

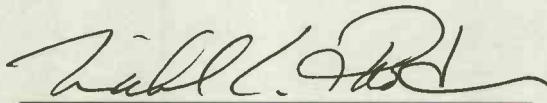
**DETERMINATION OF THE DIRECTOR OF ADMINISTRATION AND
MANAGEMENT**

Under the authority delegated to me by the Secretary of Defense, I have determined that the following information is exempt from disclosure under Exemption 3 of the Freedom of Information Act (5 U.S.C. § 552(b)(3)) because it meets the requirements for exemption under 10 U.S.C. § 130e:

Department of Defense information concerning Explosive Safety
Quantity Distance Arcs and explosive handling zones at Naval
Magazine Indian Island, Port Hadlock, WA.

The statement of the basis for this determination is at Tab A.

Date: 6-1-2012



Michael L. Rhodes
Director of Administration and Management

**STATEMENT OF THE BASIS FOR THE DETERMINATION BY
THE DIRECTOR OF ADMINISTRATION AND MANAGEMENT**

In accordance with 10 U.S.C. § 130e, I reviewed the information provided to me by the Department of the Navy concerning Explosive Safety Quantity Distance Arcs and explosive handling zones at Naval Magazine Indian Island, Port Hadlock, WA, and determined that it qualifies as Department of Defense critical infrastructure information (CISI). As defined by 10 U.S.C. § 130e, CISI includes:

“...sensitive but unclassified information that, if disclosed, would reveal vulnerabilities in Department of Defense critical infrastructure that, if exploited, would likely result in the significant disruption, destruction, or damage of or to Department of Defense operations, property, or facilities, including information regarding the securing and safeguarding of explosives, hazardous chemicals, or pipelines, related to critical infrastructure or protected systems owned or operated by or on behalf of the Department of Defense, including vulnerability assessments prepared by or on behalf of the Department of Defense, explosives safety information (including storage and handling), and other site-specific information on or relating to installation security.”

This information meets this definition of CISI because it is information concerning the security and storage of weapons, to include details of Explosive Safety Quantity Distance Arcs, at Naval Magazine Indian Island, and if the information were released to the public it would likely enable an adversary to identify and possibly exploit vulnerabilities of the weapons storage facilities at Naval Magazine Indian Island and cause significant disruption, destruction, or damage to these facilities and thereby cause further damage to U.S. Navy operations that rely on the security of these weapons.

I also considered the public interest in the disclosure of this information; specifically, the interest that the residents of Port Townsend, WA, have in the affects of a serious adverse event at Indian Island as detailed in the documents listed in Table 1, below, and have weighed this against the harm that would likely result if it were to be disclosed as detailed in the documents listed in Table 2, below. The documents listed in Table 1 are contained in the record of the litigation involving this request except for one additional document: a letter from the Mayor of the City of Port Townsend. The documents listed in Table 2 are all contained in the record of the litigation involving this request. I have considered the relevant material in each of these documents.

The public interest in the disclosure is not insignificant in this instance; however, the harm that would likely result from disclosure is very serious and much more significant. Therefore, the public interest consideration in the disclosure of this information does not outweigh the preventing the disclosure of the information.

Table 1 - Documents containing information indicating public interest in disclosure

Document	Date
Complaint for Declaratory and Injunctive Relief for Violation of the Freedom of Information Act - against defendant United States Department of the Navy	September 11, 2006
Plaintiff's Opposition to Defendant's Summary Judgment Motion and Cross-Motion for Summary Judgment	August 3, 2007
Declaration of Glen Scott Milner	August 3, 2007
Declaration of Phil Johnson in Support of Plaintiff's Cross-Motion for Summary Judgment	August 3, 2007
Plaintiff's Reply to Defendant's Response to Cross-Motion for Summary Judgment	August 31, 2007
Supplemental Declaration of Glen Scott Milner	August 31, 2007
Brief of Appellant Glen Scott Milner	July 31, 2008
Appellant's Reply Brief	September 30, 2008
Appellant's Petition for Rehearing En Banc	September 8, 2009
Amicus Brief	September 8, 2009
Exhibits 1-8 to Amicus Brief	September 8, 2009
Petition for a Writ of Certiorari	March 22, 2010
Petitioner's Brief on the Merits, Supreme Court of the United States - On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit - No. 09-1163	August 31, 2010
Appendix of the Petitioner- Supreme Court of the United States - On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit - No. 09-1163	August 31, 2010
Joint Appendix - Supreme Court of the United States - On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit - No. 09-1163	August 31, 2010
Brief Amici Curiae of Public Citizen, et al. in Support of Petitioner	September 7, 2010
Brief Amici Curiae of the Reporters Committee for Freedom of the Press and Nineteen News Media Organizations in Support of Petitioner, Supreme Court of the United States - On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit	September 7, 2010
Brief Amici Curiae of Allied Daily Newspapers of Washington and Society of Environmental Journalists in Support of Petitioner, Supreme Court of the United States - On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit - No. 09-1163	September 7, 2010
Reply Brief for Petitioner, Supreme Court of the United States - On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit - No. 09-1163	November 15, 2010

Milner's Response to Navy's Motion for Summary Judgment and Cross-Motion for Summary Judgment, No. 06-1301	October 28, 2011
Third Declaration of Glen Milner	October 28, 2011
Milner's Reply in Support of Cross-Motion for Summary Judgment	December 16, 2011
Letter from Michelle Sandoval, Mayor, City of Port Townsend, WA to Leon E. Panetta, Defense Secretary, U.S. Department of Defense Re: Sec. 1014 of S. 981, the National Defense Authorization Act for Fiscal year 2012	August 4, 2011

Table 2 - Documents containing information concerning harm that would likely result from disclosure

Document	Date
Amended Motion for Summary Judgment by Defendant United States Department of the Navy	July 6, 2007
Exhibit 1 to Amended Motion for Summary Judgment - Declaration of Commander George N. T. Whitbred IV, USN	July 6, 2007
Exhibit 2 to Amended Motion for Summary Judgment - Declaration of Richard T. Adams	July 6, 2007
United States' Response to Plaintiff's Cross-Motion for Summary Judgment	August 17, 2007
Exhibit 1 to United States' Response to Plaintiff's Cross-Motion for Summary Judgment - Supplemental Declaration of Commander George N. T. Whitbred, IV, USN	August 17, 2007
Answering Brief filed by United States Department of the Navy	September 16, 2008
Brief for the Respondent in Opposition of Certiorari	May 28, 2010
Brief for the Respondent, Supreme Court of the United States - On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit - No. 09-1163	October 8, 2010
Navy's Motion for Summary Judgment, No. 06-1301	September 2, 2011
Declaration of Commander Gary D. Martin, USN	September 2, 2011
Navy's Response to Milner's Cross-Motion for Summary Judgment	December 2, 2011
Supplemental Declaration of Commander Gary D. Martin, USN	December 2, 2011