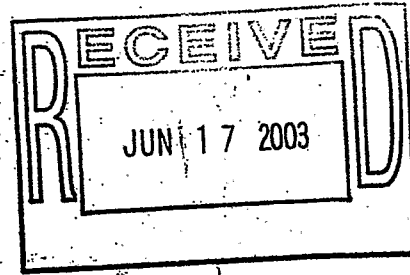


F03-0057

2517 Holman Avenue
Silver Spring, MD 20910
301-585-1027



June 13, 2003

NRO Appeal Authority
14675 Lee Road
Chantilly, VA 2051-1715

FREEDOM OF INFORMATION APPEAL

Dear Sirs:

I hereby appeal the decision to withhold in full and to declare exempt from search the records I requested relating to NRO Directives.

- NROD 10-2 NRO External Agreement Management Policy
- NROD 10-3 NRO External Organizational Directive
- NROD 10-4 NRO Sensitive Activities Management Group
- NROD 10-5 Corporate System Engineering Charter
- NROD 16-2 no title available
- NROD 22-1 Office of Inspector General
- NROD 22-2 Employee Reports of Urgent Concerns to Congress
- NROD 22-3 Obligations to Report Evidence of Possible Violations of Federal Criminal Law and Illegal Intelligence Activities
- NROD 24-1 Congressional Notification Procedures
- NROD 40-1 no title available
- NROD 50-1 Intelligence Activities Affecting U.S. Persons
- NROD 50-2 no title available
- NROD 60-2 no title available
- NROD 61-1 NRO Internet Policy
- NROD 82-1a NRO Space Launch Management
- NROD 82-6 NRO Space Debris Mitigation Policy
- NROD 83-1 NRO Satellite End of Life Policy
- NROD 110-2 NRO Records and Information Management Program
- NROD 120-1 The NRO Military Uniform Wear Policy
- NROD 120-2 The NRO Awards and Recognition Program
- NROD 120-3 Executive Secretarial Panel
- NROD 120-4 National Reconnaissance Pioneer Recognition Program
- NROD 120-5 NRO Utilization of the Intergovernmental Personnel Act...
- NROD 121-1 Training of NRO Personnel
- NROI 150-4 Prohibited Items in NRO Headquarters Building / property

Under the Intelligence Authorization Act of 2003, Section 502, operational files of the NRO are exempt from the provisions of the Freedom of Information Act.

However, these records do not appear to be "operational files" under the criteria set forth in the statute.

"(2)(A) Subject to subparagraph (B), for the purposes of this section, the term 'operational files' means files of the National Reconnaissance Office (hereafter in this section referred to as 'NRO') that document the means by which foreign intelligence or counterintelligence is collected through scientific and technical system." Id.

See, e.g., 50 U.S.C. § 431, cited in U.S. See also Sullivan v. CIA, 992 F.2d 1249, 1251 (1st Cir. 1992) ("Operational files, i.e., files that memorialize the conduct and means of the government's foreign intelligence and counterintelligence efforts". See also Students Against Genocide v. Department of State, 1998 U.S. Dist. LEXIS 23088, *20, n. 8 (D.C. Cir. 1998) "Briefly, the term "operational files" means files which document (1) the conduct of foreign intelligence operations, (2) the means by which foreign intelligence is collected through scientific and technical systems, and (3) investigations conducted to determine the suitability of foreign intelligence sources."

This is not that type of material.

The reason for the existence of this "operational files" exemption is that there are certain records that implicate intelligence concerns. By applying the exemption to records that so clearly fall outside the purview of these concerns, the agency is jeopardizing this extraordinary protection required by actual intelligence records. The requested administrative and management records fall outside any rational description of "operational files". Moreover, there are procedures and exemptions that would address any foreseeable harm identifiable with regard to these records.

While internal NRO procedures may inadvertently include the NROD's in the list of "operational files" such procedures carry little or no weight with respect to contravening federal statutes and agency regulations.

I ask as an administrative remedy that this request be remanded for initial processing.

Sincerely,



Michael Ravnitzky

