

Two crucial differences from the two cases mentioned above are first, that in this case a de novo search was performed and, second that the de novo search was based on a Stipulation. The issue of the thoroughness of the defendant's search has been "simplified" by the Stipulation, which specifically addressed both the "description of the documents requested" and the requirements of a "reasonable search." The second and third pages of the Stipulation detail what major, publicly known components of the CIA would be required to search all of their separate record systems with special emphasis on certain types of material thought likely to be in their respective areas of control. Thus, plaintiff, which submitted the proposed Stipulation by letter of August 23, 1978, played a key role in establishing the outline of a de novo search.

The CIA affidavits not only claim compliance with the Stipulation, but also state that the CIA went further and inspected the records of several other sub-units of the agency. Owens' Affidavit, ¶ 2. Consequently the plaintiff has not been denied knowledge of what record systems were searched, i.e., all record systems in the stipulated components, or of what the search was to uncover, i.e., the stipulated documents. By establishing the major, publicly known components to be searched to include all of their different, but unidentified record systems, the Stipulation balances the plaintiff's need for assurance as to the scope of the search with a national security agency's need for secrecy as to many of its internal functions. This is consistent with the need to be flexible in balancing these interests when developing search procedures. Cf. Scientology, supra, at 838.

We find that defendant's affidavits were both detailed and relatively nonconclusory. On September 10, 1979, George W. Owens, the Information and Privacy Coordinator, supplemented his original affidavit of February 29, 1979, with additional details of the search and exhibits related to the search. Owens' Supplementary Affidavit states that after receiving a recommendation to approve the Stipulation from the office of the CIA's General Counsel, Owens proceeded to initiate the de novo