, and three (3) documents, totaling nineteen (19) pages, with redactions. The redactions cover non responsive material and material exempt from disclosure pursuant to 5 U.S.C. § 552(b)(5). Two (2) of the hard copy documents, totaling thirteen (13) pages, are exempt from disclosure pursuant to 5 U.S.C. § 552(b)(5).

This completes our response to your request. If you are dissatisfied with our action on this request you may appeal it by writing to the CEQ FOIA Appeals Officer, 722 Jackson Place, N.W., Washington, D.C. 20503, within 45 days of the date of this letter. Because of delays with mail transmittal due to security procedures, we recommend that you also fax any such appeal to Ted Boling at (202) 456-0753). Thank you for your cooperation throughout this process.

Sincerely,



Dinah Bear  
General Counsel  
Freedom of Information Officer