



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUN 20 2014

OFFICE OF CONGRESSIONAL AND
INTERGOVERNMENTAL RELATIONS

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letters of November 15, 2013, and March 12, 2014, to U.S. Environmental Protection Agency (EPA) Administrator Gina McCarthy regarding the Agency's proposed New Source Performance Standards for emissions of greenhouse gases from new fossil fuel-fired power plants ("Carbon Pollution Standards").

Climate change poses a serious threat to human health and the environment, and power plants are the largest source of greenhouse gas emissions in the United States. The proposed Carbon Pollution Standards are an essential step toward cutting carbon pollution from new power plants in order to combat climate change and improve public health. The EPA is committed to ensuring that the Carbon Pollution Standards offer flexibility and facilitate the maintenance of a system that provides reliable and affordable energy and continues to utilize a diverse mix of fuels and to deploy modern approaches and technologies that power companies are already using to build the next generation of power plants.

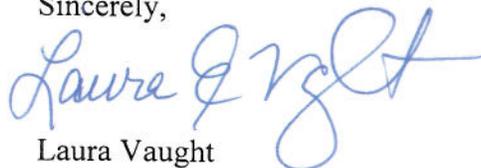
Your March 12, 2014, letter requests that the EPA provide documents generated during the development of the Carbon Pollution Standards proposal. The EPA is committed to providing the Committee information to satisfy its oversight interests. To that end, we provided by enclosure to a previous letter dated May 9 documents from the EPA's docket that were responsive to your request. And, on May 20, EPA staff met with Committee staff to better understand the request and explain the EPA's search and collection process.

As I explained in my letter of May 9, and as staff discussed in the meeting of May 20, your requests seek internal EPA documents related to an ongoing regulatory action. As you know, and as explained more fully in my letter of May 9, the ongoing nature of this action raises particular concerns regarding the confidentiality and independence of Agency deliberations. Disclosure of pre-decisional information at this stage of the deliberations could compromise the Agency's ongoing deliberative processes and impair the Agency's ability to carry out its mission. In addition, the practice of disclosing deliberative documents during a pending action could undermine EPA's effort to ensure all of the Agency's decisions are made without any inappropriate influence or appearance thereof. As such, we expect that many of the documents you seek will need to be produced on a timeline that first allows the deliberative process to reach completion. This is consistent with the Executive Branch's longstanding practice regarding requests for documents during ongoing deliberations.

Nevertheless, EPA appreciates the importance of the Committee's oversight function, and is committed to working with the Committee to provide the information it needs. We have now completed collection of the documents that may be responsive to your requests. We are continuing to process these documents, and at this time we have identified a document that is responsive to part 1.b. of your request. While this document is internal and deliberative, and we have marked it as such, we are providing it in an effort to accommodate the Committee's interests. Please handle this document as confidential, consistent with its internal and deliberative nature.

Again, thank you for your interest in this important rulemaking. If you have further questions, please contact me, or your staff may contact Cheryl Mackay in my office at mackay.cheryl@epa.gov or (202) 564-2023.

Sincerely,



Laura Vaught
Associate Administrator

Enclosure

cc: The Honorable Henry A. Waxman
Ranking Member