

# DEPARTMENT OF DEFENSE



## FREEDOM OF INFORMATION ACT PROGRAM *CY 1989*

REPORT TO CONGRESS

PREPARED BY:  
OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE  
(PUBLIC AFFAIRS)  
DIRECTORATE FOR FREEDOM OF INFORMATION  
AND SECURITY REVIEW

## **CY 1989 FREEDOM OF INFORMATION ACT ANNUAL REPORT**

### **SUMMARY**

A total of 119,492 public requests for records under the Freedom of Information Act (FOIA) were processed during 1989 by the Department of Defense. This, compared with an average annual case load of 74,393 for the years 1977-1988, the reporting period since the act was amended, is roughly 61% above average. Three thousand, five hundred and fifty-five cases required time limit extensions - 287 for location, 1572 for volume, 1693 for consultation and 3 for court involvement.

The Department of Defense initially denied 10,107 out of 119,492 requests on the basis of FOIA exemptions. Of those initially denied requests, 15% were for classified information; 13% for internal rules and practices; 4% for statutory exemption; 11% for proprietary data; 18% for deliberative material; 19% for privacy information; and 19% for law enforcement investigations. An additional 22,466 requests could not be filled in whole or in part for other reasons, such as lack of records, referral to another agency, or lack of specificity sufficient to identify the requested records. There were 940 appeals of denied requests, 124 of which were fully granted, 200 partially granted, and 616 denied.

The total DoD operating costs associated with these requests were \$18,919,756.12. The average cost of processing a single case during 1989 was approximately \$158. Fee collections for records provided to the public amounted to \$1,443,655.52.

Questions regarding this report should be addressed to the Director, Freedom of Information and Security Review, OASD (Public Affairs), Room 2C757, The Pentagon, Washington, DC 20301-1400.

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**Department of Defense  
Reporting Agencies  
Under the Freedom of Information Act**

Agency Abbreviation	Agency	Agency Head
OSD/JS	Office of the Secretary of Defense (Including the Joint Staff)	Hon Richard B. Cheney
Dept Army	Secretary of the Army	Hon Michael P. W. Stone
Dept Navy	Secretary of the Navy	Hon H. Lawrence Garrett, III
Dept Air Force	Secretary of the Air Force	Hon Donald B. Rice
DCA	Defense Communications Agency	LTG John T. Myers, USA
DCAA	Defence Contract Audit Agency	Mr. William H. Reed
DIA	Defense Intelligence Agency	LTG Harry E. Soyster, USA
DIS	Defense Investigative Service	Mr. John Donnelly
DLA	Defense Logistics Agency	LGen Charles McCausland, USAF
DMA	Defense Mapping Agency	MGen Robert F. Durkin, USAF
DNA	Defense Nuclear Agency	MG Gerald G. Watson, USA
NSA/CSS	National Security Agency/Central Security Service	VADM William A. Studeman, USN
OIG, DOD	Office of the Inspector General, Department of Defense	Hon Susan Crawford

**Department of Defense  
FOI Appeal and Program Officials**

Agency Abbreviation	Appellate Authority	Program Agency Head
OSD/JS	Hon Pete Williams, Asst Secretary of Defense (Public Affairs)	Mr. William M. McDonald, Director, Freedom of Information and Security Review
Dept Army	Ms. Beth A. Wilkinson, General Counsel	Mrs. E. M. Miley, Chief, Information Branch, Freedom of Information & Privacy Act Div, HQUSAISC-P (ASQNS-OP-F)
Dept Navy	RADM E. D. Stumbaugh, USN, Judge Advocate General/Mr. Craig S. King, General Counsel of the Navy	Mrs. Gwendolyn R. Aitken, PA/FOIA Branch, Office of the Chief of Naval Operations
Dept Air Force	Mr. Robert J. McCormick, Admin Asst to the Secretary of the Air Force	Mrs. Anne Turner, Air Force Access Programs Manager, Office of the Secretary of the Air Force
DCA	LTG John T. Myers, USA, Director	Mrs. Susan Chadick, General Counsel
DCAA	Mr. John H. van Santen, Asst Director, Resources	Mr. Dave Henshall, Management Analyst
DIA	Mr. Gordon Negus, Executive Director	Mr. Robert C. Hardzog, Chief, FOIA Office
DIS	Mr. John F. Donnelly, Director	Mr. Dale L. Hartig, Chief, Information/Public Affairs
DLA	LGen Charles McCausland, USAF, Director	COL Gary C. Tucker, USA, Staff Director, Administration
DMA	Mr. Edward Obloy, General Counsel	Mr. David L. Black, Director, Public Affairs
DNA	MG Gerald G. Watson, USA, Director	LTC Samuel D. McKinney, USA, Public Affairs Officer

