

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON, D.C. 20314



1 AUG 1977

Mr. Harold Weisberg
Route 12 - Old Receiver Road
Frederick, MD 21701

Dear Mr. Weisberg

This is in response to your 5 May 1977 request for release of information under the Privacy Act and Freedom of Information Act, addressed to the Office of the Assistant Secretary of Defense, Public Affairs.

You have requested release of records pertaining to you located in the Department of Defense. Within the Air Force Claims and Tort Litigation Division, Office of The Judge Advocate General, we have located a claim file, MAAMA/61-252/NCA, relative to a sonic boom which occurred on or about 22 May 1959 and a second claim file, SAAMA/60-10/NCA, involving a lawsuit, O.K. Farm, Inc. v. United States, relative to low flying aircraft on 21 October 1959 and 2 November 1959. We have reviewed this material, in light of your request, under the provisions of Section 552, Title 5, United States Code (Freedom of Information Act) and Section 552a, Title 5, United States Code (Privacy Act).

Approximately 68 pages of material in your investigative file may be released to you. However, certain internal communications expressing legal opinions and expert opinion recommendations prepared in anticipation of suit are exempt from release under 5 U.S.C. 552(b)(5), paragraph 10e, AFR 12-30 (32 C.F.R. 806), and 5 U.S.C. 552a(d)(5). A significant governmental purpose is served by withholding these documents as disclosure would inhibit the frank exchange of opinions among Air Force personnel in future claims investigations.

Upon receipt of your draft in the amount of \$5.10 (\$2.00 basic fee for the first six pages plus five cents a page for the balance of the pages) payable to ADSN AFO 5037, Bolling AFB, D.C. 20332, your request will be processed. Please forward payment to the address set forth below.



The decision to withhold release of the above described work-product may be appealed in writing to the Secretary of the Air Force within 45 days from the date of this letter. Include in your appeal any reasons for reconsideration you wish to present, and attach a copy of this letter. No special form is necessary; however, the petition must be in writing and mailed to the Chief, Claims and Tort Litigation Division, Office of The Judge Advocate General, Headquarters USAF/JACC, Washington, D.C. 20314.

We hope you find this material to be helpful.

Sincerely

Michael J. Barrett Jr.

MICHAEL J. BARRETT, JR., Colonel, USAF
Chief, General Litigation Division
Office of The Judge Advocate General