

[REDACTED]

From: Moffett Page
Sent: Monday, April 14, 2003 12:37 PM
To: Malone Brian; [REDACTED] Brennan Michael; Renshaw Kenneth; Stowe Garnett; Freimann Barbara; [REDACTED] (CSNR/POL)
Cc: [REDACTED] (MSO); [REDACTED]
Subject: Designation of NRO Operational Files

classification: UNCLASSIFIED//~~FOUO~~

I am delighted to announce that the DCI has formally approved the designation of NRO operational files pursuant to section 502 of the Intelligence Authorization Act for FY 2003. Kudos to [REDACTED] staff for their efforts in getting this provision enacted into law and to Barbara's staff for their hard work in identifying the files to be designated. [REDACTED] was especially tenacious in compiling the Operational Files Designation List which the DCI approved. This is a real accomplishment and you all should be pleased with your contributions. My office will be distributing copies of the package reflecting DCI approval.

Now we get to the hard but fun part. Barbara, we should take advantage of this designation immediately. For all FOIA requests where we have not formally responded to the requester, we should search ONLY those files that have NOT been designated as operational files, using the Operational Files Designation List attached to the DCI's memo. We should respond with language along the following lines: **"We conducted our searches in accordance with section 502 of the Intelligence Authorization Act for Fiscal Year 2003 and located the following documents."** Accordingly, the only responsive documents would be those NOT in designated operational files. The key is whether we have formally responded to the requester by identifying documents and exemptions taken. If we have, we will continue processing the case/appeal. If not, we utilize the operational files exclusion immediately to narrow the universe of documents to be searched.

For all new requests, recommend we use the following language: **"We will process your request in accordance with section 502 of the Intelligence Authorization Act for Fiscal Year 2003 for documents in existence as of (cutoff date - date of receipt of request).**

" This puts the requester on notice that we are not searching operational files.

This designation, combined with recent amendments to Executive Order 12958, will also drastically affect the way we process Mandatory Declassification Review (MDR) requests. Recommend a smaller group get together to sort those out consistent with ongoing deliberations before the ISCAP.

I am very hopeful that this designation will greatly reduce the resources required to respond to FOIA requests. Once again, many thanks for your help in getting this critical provision enacted and in effecting DCI approval. Page

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