



**DEPARTMENT OF DEFENSE
FREEDOM OF INFORMATION POLICY OFFICE
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

NOV 19 2012

Re: 12-L-0732

Paul J. Orfanedes/Chris Fedeli
Judicial Watch, Inc.
425 Third Street, SW
Suite 800
Washington, DC 20024

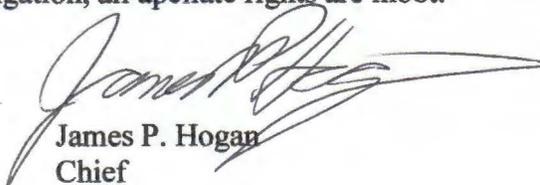
Re: *Judicial Watch, Inc. v. DoD, et al*, Case No. 1:12-cv-01182 (D.D.C.)

Dear Messer's Orfanedes and Fedeli,

Enclosed please find documents responsive to part 2 of your March 20, 2012, FOIA request. These records were located as a result of a search conducted by the Commander, Naval Air Force, U.S. Pacific Fleet (COMNAVAIRPAC).

The documents consist of 10 emails (31 pages) found in the course of the COMNAVAIRPAC search. Those emails have been reviewed and determined to be partially releasable. Certain information being withheld within the documents is currently and properly classified pursuant to Executive Order 13526, 1.4(a) concerning military plans, weapons systems, or operations; 1.4 (c) concerning intelligence activities (including covert action) and intelligence sources or methods; and 1.4(d) concerning foreign relations or foreign activities of the United States, including confidential sources. Information is also exempt by a statute establishing particular criteria for withholding; specifically 10 U.S.C. § 130(b), which permits the withholding of information about personnel in overseas or routinely deployable and sensitive units. In addition, some of the withheld information is exempt from release pursuant to the deliberative process privilege. Some information is withheld because its release would constitute a clearly unwarranted invasion of the personal privacy of individuals. Consequently, I must deny this information pursuant to 5 U.S.C. § 552(b)(1), (b)(3), (b)(5), and (b)(6).

Additionally, the COMNAVAIRPAC has informed this office that after a careful search of their records, they have found no records responsive to part 1 of your request. In addition, the commanding officer of the USS VINSON at the time of the burial at sea confirmed that to his knowledge, no such records exist in the possession or control of the VINSON, COMNAV AIR, or the U.S. Navy. Since this request is in litigation, all appellate rights are moot.


James P. Hogan
Chief