



United States Department of State

Washington, D.C. 20520

MAY 19 2008

Case No.: 200501372

Scott A. Hodes, Esq.
1410 Aintree Drive
Rockville, MD 20850

Dear Mr. Hodes:

I refer to your client's letter dated August 29, 2006, appealing the denial of six documents in the above-referenced Freedom of Information Act case. The administrative appeal in this case has been overtaken by litigation concerning these records and accordingly has been terminated.

We have nevertheless reexamined the records at issue and confirmed that they must be withheld in full under 5 U.S.C. § 552(b)(1), as they are currently and properly classified under section 1.4(b) of Executive Order 12958, as amended. The release of a brief public summary of the foreign government's request does not diminish the foreign government's expectation in this case that the actual content and greater detail of the request would remain confidential.

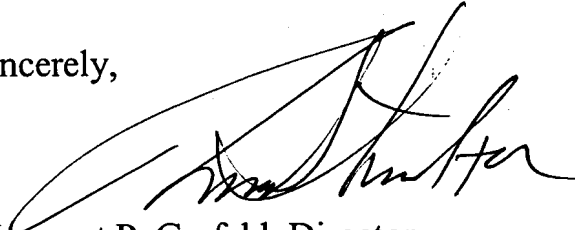
We additionally note that there is no "original Chinese Request for import restrictions pursuant to the 1970 UNESCO Treaty, in Chinese, which Request formed the basis" of the public summary that the Department published. Although the Government of the People's Republic of China initially attempted to submit its request in Chinese, our Embassy immediately rejected the Chinese-language version and clarified to the Chinese government that we could only accept a request in English. An English language version was received several years later.

Although the Department has recently found a copy of the Chinese-language attempted request and its supporting materials, these documents did not constitute an official request and were never considered or used by the Department in any way. Accordingly, we have interpreted your request for the "original Chinese request," "which . . . formed the basis of the public summary," as referring to the official request which was provided to the

United States Government in English. In any event, we note that the materials earlier provided by the Chinese Government, even if deemed responsive to your request, would likewise be exempt from release under 5 U.S.C. § 552(b)(1).

We have now completed the processing of this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Margaret P. Grafeld", written in a cursive style.

Margaret P. Grafeld, Director
Office of Information Programs and Services