



UNITED STATES NORTHERN COMMAND

3 March 2010

HQ NORAD USNORTHCOM/CS FOIA
250 Vandenberg St. Ste B016
Peterson AFB CO 80914-3804

Mr. Nathan Cardozo
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110

Dear Mr. Cardozo,

1. We received a Freedom of Information Act (FOIA) referral from the Office of the Director of National Intelligence (ODNI). ODNI referred 58 pages for our review, release determination, and direct response to you. This referral is your FOIA request dated 19 June 2009. You requested "copies of all reports submitted by the ODNI to the Intelligence Oversight Board (IOB) pursuant to Executive Order 12863 from 25 February 2008 through 29 February 2008." You also requested "copies of all records, including but not limited to electronic records concerning DNI's activities under Executive Order 13462 from 29 February 2008 to the present." This is our FOIA case number FY10-10Jan29USN-14.

2. After reviewing the referred documents we determined that these documents are partially releasable of the following reasons:

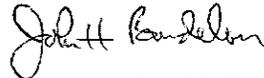
- a. Portions of these documents are being withheld because releasing this information would risk circumvention of the organization's missions and objectives which may impair USNORTHCOM's ability to fulfill its mission. The authority for this exemption may be found in the United States Code, Title 5, Section 552 (b) ("high 2").
- b. Portions of these documents reveal USNORTHCOM's recommendations and deliberative processes which encourages open discussions on matters of policy between subordinates and superiors. These portions are also being withheld to protect against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds of USNORTHCOM's actions. The authority for these exemptions may be found in the United States Code, Title 5, Section 552 (b)(5).
- c. Other portions of these documents are also being withheld because the disclosure of the information would constitute a clearly unwarranted invasion of personal privacy. The authority for these exemptions may be found in the United States Code, Title 5, Section 552 (b)(6) & (b)(7c).

3. If you are not satisfied with my action on your request, you may administratively appeal to Mr. James Hogan, Chief, Policy, Appeals and Litigation Branch, Office of Freedom of

Information, 1155 Defense Pentagon, Washington, D.C. 20301-1155. Your appeal should be postmarked within 60 days of the date of this letter, should cite our case number FY10-10Jan29USN-14, and should be clearly marked "Freedom of Information Act Appeal."

4. Do not hesitate to contact our FOIA Request Service Center at the address above if you have any further questions.

Sincerely



JOHN H. BORDELON
Major General, USAF
Chief of Staff