Mr. Steven Aftergood  
Federation of American Scientists  
1717 K. Street, NW, Suite 209  
Washington, DC 20036

Dear Mr. Aftergood:


In your appeal, you requested that DTRA reverse its decision to withhold the above referenced report on the following grounds:

a. The report is not withholdable under FOIA Exemption (b) (2) (High);

b. The fact that the report discusses potential weaknesses in US biopreparedness is not a sufficient basis for withholding the report; and

c. The Attorney General’s October 12, 2001, FOIA policy guidance memorandum cannot and does not create any new exemptions to the FOIA, therefore, the Attorney General does not have the authority to override the FOIA, or to legislate new restrictions on “The public distribution of information related to homeland security and protection of critical infrastructure.”

As it relates exclusively to the issue in Subparagraph (c), DTRA withdraws this as a basis for withholding any information associated with the requested document. Our reference to the Attorney General’s memorandum in this respect was in error.

We are in the process of reviewing the appealed document and will address your concerns in Subparagraphs (a) and (b) in the near future. We make every effort to respond within the 20 business days stipulated in the FOIA, but often are unable to meet that time limit because of the volume or complexity involved in clearing out documents.
for release. You will be promptly notified when the document has been reviewed and a release determination is made.

If you need further assistance, please feel free to contact me at (703) 325-7095.

Sincerely,

Sandy Ford
Freedom of Information Act/
Privacy Act Officer