

Daily Press

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Freedom of Information and Privacy Division
Comdr.
Naval Sea Systems Command
1333 Isaac Hall Av. SE
Stop 9919
Washington Navy Yard
Washington, DC 20376-9919
June 25, 2001

NAVAL SEA SYSTEMS COMMAND
FREEDOM OF INFORMATION ACT
REQUEST NO. 2001FOI0369
DATE RECEIVED: 010909
DATE DUE: 010808

To the DCAA FOIA officer:

I am a reporter for the Daily Press of Newport News and I cover Newport News Shipbuilding. Under the provisions of the Freedom of Information Act, 5 U.S.C. 552, I am requesting copies of, or access to, the following audit reports from 1997 to 2000:

Assign	Asn. Desc.	Dispo
1997A27000114	CVN76, HMR 19	10/20/97
1998A21000104	CVN 68 OVERHAUL&REFUELING	4/1/98
1998A21000107	CVN 77 ADVANCED PLANNING	6/8/98
1998A27000109	CVN 76 FMR 131	2/5/98
1998A27000117	CVN 68 CLASS PIA WORK	8/21/98
1998A27000118	CVN76 DEV/INSTALL PROP MONITOR SYS	10/13/98
2000C21000303	CVN 77 FY 2000 PLANNING	12/2/99
2000C27000303	CVN 76 HMR 47, N00024-95-C-2106	12/13/99
2000C27000304	CVN 76 HMR #6	1/21/00
2000C27000305	CVN 76 CONVERT GFE TO CFE	5/3/00
2000C27000306	CVN 76 MEDICAL COMPLEX - HMR 26	5/5/00
2000C27000307	CVN 76 HMR 30.01-UPGRADE COMMAND	9/20/00
	COMPL	

sent me "clearly releasable portions" of the audit reports on May 30. I am now requesting the entire reports.

In her letter accompanying the information release, wrote: "Portions not enclosed would likely be exempt from mandatory disclosure pursuant to FOIA subsections 4 and 5 of 5 USC (b). Subsection 4 protects certain trade secrets and commercial or financial information received from a private source when disclosure is likely to cause substantial competitive harm to the source. Subsection 5 protects pre-decisional opinions and recommendations that were not incorporated into a final decision."

I would like to address the first consideration, subsection 4. In its recent interviews with government officials, analysts and reporters concerning its desire to be bought by General Dynamics, Newport News Shipbuilding has made it clear that there is no more competition in the type of Navy shipbuilding it does. Newport News Shipbuilding Chairman and Chief Executive Officer has made it clear that there is no competition regarding the large-deck nuclear aircraft carriers because no other company makes such ships. Also, he said, because of the teaming agreement with General Dynamics' Electric Boat Division, there is no more competition

for Navy nuclear submarine building. I have enclosed copies of articles from *The New York Times*, *The Washington Post*, *Jane's Defence Weekly* and *The Wall Street Journal*. If there is no competition, then there's likely no chance for competitive harm from the release of this information.

As for subsection 5, we of course understand your concerns and we acknowledge the need for such exemptions.

As you know, the Act permits you to reduce or waive the fees when the release of the information is considered as "primarily benefiting the public." I believe that this request fits that category and I therefore ask that you waive any fees.

As the yard is a major federal defense contractor accountable for billions of dollars in taxpayers' money, the *Daily Press* believes that the knowledge of these audits and the release of this information are in the public's best interest.

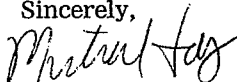
If all or part of this request is denied, please cite the specific exemption(s) that you think justifies your refusal to release the information and inform me of your agency's administrative appeal procedures available to me under the law.

I would appreciate your handling this request as quickly as possible, and I look forward to hearing from you within 20 working days, as the law stipulates.

Feel free to call me if you have any questions or concerns. My office number is 757-247-4965. My cell phone number is [REDACTED] and the address for the newspaper is listed at the top of this letter.

Thank you for your time and consideration.

Sincerely,



Michael Fabey