



DEPARTMENT OF THE NAVY
COMMANDER NAVAL AIR FORCE ATLANTIC
1279 FRANKLIN ST
NORFOLK, VIRGINIA 23511-2494

5720
Ser N01L/129
12 June 2008

Mr. John S. Farmer
3537 Deerwood Avenue
Memphis, TN 38111

Dear Mr. Farmer:

This letter responds to your Freedom of Information Act (FOIA) request of February 18, 2008 to Department of the Navy Privacy Act/Freedom of Information Act Policy Branch in which you sought copies of air traffic control auto recordings for September 11, 2001 from the Fleet Area Control and Surveillance Facility Virginia Capes (FACSFAC VACAPES). Your request was referred to FACSFAC VACAPES for resolution and direct response to you. FACSFAC VACAPES forwarded their response to this authority in our capacity as a General Court-Martial Convening Authority per the FOIA statute. That information was received by this office on May 28, 2008 and assigned case number 2008-24.

Please be advised, FACSFAC VACAPES conducted a thorough search for records responsive to your request and no such records were recovered. All such flight information is retained in accordance with NAVAIR 00-80T-114; which states that "original recordings shall be retained for at least 15 days except for mishaps involving Navy Air Traffic Control Facilities or Department of the Navy aircraft". Accordingly, no further action is available.

If you believe the search for these records was inadequate, you may file an appeal in writing to the Judge Advocate General, General Litigation Division (Code 14), 1322 Patterson Avenue, Suite 3000, Washington Navy Yard, DC 20374-5066. Any appeal must be postmarked no later than 60 calendar days from the date of this letter to be considered timely. A copy of this letter should be enclosed along with a statement explaining why you believe your appeal should be granted. It is recommended that both the letter of appeal and its envelope bear the notation "Freedom of Information Act Appeal."

All fees associated with the processing of your request have been waived.

Sincerely,

A handwritten signature in black ink, appearing to read "C. D. Jung".

C. D. JUNG
Commander, JAGC, USN
By direction of the Commander