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DEPARTMENT OF THE ARMY

UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND FREEDOM OF INFORMATION/PRIVACY OFFICE FORT GEORGE G. MEADE, MARYLAND 20755-5995

DEC 01 2011

Freedom of Information/ Privacy Office

Mr. John Greenewald, Jr.

Dear Mr. Greenewald:

This is in further response to your Freedom of Information Act (FOIA) request of January 12, 2005, to the Defense Intelligence Agency (DIA), for all documents pertaining to the January 7, 2005 USS San Francisco submarine mishap and supplements our response of July 15, 2011.

As noted in our letter, we were coordinating with another element of our command concerning the releasability of their information contained in the record. The record has been returned to this office for our review and direct response to you.

We have completed a mandatory declassification review in accordance with Executive Order (EO) 13526. As a result of this review, information has been sanitized, as it is currently and properly classified CONFIDENTIAL according to Sections 1.2 (a)(3) and 1.4 (c) of EO 13526. This information is exempt from the public disclosure provisions of the FOIA pursuant to Title 5 U.S. Code 552 (b)(1). A copy of the record is enclosed for your use. A brief explanation of the applicable sections follows:

Section 1.2 (a) (3) of EO 13526 provides that information shall be classified CONFIDENTIAL if its unauthorized disclosure reasonably could be expected to cause damage to national security.

Section 1.4 (c) of EO 13526 provides that information pertaining to intelligence activities, activities, intelligence sources or methods, and cryptologic information shall be considered for classification protection.

The deleted information is also exempt from automatic declassification in accordance with EO 13526, Section 3.3(b)(1) because its release would clearly and demonstrably be expected to reveal the identity of a confidential human source, a human intelligence source, a relationship with an intelligence or security service of a foreign government or international organization, or a nonhuman intelligence source; or impair the effectiveness of an intelligence method currently in use, available for use, or under development.

Information has been sanitized from the records that are predominantly internal in nature the disclosure of which would significantly risk circumvention of agency regulations or statutes. This information is exempt from the public disclosure provisions of the FOIA pursuant to Title 5 U.S. Code 552 (b)(2).

Since the release of the information deleted from the record would result in an unwarranted invasion of the privacy rights of the individuals concerned, the information is exempt from public disclosure provisions of the FOIA pursuant to Title 5 U.S. Code 552 (b)(6).

In addition, information has been sanitized from the record that would reveal sensitive investigative methods and techniques. This information is exempt from public disclosure pursuant to Title 5 U.S. Code 552 (b)(7)(E) of the FOIA. The significant and legitimate governmental purpose to be served by withholding is that a viable and effective intelligence investigative capability is dependent upon protection of sensitive investigative methodologies.

The withholding of the information described above is a partial denial of your request. This denial is made on behalf of Major General Mary A. Legere, Commanding, U.S. Army Intelligence and Security Command, who is the Initial Denial Authority for Army intelligence investigative and security records under the FOIA. You have the right to appeal this decision to the Secretary of the Army. Your appeal must be postmarked no later than 60 calendar days from the date of this letter. After the 60-day period, the case may be considered closed; however, such closure does not preclude you from filing litigation in the courts. You should state the basis of your disagreement with the response and provide justification for a reconsideration of the denial. An appeal may not serve as a request for additional or new information. An appeal may only address information denied in this response. Your appeal is to be made to this office, for forwarding, as appropriate to the Secretary of the Army, Office of the General Counsel.

Coordination has been completed and we have been informed by the Defense Intelligence Agency (DIA) that their information (as annotated) is exempt from public disclosure pursuant to Title 5 U.S. Code 552 (b)(3) of the FOIA. The applicable (b)(3) statute is 10 U.S.C. § 424.

The withholding of the information by the DIA constitutes a partial denial of your request and you have the right to appeal this decision directly to the DIA. If you decide to file an appeal, it should be forwarded to the Director, Defense Intelligence Agency, ATTN: DAN-1A-FOIA, Washington, DC 20340-5100. Please cite #0258-2005 assigned to your request so that it may be easily identified.

There are no assessable FOIA fees for processing this request.

If you have any questions regarding this action, contact this office at 1-866-548-5651, or email the INSCOM FOIA office at INSCOM FOIA ServiceCenter@mi.army.mil and refer to case #3991F-11.

Sincerely,

Brad S. Dorris

Director

Freedom of Information/Privacy Office Investigative Records Repository

Enclosure

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Freedom of Information Act/Privacy Act Deleted Page(s) Information Sheet

Indicated below are one or more statements which provide a brief rationale for the deletion of this page.

☐ Information has been withheld in its entirety in accordance with the following exemption(s):
5 USC 552 (b)(6) and (b)(7)(E)
It is not reasonable to segregate meaningful portions of the record for release.
Information pertains solely to another individual with no reference to you and/or the subject of your request.
Information originated with another government agency. It has been referred to them for review and direct response to you.
Information originated with one or more government agencies. We are coordinating to determine the releasability of the information under their purview. Upon completion of our coordination, we will advise you of their decision.

DELETED PAGE(S) NO DUPLICATION FEE FOR THIS PAGE.

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