



**DEPARTMENT OF THE NAVY**

COMMANDER  
U.S. FLEET FORCES COMMAND  
1562 MITSCHER AVENUE SUITE 250  
NORFOLK, VA 23551-2487

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Ser N02P1/023  
April 12, 2007

Mr. Bill McMichael  
Military Times Newspapers  
The Pentagon, Room 2D535  
Washington, DC 20301-1400

Dear Mr. McMichael:

Your Freedom of Information Act (FOIA) request of January 4, 2007, addressed to the Commander, U.S. Sixth Fleet, was forwarded to this office for action. It was received on January 22, 2007, and assigned CFFC Case File Number CFFC 2007-02.

We have reviewed the JAG Manual investigation and determined that portions are exempt from disclosure under 5 U.S.C. 552 for the following reasons:

a. (b)(1): Portions of enclosures (9), (10), (35), and (42) remain currently and properly classified under Executive Order 12958. Also enclosures (37) and (38) are withheld in their entirety as they remain currently and properly classified and no reasonably segregable portions are available for release.

b. (b)(3): 10 U.S.C. 130b requires that we withhold the information on our personnel who are routinely deployable, stationed overseas, or assigned to a sensitive unit. Accordingly, we have withheld their names, social security numbers, signatures, home addresses and phone numbers.

c. (b)(5) and (b)(6): Under enclosures (104) through (109), we are withholding disciplinary paperwork and autopsy reports. The disciplinary paperwork is deliberative in nature and part of a decision making process. Out of deference to the next of kin, we are withholding the autopsy reports.

Because your request has been denied in part, you are advised of your right to appeal this determination, in writing, to the Judge Advocate General (Code 14), 1322 Patterson Ave, S.E., Suite 3000, Washington Navy Yard, DC 20374-5066.

Your appeal must be postmarked within 60 calendar days from the date of this letter to be considered. A statement as to why

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your appeal should be granted should be included and a copy of this letter should be attached. Both the appeal letter and the envelope should bear the notation, "Freedom of Information Act Appeal."

Please note that enclosures (14) and (43), although titled very similarly, are not identical. Enclosure (14) is a CD with video footage and enclosure (43) is a CD with photographs. Both are released in their entirety.

We are still awaiting receipt of enclosure (15), Plymouth Harbor Port Control VHF radio recording of December 29, 2006, and enclosure (44), Long Room Port Control VHF recording. Once received, they will be processed for release to you.

I have waived all processing fees in this instance. Please address any questions you may have to Mrs. Linda Alvers, at (757) 836-3630.

I am the official responsible for the partial denial of your request.

Sincerely,



D. A. SEWELL, SR

Commander, U.S. Navy

By direction of the Commander

Enclosure: 1. Redacted JAG Manual Investigation into the accident involving the USS MINNEAPOLIS-ST PAUL (SSN 708)