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June 12, 1989

FREEDOM OF INFORMATION  
 ACT REQUEST

*FOIA-90-437*  
*Rec'd 9-28-90*  
*Ref from OASD*

FREEDOM OF INFORMATION ACT REQUEST

Mr. William M. MacDonald  
 Director, Freedom of Information  
 Office Assistant Secretary of Defense (OASD)  
 (FA)  
 Room 2C 757  
 The Pentagon  
 Washington, D.C. 20301-1400

Re: Freedom of Information Act Request

Dear Sir:

Pursuant to the Freedom of Information Act ("Act"), 5 U.S.C. § 552, as amended, we hereby request to review copies of the following documents:

1. All documents that relate to the promulgation of Defense Acquisition Regulation 15-205.52 (1982);
2. All documents that relate to the promulgation of Federal Acquisition Regulation ("FAR") 31-205.47 (1984); and
3. All documents that relate to the amendment of FAR 31-205.47 in Federal Acquisition Circular 84-15, 51 Fed. Reg. 12302 et seq. (April 9, 1986).
4. All documents that relate to the promulgation of the interim rule published at 54 Fed. Reg. 13022 et seq. (March 29, 1989) revising FAR 31-205.47.

As you know, Section 552(b) of the Act provides that, if some parts of a file are exempt from release, "reasonably segregable" portions of the nonexempt material should be provided. We request, therefore, that if you determine that any portion of the requested information is exempt, you provide us immediately with a copy of the nonexempt portion of the documents. We reserve our right to appeal any and all such decisions.

If you determine that some or all of any document requested herein is exempt from release, we would appreciate your advising us as to which exemption(s) you believe cover(s) the material which you are not releasing, and include an index of all material withheld in whole or in part. As you know, recent court decisions have held that to satisfy the requirements of the Act the index (a) should be contained in one document and be complete in itself, (b) must adequately describe each withheld document or deletion from a released document, (c) must state the exemption claimed for each deletion or withheld document and explain in detail why the exemption is relevant and (d) be sufficiently specific to permit a reasoned judgment as to whether the material is actually exempt under the Act.

Please separately state your reasons for not invoking your discretionary powers under the Act to release in the public interest any material you deem to be exempt. Such statements will be helpful in deciding whether to appeal an adverse determination, and in formulating arguments in the event of any appeal.

We agree to pay all reasonable costs incurred in connection with the processing of this request. Please refer any questions regarding this request to me by name at the above address or by telephone at 879-5414.

As provided for in the amended Act, we expect to be notified of the availability for inspection of these documents within ten working days.

Sincerely,

  
Ronald A. Schechter