F02-0001

JEFFREY T. RICHELSON
3201 Landover Street, #1404
Alexandria, VA 22305

June 12, 2003

NRO Appeal Authority
14675 Lee Road
Chantilly, Va. 20151-1715

This letter appeals the NRO's response of 21 May 2003 to my FOIA request (F02-0001) of 29 September 2001 for copies of:

John McLucas, "Final Report of the DNRO," 1973.
Hans Mark, "Final Report of the DNRO," October 1979

The NRO has denied the request in its entirety on the grounds that any responsive records are part of the NRO's operational files, and therefore "not subject to search." A copy of the denial letter is attached.

I believe that use of the operational files exemption to deny my request, without search and review, is completely inappropriate. NRO operational files are defined as "files ... that document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems."

The requested documents are historical documents that concern a variety of matters, including organizational. At least one of the documents (McLucas) is also likely to contain significant data on already declassified and/or obsolete (as specified by the DCI and NRO) collection systems - including the U-2 and Corona.

Reports by earlier DNRO's have already been released in part, in response to earlier FOIA requests. Those documents are enclosed to illustrate the nature of such reports. For example, Brockway McMillan's 1965 report to the Secretary of Defense contains information on the A-12 and SR-71, as well as a discussion of the 1965 NRO Agreement, the job of the DNRO, and organizational problems.

Finally, I would note that the "NRO and the FOIA" section of the NRO's web site states that "The goal of the FOIA office of the NRO is to release as much information as possible, consistent with the need to protect information" and "where discretionary releases can be made without causing harm, the Chief Information Access and Release Center, as the initial denial authority, and the NRO Chief of Staff, as the appeal authority, use their discretion to release information even where an exemption may be available." To refuse to review the documents requested and release information that would be disclosed without harm would not be consistent with the NRO's own stated information release policy.

Sincerely,

Jeffrey T. Richelson