



United States Department of State

Washington, D.C. 20520

JUL 24 2003

Case Control No. 200000448 PMFIX002

Ms. Pamina Firchow
Research Assistant, Arms Sales Monitoring Project
Federation of American Scientists
1717 K St. NW
Washington DC 20036

Dear Ms. Firchow:

Pursuant to your request of January 31, 2000 for the release of information under the Freedom of Information Act (Title 5 USC Section 552), we initiated a search of the following record system under the control of the Department of State: the Bureau of Political-Military Affairs.

The search of the files of the Office of Defense Trade Control in the Bureau of Political-Military Affairs has been completed, resulting in the retrieval of a CD containing 1197 pages of shipment data of small arms and light weapons between January 1, 1990 to January 31, 2000. The data show the name of the foreign country, commodity description, shipment date and quantity. To assist you in interpreting the information on the CD, the first four numbers of a listing refer to the year; the second two numbers refer to the month; the next two numbers refer to the date; and the following numbers refer to the quantity. Regarding the last numbers, if they are 00, that is an indication that there is no data as to the quantity of the shipment. The CD is enclosed.

The Office of Defense Trade Control also provided this office with a second CD containing the above information and, in addition, a listing of the source and manufacturer and foreign end-user. That information is specifically exempted from disclosure by statute, to wit, Section 38(e) of the Arms Export Control Act (22 U.S.C. Section 2778), which incorporates by reference the confidentiality provisions of Section 12(c) of the Export Administration Act (Title 50 USC Appendix Section 2411(c)). As such, it is exempt from release under subsection (b)(3) of the Freedom of Information Act.

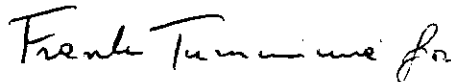
With respect to material we have withheld under the Freedom of Information Act, you have the right to appeal our determination within 60 days. Appeals should be addressed to the Chairman, Appeals Review Panel, c/o Appeals Officer, A/RPS/IPS/PP/IA, SA-2, Room 6001, Department of State, Washington, D.C. 20522-6001. The letter of appeal should refer to the case control number shown above. A copy of the appeals procedures is enclosed.

The Freedom of Information Act provides for the recovery of the direct costs of searching for and duplicating records requested for non-commercial use. No charge is made for the first two hours of search time or for the first one hundred pages of duplication. Total fees in this case are \$184.25, representing: 6 hours of executive search time @ \$30.00 per hour (\$180.00); and 15 minutes of professional search time @ \$17.00 per hour (\$4.25). However, in this case we are only charging \$100.00 as previously agreed upon. Please make your check or money order payable to the Treasurer of the United States, and mail it to the Office of IRM Programs and Services, Room 6001, SA-2, Department of State, Washington, D.C., 20522-6001. Please be sure to write the case control number on your check or money order.

We have now completed the processing of your case. If you have any questions with respect to the processing of your request, you may write to the Office of IRM Programs and Services, SA-2, Department of State, Washington, D.C. 20522-6001. Please be sure to refer to the case control number shown above in all correspondence about this case.

We hope that the Department has been of service to you in this matter.

Sincerely,



Margaret P. Grafeld

Director

Office of IRM Programs and Services

Enclosures:
As stated.

58116 Federal Register/Vol. 45, No. 171
Rules and Regulations

Subpart G - Appeals Procedures
171.60 Appeal of denial of access to records

- (A) Review of an initial denial of access to a record under the Freedom of Information Act (5 USC 552), the Privacy Act of 1974 (5 USC 552a), or Executive Order 12958 may be requested by the individual who submitted the initial request for access. The request for review (hereafter referred to as the appeal) must be in writing and should be sent by certified mail to the: Chairman, Appeals Review Panel, c/o Appeals Officer, A/RPS/IPS/PP/IA, SA-2, Department of State, Room 6001, Washington, D.C. 20522-6001. The appeal should be received within 60 days of the date of the receipt by the appellant of the Department's refusal to grant access to a record in whole or in part.
- (B) The time for decision on the appeal begins on the date the appeal is received by the Chairman, Appeals Review Panels. The appeal of a denial of access to records shall include any documentation, information and statements to support the individual's request for access and to refute the use of the exemption(s) cited in the Department's justification concerning the denial of access.
- (C) The Chairman of the Appeals Panels or her/his designee and at least two other members chosen by her/him from a list of senior officers designated for this purpose by the various bureaus of the Department shall constitute a panel to consider and decide the appeal. There shall be a written record of the reasons for the final determination. The final determination will be made within 30 working days for Executive Order and Privacy Act appeals, and within 20 workings (excluding Saturdays, Sundays and holidays) for FOIA appeals. For good cause shown, the Chairman of the Appeals Review Panels may extend such determination beyond the 30-day period in Privacy Act cases.
- (D) The Chairman shall then notify the requester in writing of the panel's decision to grant access and of the Department's regulations concerning access.
- (E) When the final decision of the Panel is to refuse to grant an individual access to a record, the Chairman of the Panel shall advise the individual in writing:
- (1) Of the refusal to grant the appeal and the reasons therefore including the exemptions of the Freedom of Information Act, Privacy Act of 1974, and/or Executive Order 12958 under which access is denied;
 - (2) Of her/his right to seek judicial review of the Department's decision, where applicable.