



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA National Headquarters
800 Independence Ave., SW
Washington, DC 20591

Mr. John R. Greenewald
The Black Vault, Inc.
27305 West Live Oak Road, Suite 1203
Castaic, CA 91384

Dear Mr. Greenewald:

Subject: Freedom of Information Act (FOIA) Request Number 2021-002114

This is in response to your FOIA request dated February 24, 2021, and your Appeal 2021-002133-520525 made under the provisions of Title 5 United States Code, Section 552. You requested copies of certain records pertaining to an incident involving American Airlines Flight 2292 that occurred on February 21, 2021, between 19:15 to 19:45 Greenwich Mean Time (GMT), near Albuquerque, New Mexico.

A records search was conducted at the appropriate air traffic control facilities within the Central Service Area. The search revealed records applicable to this request. However, we are withholding a portion of an audio file from the Phoenix Tower, Local North Controller Position. This file contains call sign and routing information related to the operation of military aircraft in the National Airspace System under Exemption 3. There are no fees associated with this request.

FOIA Exemption 3 provides that FOIA's disclosure requirements do "not apply to matters that are specifically exempted from disclosure by statute." 5 U.S.C. § 552(b)(3). In this instance, 10 U.S.C. § 130e states, in part, that the Secretary of Defense may exempt Department of Defense (DoD) critical infrastructure security information where such disclosure would reveal vulnerabilities that, if exploited, would likely result in the significant disruption, destruction, or damage of or to DoD operations, property, or facilities. In letters dated June 2, 2017, and November 8, 2021, the DoD informed the Federal Aviation Administration (FAA) that information regarding the operation of DoD aircraft constitutes DoD Critical Infrastructure Information and is, therefore, exempt from disclosure in accordance with this statute.

Please be advised that the voice recordings have an encoded time source on the right channel that can be heard on any media player by adjusting the balance to the full left position.

The undersigned is responsible for this partial denial. You may request reconsideration of this determination by writing to the Assistant Administrator for Finance and Management (AFN-400), FAA, 800 Independence Avenue, SW, Washington DC, 20591, or through electronic mail at (FOIA-Appeals@faa.gov). Your request must be made in writing within 90 days from the date of this letter and must include all information and arguments relied

upon. Your letter must also state that it is an appeal from the above-described partial denial of a request made under the FOIA. The envelope containing the appeal should be marked "FOIA Appeal".

You also have the right to seek dispute resolution services from the FAA FOIA Public Liaison via phone at (202-267-7799) or email at (9-afn-foia-public-liaison@faa.gov) or the Office of Government Information Services (<https://www.archives.gov/ogis>) via phone at (202-741-5770/toll-free 1-877-684-6448), fax at (202-741-5769) or email (ogis@nara.gov).

Sincerely,

Alyce Hood-Fleming
Vice President, Mission Support Services
Air Traffic Organization