



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

November 12, 2004

VIA FAX (617-727-9665) & CERTIFIED U.S. MAIL

James R. Milkey
Assistant Attorney General, Chief
Carol Iancu
Assistant Attorney General
Environmental Protection Division
Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108-1598

Re: Appeal of Freedom of Information Act request decision regarding the *U.S. Climate Action Report 2002*

Dear Mr. Milkey and Ms. Iancu:

This concludes our response to your appeal of the August 9, 2004 final response of the Council on Environmental Quality ("CEQ") to your July 15, 2003 Freedom of Information Act ("FOIA") request on behalf of the Commonwealth of Massachusetts and the States of Connecticut and Maine. Your July 15, 2003, FOIA request sought:

All records of, or concerning, communications by or to CEQ in 2002 or 2003 concerning either the *U.S. Climate Action Report 2002*, which was submitted to the United Nations in May 2002 (Climate Action Report), or drafts or revisions of the Climate Action Report.

In responses dated August 13, 2003, November 1, 2003, and August 9, 2004, CEQ provided 334 documents, totaling 2394 pages, without redactions and another 118 documents, totaling 530 pages, with redactions. In response to your appeal of CEQ's decision to redact documents and withhold other documents entirely, on October 29, 2004, we decided to release 10 documents without redactions and to narrow redactions on 174 documents. Of the 500 pages of documents released to you in our October 29th response, 313 pages contain one or more lines of redaction for information that is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(5).

By this letter, we address the remainder of the responsive documents that are the subject of your FOIA request. We are providing you with 228 documents and withholding 38 documents in their entirety as exempt from disclosure pursuant to 5 U.S.C. § 552(b)(5). Of the 975 pages of documents provided, 485 pages contain one or more lines of redaction for information that is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(5).

Enclosed is a complete set of redacted or newly-released documents. This letter completes our response to your request. Thank you for your cooperation throughout this process.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Boling', with a long horizontal flourish extending to the right.

Edward A. Boling
Deputy General Counsel
Freedom of Information Officer