



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

November 17, 2003

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 a second 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. We have completed that process and are now releasing an additional one hundred eighty-six (186) documents, in their entirety, totaling six hundred and eighty-six (686) pages. We are also releasing twenty-nine (29) documents, totaling one hundred and seven (107) pages, with redactions for non-responsiveness and for exemption from disclosure pursuant to title 5 U.S.C. § 552(b)(5) and title 5 U.S.C. § 552(b)(6). Your request for a waiver of fees has been granted.

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 have been referred to their originating agencies for review pursuant to title 5 U.S.C. section 552(a)(6)(B). We will contact you upon completion of that review and in connection with any additional responsive material. We thank you for your cooperation during this process.

Sincerely,

Dinah Bear
General Counsel
Freedom of Information Officer