



August 24, 2007

Freedom of Information Officer
NASA Headquarters
300 E Street, SW
Room 9R35
Washington, DC 20546
e-mail: foia@hq.nasa.gov

BY REGULAR AND ELECTRONIC MAIL

Dear FOIA Officer,

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552 *et seq.*, please provide us within twenty (20) days copies of all records, documents, internal communications and other relevant covered material created by, provided to and/or sent by NASA/Goddard Institute for Space Studies (GISS), citing, referencing, discussing or otherwise related to the August 2007 correction by NASA/GISS of online temperature data for over 1200 US HCN stations and for their U.S. temperature history as described herein:

1) a) the correction of or otherwise changes made to the 2000-2006 annual mean, U.S. mean temperatures, on or about August 7, 2007 (the data set and correction *remarked upon* by GISS at <http://data.giss.nasa.gov/gistemp/graphs/>); and

b) subsequent, related information appearing directly on or directly linked to through NASA/GISS websites citing or referencing this correction, including but not limited to the "A Light On Upstairs?" posting by GISS's James Hansen, at http://www.columbia.edu/~jeh1/distro_Light Upstairs_70810.pdf, to which NASA/GISS directly linked for at least one week and still as of this writing at <http://data.giss.nasa.gov/gistemp/graphs/> [**"Please see "A Light On Upstairs?" for discussions regarding the changes made on August 7, 2007 for 2000-2006 annual mean, U.S. mean temperatures."** (hyperlink, emphasis in original):

and

2) any and all related record(s), correspondence, memoranda, analysis, email or other communications citing or otherwise relating to such record(s), which were produced by or sent to NASA and/or GISS and any office(s) falling under NASA's supervision, responsibility and/or control;

3) this covers all responsive or potentially responsive documents without regard to whether the relevant content address whether to correct the records, how to do so, the impact or wisdom or potential (or real) fallout therefrom or reaction thereto, the propriety of maintaining relevant material cited or described above on NASA/GISS websites, the impact of the correction and other relevant material cited above on other matters, and *all either prior or subsequent to the actual correction at issue* (see "Period Covered", below).

To further identify the particular event at issue, it is the event described on or about August 10, 2007 as follows by GISS's James Hansen, at http://www.columbia.edu/~jeh1/distro_LightUpstairs_70810.pdf, to which NASA/GISS directly link as of this writing at <http://data.giss.nasa.gov/gistemp/graphs/>:

Recently it was realized that the monthly more-or-less-automatic updates of our global temperature analysis (http://pubs.giss.nasa.gov/abstracts/2001/Hansen_etal.html) had a flaw in the U.S. data. In that (2001) update of the analysis method (originally published in our 1981 Science paper – http://pubs.giss.nasa.gov/abstracts/1981/Hansen_etal.html) we included improvements that NOAA had made in station records in the U.S., their corrections being based mainly on station-by-station information about station movement, change of time-of-day at which max-min are recorded, etc.

Unfortunately, we didn't realize that these corrections would not continue to be readily available in the near-real-time data streams. The same stations are in the GHCN (Global Historical Climatology Network) data stream, however, and thus what our analysis picked up in subsequent years was station data without the NOAA correction. Obviously, combining the uncorrected GHCN with the NOAA-corrected records for earlier years caused jumps in 2001 in the records at those stations, some up, some down (over U.S. only). This problem is easy to fix, by matching the 1990s decadal-mean temperatures for the NOAA-corrected and GHCN records, and we have made that correction.

The flaw did have a noticeable effect on mean U.S. temperature anomalies, as much as 0.15°C, as shown in Figure 1 below (for years 2001 and later, and 5 year mean for 1999 and later).

Responsive documents will include but are not limited to electronic mail sent to and from, *inter alia*, GISS/NASA employees James E. Hansen and Gavin A. Schmidt.

Of particular interest as well are communications addressing the propriety of or need for issuing a release on said data corrections. As such, responsive documents will also include communications with relevant press officers.

This request contemplates documents in electronic format if you possess them as such, otherwise photocopies are acceptable.

Please also identify and inform us of all responsive or potentially responsive documents within the statutorily prescribed time, and the basis of any claimed exemptions and to which specific responsive or potentially responsive document(s) such objection applies. Further, please inform us of the basis of any partial denials or redactions.

Period Covered

Documents covered by this Request will have been received or produced by your office(s) and/or otherwise dated between **1st August 2007 and the date of your initial (electronic) receipt of this letter.**

Request for Fee Waiver

We request your office(s) waive any fees associated with this request on the basis that CEI is a nonprofit, tax-exempt public interest organization, with formal research, educational and publication functions as part of its mission, and because release of these records will serve the public interest by contributing significantly to the public's understanding of the interaction between state legal officers including with outside groups in formulating policy and litigation priorities, and because such a release is not primarily in our organization's commercial interest.

If our fee waiver request is denied we are willing to pay up to \$150.00, and in the event of any appeal as appropriate and regardless of that outcome or your response to this fee waiver request we request the search and document production proceed in the interim.

Request for Fee Waiver -- Justification

1) Interest in Information/Use for Information/Income Issues

CEI's interest in the documents derives from its efforts to educate the public, scholars and state and federal legislatures on particular matters of governmental operation, including but not limited to "climate" policy, data integrity and the interaction of government with private individuals and/or associations of individuals in formulating or influencing policy and public pronouncements on same. CEI is a nonprofit, tax-exempt public interest organization, with formal research, educational and publication functions as part of its mission.

Neither CEI nor any foreseeable party will derive economic benefit from the requested material.

2) Public Benefit/Contribution to Public Understanding

The requested information relates to the operation of government, particularly regarding the controversial areas of climate change and private interaction with and possible influence over the agencies of government.

The general and policy-oriented public will benefit through the dissemination of the findings and works produced as a result of the information received. A fairly widespread portion of the public at large, as opposed to a narrow spectrum of individuals, will receive this benefit, first through CEI whose professionals are widely published and have an extensive media presence to discuss topical policy matters, then through Congress' and state legislatures' ongoing efforts to the extent their inquiries utilize the information.

No "specialized use" of the documents is anticipated outside of that described herein.

3) Dissemination of Information

CEI publishes that upon which it works via print and electronic media, as well as newsletters to legislators, education professionals and other interested parties. Those activities are in fulfillment of CEI's mission.

The information received will be disseminated through a) membership newsletters, b) opinion pieces published in national and local newspapers and magazines, c) CEI's websites which receive approximately 80,000 monthly visitors (appx. 40,000 unique), d) in-house publications for public dissemination, e) other electronic journals including "blogs" to which our professionals contribute, f) as relevant, local and syndicated radio programs dedicated to discussing public policy and on which CEI professionals including the author of this request make regular appearances, and g) to the extent Congress or states engaged in relevant oversight or related legislative or judicial activities find that which is received noteworthy, it will become part of the public record on deliberations of the legislative branches of the Federal and State Governments on the relevant issues.

Sincerely,

Christopher C. Horner, Esq.

Competitive Enterprise Institute
1001 Connecticut Avenue, NW
Suite 1250
Washington, DC 20036
202.331.2260 Office phone