



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

September 15, 2004

Carol Iancu  
Assistant Attorney General  
Environmental Protection Division  
Commonwealth of Massachusetts  
Office of the Attorney General  
200 Portland Street  
Boston, Massachusetts 02114

Re: Freedom of Information Act request regarding CO2/Fabricant memo

Dear Ms. Iancu:

This is a follow-up to the "final response" of the Council on Environmental Quality ("CEQ") to your December 4, 2003 Freedom of Information Act ("FOIA") request. That letter, dated July 15, 2004, itemized twenty-one (21) documents which had been referred to the Department of Justice ("DOJ") and the Environmental Protection Agency ("EPA") for consultation and recommendations on matters regarding release. These documents were reviewed by Pauline Milius for the Environment and Natural Resources Division of DOJ and Nancy Ketcham-Colwill for EPA's Office of the General Counsel.

Due to an oversight on my part, I neglected to inform you that we are also withholding sixty-nine (69) CEQ documents, totaling eight hundred and ninety (890) pages. These CEQ documents were reviewed by CEQ Chief of Staff, Philip Cooney; Associate Director for Global Environmental Affairs, Kenneth Peel; and Deputy General Counsel and FOIA Officer, Edward Boling. Mr. Cooney participated solely in his capacity as custodian of the records of CEQ Chairman James L. Connaughton. These documents are being withheld as material exempt from disclosure pursuant to title 5 U.S.C. § 552(b)(5).

This completes our response to your request. 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). Again, I regret the oversight and thank you for your cooperation throughout this process.

Sincerely,

Edward A. Boling  
Deputy General Counsel  
Freedom of Information Officer