



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

July 7, 2005

James Salsman
james@bovik.org
1910 Mt. Vernon Ct. Apt. 3
Mountain View, CA 94040

Re: Extreme Weather Costs Freedom of Information Act request

Dear Mr. Salsman:

This is an initial response to your June 20, 2005 Freedom of Information Act ("FOIA") request received by the Council on Environmental Quality ("CEQ") on June 20, 2005 (fax). You requested access to and copies of:

all records pertaining to CEQ analysis of economic losses, both insured and uninsured, due to extreme weather events, including any records pertaining to the veracity of the chart produced by the Intergovernmental Panel on Climate Change entitled, "Global Costs of Extreme Weather Events" [1], and all records pertaining to the veracity of the extrapolation of the IPCC chart's data as prepared by the requestor [2], and all records of funds appropriated, budgeted, allocated, committed, programmed, expended, encumbered, utilized, or spent for the purposes of determining trends and/or projections concerning the strength of extreme weather events.

A search of CEQ's records system has been conducted. At this time we are releasing two (2) documents, totaling seventy-six (76) pages, in their entirety. Seven (7) documents, totaling thirty (30) pages, are being released with redactions pursuant to title 5 U.S.C. § 552(b)(5). The deliberative process privilege is the most commonly invoked withholding privilege incorporated within Exemption (b)(5). The general purpose is to "prevent injury to the quality of agency decisions" NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 151 (1975). Specifically, three policy purposes consistently have been held to constitute the basis for this privilege: (1) to encourage open, frank discussions on matters of policy between subordinates and superiors; (2) to protect against premature disclosure of proposed policies before they are finally adopted; and (3) to protect against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action See, e.g., Russell v. Dep't of the Air Force, 682 F. 2d 1045, 1048 (D.C. Cir. 1982).

Our search had also returned one (1) document, totaling two (2) pages, that contains items of information originating with, furnished by, or of special interest to the Department of State

("DOS"). In a circumstance where the FOIA search returns documents that contain items of information originating with, furnished by, or of special interest to another agency, it is appropriate, pursuant to title 5 U.S.C. § 552(a)(6)(B)(iii)(III), to consult with the agency of origination, source, or interest on matters regarding release. That consultation is now underway. We will contact you immediately upon completion of the process.

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 problems with mail transmittal, we suggest that you also fax any such appeal to Dinah Bear at (202) 456-0753). Thank you for your cooperation throughout this process.

Sincerely,



Edward A. Boling
Deputy General Counsel
Freedom of Information Officer