



U.S. Department of Justice
Civil Division, Federal Programs Branch

Via First-Class Mail
P.O. Box 883, Rm. 7224
Washington, DC 20044

Via Overnight Delivery
20 Massachusetts Ave. N.W., Rm. 6116
Washington, DC 20001

Jean-Michel Voltaire
Trial Attorney

Tel: 202/616-8211
Fax: 202/616-8460

February 20, 2009

Via E-Mail

Scott A. Hodes, Esq.
P. O. Box 42002
Washington, DC 20015

Re: CREW v. CEQ, Civil Action No. 07-365 (D.D.C.) (RMU)


Dear Scott:

This letter responds to your letter dated January 28, 2009, in which you inquired whether CEQ intends to re-examine the documents withheld pursuant to the deliberative process privilege in light of the Presidential Memorandum on the FOIA. Please be advised that, as a matter of administrative discretion, the CEQ is in the process of re-evaluating its assertion of the deliberative process privilege for the documents withheld. The CEQ, however, cannot provide a definitive date to complete the re-evaluation because the attorney who was working on this case recently resigned and the re-examination requires the consultation with several agencies regarding the documents originating from those agencies. Nonetheless, the CEQ is working diligently to complete the process and will inform plaintiff whether any further documents will be produced as a result of the re-examination.

You further indicated that certain documents that were partially withheld were not produced in the last production. Since we are re-evaluating the assertion of the deliberative process privilege for the documents withheld in this case, our next production, if any, will address your concerns with regards to the specific documents identified as "unaccounted."

If you have any questions, please do not hesitate to contact me.

Sincerely,


Jean-Michel Voltaire
Trial Attorney