



DEPARTMENT OF THE NAVY

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

5720

Ser N01P1(2013-16-000723)/006

June 10, 2014

Mr. Sam Fellman
Senior Writer, Navy Times
6883 Commercial Drive
Springfield, VA 22159

Dear Mr. Junge:

This letter responds to your Freedom of Information Act (FOIA) request dated February 4, 2013, wherein you request a copy of the finished JAGMAN investigation report into the collision between the USS San Jacinto (CG 56) and USS Montpelier (SSN 765) on October 13, 2012. Your request was received on January 7, 2013 and assigned USFF case file number 2013-16.

Your request was processed under applicable provisions of the FOIA statute, as amended, and the implementing Navy Department directive (SECNAVINST 5720.42F). After a review of the responsive documents, it was determined that certain portions of those documents were exempt from disclosure under the following FOIA exemptions:

- 5 USC 552(b)(1), those documents or information properly and currently classified in the interest of national defense or foreign policy, as specifically authorized under the criteria established by Executive Order and implemented by regulations.
- 5 USC 552(b)(3), information that a statute specifically exempts from disclosure by terms that permit no discretion on the issue, in this case, 10 USC 130b, which prohibits the release of names of personnel in overseas, sensitive or routinely deployable units.
- 5 USC 552(b)(5), matters/information considered privileged in litigation, primarily under the deliberative process privilege. Internal advice, recommendations and subjective evaluations that, as contrasted with factual matters, are reflected in deliberative records pertaining to the decision-making process of an agency.
- 5 USC 552(b)(6), information (name, SSN, DOB, home address, home phone number) in personnel and medical files, as well as similar personal information in other files, that, if disclosed to a requester, other than the person about whom the information refers, would result in a clearly unwarranted invasion of personal privacy.

This letter is to inform you that the releasable portions of the investigation and the endorsements are available for down loading in section four of the following link:
<http://www.public.navy.mil/usff/foia/Pages/reading-main.aspx>.

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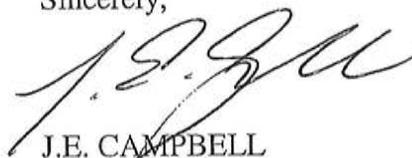
Because your request has been denied in part, you may appeal this determination by writing to:

Office of the Judge Advocate General
Department of the Navy
Attn: FOIA Appeals, Code 14
1322 Patterson Ave, SE, Ste 3000
Washington Navy Yard, DC 20374-5066

Your appeal must be received within sixty (60) calendar days from the date of this letter. A copy of your initial request and this response letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION ACT APPEAL" both on the envelope and the face of the letter, and should contain a brief statement of the reasons you believe this decision to be in error.

I am the official responsible for the partial denial of your request. Please contact Ms. Linda Alvers at (757) 836-3630 or at linda.alvers@navy.mil if you require further assistance regarding this matter.

Sincerely,



J.E. CAMPBELL

By direction

Copy to:
Case file
Serial file