DEPARTMENT OF DEFENSE
FREEDOM OF INFORMATION DIVISION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

DEC 01 2016

16-L-0329
16-civ-04127-DDC-KGS

Mr. Bryan C. Clark
Assistant Solicitor General
Office of Kansas Attorney General Derek Schmidt
Memorial Hall
120 SW10th Ave, 2nd Floor
Topeka, KS 66612-1597

Dear Mr. Clark:

The Department of Defense (DoD), Freedom of Information Division, Office of Litigation Support is responding to Mr. Derek Schmidt's December 16, 2015, Freedom of Information Act (FOIA) request to the OSD/JS FOIA Requester Service Center. That request was assigned FOIA case number 16-F-0329, now FOIA litigation case number 16-L-0329.

This interim response, which constitutes our first rolling release of records retrieved from classified record systems, consists of the attached 345 pages of records. We previously provided responsive records from the non-classified record systems by our letter of November 15, 2016.

It was determined that certain information in the enclosed records is exempt from release under the Freedom of Information Act and is withheld pursuant to 5 U.S.C. §552. Specifically, information is withheld under FOIA exemption (b)(1) as currently and properly classified pursuant to Executive Order 13526, Section 1.4 (a) which pertains to military plans or operations and Section 1.4(g) which pertains to vulnerabilities or capabilities of installations, infrastructures, projects, plans or protection services relating to the national security. Information is also withheld under FOIA exemption (b)(5) which protects information which is pre-decisional in nature and was a part of the deliberative process.

Appellate rights are moot as this request is currently in litigation.

Sincerely,

Paul J Jacobsmeyer

Paul J. Jacobsmeyer
Chief

Enclosure:
As stated