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September 26, 2006

Ms. Doris Lama  
Head, DON PA/FOIA Policy Branch  
Chief of Naval Operations  
(DNS-36)  
2000 Navy Pentagon  
Washington, DC 20350-2000

FOIA Request

Dear Ms. Lama:

This is a request under the Freedom of Information Act, 5 U.S.C. § 552 on behalf of my client, Bruce Henion.

Mr. Henion seeks a copy of all U.S. Naval Aircraft Carrier Foreign Water Fleet Deployments, all classifications, by earliest dates and time of arrival and departure from September 1945 to present and all foreign ports visited by each deployment.

For your information, Mr. Henion is a disabled veteran of the United States Navy. He has assembled a chart of U.S. Naval Aircraft Carrier Foreign Water Fleet Deployments, a copy of which the most current version is on the attached diskette. It is also located on the internet at <http://www.uscarrierhistory.com/charts/chart48.pdf>. However, much fleet information is missing or may not be entirely accurate on Mr. Henion's chart. Thus, Mr. Henion makes this request in order to provide as accurate history of U.S. Naval Aircraft Carrier Fleet Deployments as possible.

Mr. Henion seeks a fee waiver for this information. He is seeking this information for educational purposes as a representative of the news media. Mr. Henion is the author of many books on military subjects and posts his information on numerous websites including <http://www.uscarrierhistory.com>. He is gathering the requested information on Aircraft Carrier Deployments that is of current and continuing interest to the public because it demonstrates how the U.S. Military uses its established resources in both times of peace and of war. Please take note of the Office of Management and Budget guidelines published March 27, 1987 (52 FR 10012) that include electronic publications and other nontraditional publishers as representatives of the news media.

Please note that 5 U.S.C. Section 552(a)(4)(A)(iv)(II) requires that you provide my client the first 100 copies at no charge. However, he is requesting a waiver of all fees under 5 U.S.C. Section 552(a)(4)(A)(iii). The information he seeks is in

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the public interest because it will contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

I believe Mr. Henion meets the criteria for a fee waiver recognized by the U.S. Justice Department - in its policy guidance of April 1987 - and by the federal courts, See *Project on Military Procurement v. Department of the Navy*, 710 F. Supp. 362 363, 365 (D.C.D. 1989).

This request concerns the operations or activities of government because it demonstrates how the military deployed Aircraft Carriers historically. Also, the information sought has informative value, or potential for contribution to public understanding. Please note the decision in *Elizabeth Eudey v. Central Intelligence Agency*, 478 F. Supp. 1175 1176 (D.C.D. 1979) (even a single document has the potential for contributing to public understanding). My client plans to disseminate this information to the public at large in the following manner: Publication in a book on naval history as well as to the website already referenced above. In addition, the release of this information will have a significant impact on public understanding because the public will receive an overall highly detailed education on how the military has deployed its resources over the past sixty years.

In your deliberations, please take note of the following cases: *Campbell v. U.S. Department of Justice*, 334 U.S. App. D.C. (1998)(administrative and seemingly repetitious information is not exempt from fee-waiver consideration); *Project on Military Procurement* (agencies cannot reject a fee waiver based on the assumption that the information sought is covered by a FOIA exemption; and *Landmark Legal Foundation v. Internal Revenue Service*, 1998 U.S. Dist. LEXIS 21722 (D.C.D. 1998)(the fact that the information will soon be turned over to a public body does not exempt the material from fee-waiver consideration).

If you have any further questions concerning this request, please feel free to contact me at your convenience.

Sincerely,



Scott A. Hodes