



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

SEP 01 2006

Ref: 06-F-1202

Mr. Matt Schroeder
Federation of American Scientists
1717 K Street, NW #209
Washington, DC 20036

Dear Mr. Schroeder:

This is a final response to your Freedom of Information Act (FOIA) request dated March 9, 2006, for "a copy of the Defense Department's portion of the FY2005 '655 Report' to Congress on military exports." The Defense Security Cooperation Agency (DSCA) has provided 259 pages of material responsive to your request. Mr. Edward Ross, Principal Director, Operations, DSCA has determined that 25 pages, in their entirety, are exempt from release pursuant to 5 U.S.C. § 552(b)(1), which pertains to information that is properly classified in the interest of national security pursuant to Executive Order 12958, as amended, section 1.4(b), which concerns foreign government information; and (d), which concerns foreign relations or foreign activities of the United States, including confidential sources. The deleted information in the attached 234 pages is exempt from release pursuant to 5 U.S.C. § 552(b)(3), which pertains to information exempted from release by statute, in this instance, 10 U.S.C. § 130c, which authorizes the Secretary of Defense to withhold from disclosure certain sensitive information of foreign governments and international organizations.

Regarding your request for a fee waiver, decisions to waive or reduce fees are made on a case-by-case basis. A fee waiver is appropriate when "disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester," 5 U.S.C. § 552(a)(4)(iii). I considered six factors in my determination as to whether your request satisfies this statutory standard: (1) whether the subject of the requested records concerns the operations or activities of the government; (2) whether the disclosure is likely to contribute to an understanding of government operations or activities; (3) whether disclosure of the requested information will contribute to the understanding of the general public; (4) whether the disclosure is likely to contribute significantly to public understanding of government operations and activities; (5) whether the requester has a commercial interest that would be furthered by the requested disclosure; and, (6) whether any such commercial interest outweighs the public interest in disclosure.

Based on the information that you have provided, I have decided to deny your request for a fee waiver. In reaching my conclusion, I have analyzed the above factors as they apply to the circumstances of your request. It is evident that the records you seek reflect the operations or activities of the government and that you have no overriding commercial interest in this case. However, a key element in determining whether a fee waiver may be granted is whether the disclosure of the information is likely to contribute significantly to public understanding of government operations and activities. The records you seek would not significantly contribute to the current level of public knowledge on this matter. For this reason, there is no entitlement on your part to a fee waiver under the statutory standard.

The Office of the Secretary of Defense incurred a cost of \$20.10 in processing your request. Assessable fees consisted of 134 pages of office copy reproduction at \$0.15 per page. Please indicate the FOIA reference number above on a check or money order made payable to the U.S. Treasury in the amount of \$20.10, and addressed to this office. Please also note the billing date above since payments received later than 30 days after the billing date may incur additional interest charges.

If you are not satisfied with this action, you may submit an administrative appeal to James Hogan, Chief, Policy, Appeals, and Litigation Branch at the above address. Your appeal should be postmarked within 60 days of the date of this letter, should cite to case number 06-F-1202 and should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in cursive script that reads "Will Kammer".

Will Kammer
Chief

Enclosures:
As stated