



JUN 10 2010

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. William Puckett  
651 Woodland Loop NE  
Ocean Shores, WA 98569

Dear Mr. Puckett:

Subject: Freedom of Information Act (FOIA) Request 2010-004596WS

This is a Northwest Mountain Region, Air Traffic Organization (ATO), Western Service Area, partial denial response to your FOIA request of April 23, 2010, made under the provisions of Title 5 United States Code (U.S.C.), Section 552. You requested a copy of records regarding radar returns for a 60 mile radius centered on Newberg, Oregon, on April 21, 2010.

A search for records was conducted at the Seattle Air Route Traffic Control Center (ARTCC) and at the Portland Terminal Radar Approach Control (TRACON) facility on April 26, 2010. This search revealed two compact discs containing radar and one page containing radar site information responsive to this request. The files are further identified on the discs. The disc from Portland contains Standard Terminal Automation Replacement System (STARS) data from three radar sites. The three radar sites are located at the Portland International Airport, at Salem, Oregon, and at Fossil, Oregon. Latitude and Longitude coordinates, and magnetic variation settings for the radar sites are as follows:

- PDX ASR-9, N45-35', W122-37', Magnetic variation setting 19 degrees
- SLE ARSR-4, N44-55', W123-34', Magnetic variation setting 0 degrees
- QVN ARSR-4, N44-57', W119-56', Magnetic variation setting 0 degrees

The seconds portion of the Latitude and Longitude coordinates of the data listed above has been withheld because this information is exempt from disclosure under FOIA Exemption High (b)(2), Title 5 U.S.C., Section 552. Exemption High (b)(2) protects disclosure of critical infrastructure data, such as radar locations, which, if released, would pose a vulnerability risk to national airspace. This exemption also applies to the one page of radar site data provided by the Seattle ARTCC.

The disc from the Portland TRACON containing the STARS data is being withheld in its entirety under FOIA Exemption (b)(3), Title 5 U.S.C., Section 552. We cannot filter out sensitive military and law enforcement activity from this system. Exemption (b)(3) of the FOIA permits withholding of records specifically exempted from disclosure by another Federal Statute. In this instance, Title 49 U.S.C., Section 40119(b) states in part that the

Administrator may prescribe regulations as deemed necessary to prohibit the disclosure of any information obtained or developed during security activities if he/she concludes, among other things, that disclosure would be detrimental to the safety of persons traveling in air transportation.

Your request qualifies for the "All Other" fee category whereby you are not charged for the first 2 hours of search time, any review time, and the first 100 pages of documents. There is no charge to process this request.

The undersigned and [REDACTED], Western Service Center, are responsible for this partial denial response to your request. You may request reconsideration of this determination by writing to the Assistant Administrator for Regions and Center Operations, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Your request for reconsideration must be made in writing within 30 days from the date of this letter, state that it is an appeal from an adverse determination made under FOIA, and include all information and arguments relied upon. Please include your assigned FOIA control number and mark the envelope "FOIA."

If you have any questions concerning this response, please contact Barbara January, FOIA Officer, ATO, Western Service Area, at (425) 203-4146.

Sincerely,

[REDACTED]  
Northwest Mountain Region

Enclosures