**Agency  
Abbreviation**

**Appellate  
Authority**

**Program  
Agency Head**

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**NSA/CSS**

**Mr. Gerald R. Young,  
Deputy Director**

**Dr. Richard W. Gronet, Director  
of Policy**

**OIG, DOD**

**Mr. Morris B. Silverstein,  
Asst IG, Criminal  
Investigation, Policy and  
Oversight**

**Mr. David C. Stewart, Director,  
Investigative Support Directorate**

## Item 1

### Initial Determinations Resulting in Not Providing All or a Portion of Record Requested

Component	Completed Public Requests	Completed Reportable Requests*	Statutory Exemptions	+	Other	=	Total
OSD/JS	2,794	4,244	1,208		1,490		2,698
DEPT ARMY	41,968	43,416	3,206		6,140		9,346
DEPT NAVY	32,228	35,101	2,033		5,552		7,585
DEPT AIR FORCE	26,119	27,911	2,431		6,944		9,375
DCA	532	532	37		16		53
DCAA	309	309	53		136		189
DIA	1,172	1,739	347		157		504
DIS	258	355	59		68		127
DLA	12,968	17,169	173		1,476		1,649
DMA	135	138	13		36		49
DNA	144	144	34		35		69
NSA/CSS	628	635	298		360		658
OIG, DOD	237	296	215		56		271
<b>DoD Totals</b>	<b>119,492</b>	<b>131,989</b>	<b>10,107</b>		<b>22,466</b>		<b>32,573</b>

\* A reportable request is that portion of an FOI request resulting in a single record or group of records pertaining to one general subject area being acted upon by one Initial Denial Authority (IDA) who concludes that a single type of determination applies. Example: A single public request that requires the action of three IDAs in determining if a record under their jurisdiction is to be released would be counted as three reportable requests.

Item 2(a)

Exemptions Invoked on Initial Determinations

Component	Exemptions by Number (5 U.S.C. 552(b))										Total*
	1	2	3	4	5	6	7	8	9		
OSD/JS	865	59	36	92	196	122	43	0	0		1,413
DEPT ARMY	245	522	15	204	634	958	628	0	0		3,206
DEPT NAVY	143	343	44	250	383	573	679	0	0		2,415
DEPT AIR FORCE	219	513	87	635	770	536	822	0	0		3,582
DCA	5	0	0	32	1	1	0	0	0		39
DCAA	1	7	0	10	21	7	13	0	0		59
DIA	254	108	36	8	11	20	3	0	0		440
DIS	3	33	0	9	20	12	29	0	0		106
DLA	0	5	3	120	39	5	8	0	0		180
DMA	4	0	0	6	2	3	0	0	0		15
DNA	15	0	14	3	1	6	0	0	0		39
NSA/CSS	149	19	292	19	22	27	7	0	0		535
OIG, DOD	0	74	11	17	116	70	185	0	0		473
<b>DoD Totals</b>	<b>1903</b>	<b>1683</b>	<b>538</b>	<b>1405</b>	<b>2216</b>	<b>2340</b>	<b>2417</b>	<b>0</b>	<b>0</b>		<b>12,502</b>
<b>Percent of Total</b>	<b>15%</b>	<b>13%</b>	<b>4%</b>	<b>11%</b>	<b>18%</b>	<b>19%</b>	<b>19%</b>	<b>0%</b>	<b>0%</b>		<b>100%</b>

\* Totals may not agree with Item 1 because of cases where two or more exemptions were cited.



Item 2(b)

Statutes Invoked on Initial Determinations

Statute	Number of Times by Agency										DOD Total*
	OSD/ JS	AIR					NSA/ OIG		DOD		
		ARMY	NAVY	FORCE	DIA	DLA	DNA	CSS			
10 USC 128	2			5							8
10 USC 130	4	2	6	53			1				71
10 USC 1102		13	1	6			4	2			20
18 USC 793	1										1
18 USC 794	1										1
18 USC 798	9		2	2							1
21 USC 1175				2				100			113
22 USC 2751			1								2
22 USC 2778, Sec 38											1
31 USC 3729(d)											0
41 USC 423	6			13		2			2		2
42 USC 290dd-3				1							21
42 USC 2161-2165	4										1
42 USC 2162	8		33	2							4
42 USC 4528				2			9				52
50 USC 402 Note, Section 6, Public Law 86-36	3		1					277			281
50 USC 403(d) (3) IG Act of 1978 as amended by Public Law 95-4524				1	36			98			135
Federal Rules of Criminal Proce- dure, Rule 6(e)	2								7		9
Federal Rules of Criminal Proce- dure, Rule 32									2		2
<b>Agency Totals</b>	<b>40</b>	<b>15</b>	<b>44</b>	<b>87</b>	<b>36</b>	<b>3</b>	<b>14</b>	<b>477</b>	<b>11</b>		<b>727</b>

\* Totals may not agree with 5 U.S.C. 552(b)(3) exemptions because of cases where two or more exemptions were cited.

Item 2(c)

Other Reasons Cited on Initial Determinations

Component	Category*						Total
	1	2	3	4	5	6	
OSD/JS	785	338	82	72	183	30	1,490
DEPT ARMY	1,649	1,774	1,022	679	520	496	6,140
DEPT NAVY	2,501	1,914	516	605	981	287	6,804
DEPT AIR FORCE	1,280	3,001	410	787	813	653	6,944
DCA	2	1	0	0	13	0	16
DCAA	28	15	4	5	84	0	136
DIA	8	132	6	5	1	5	157
DIS	13	0	8	0	0	47	68
DLA	294	480	129	205	267	101	1,476
DMA	5	17	1	3	1	9	36
DNA	7	18	0	6	3	1	35
NSA/CSS	107	107	0	123	23	0	360
OIG, DOD	17	20	4	8	5	2	56
<b>DoD Totals</b>	<b>6,696</b>	<b>7,817</b>	<b>2,182</b>	<b>2,498</b>	<b>2,894</b>	<b>1,631</b>	<b>23,718</b>

\*Types of Categories

1. Transferred Request
  2. Lack of Records
  3. Failure of Requester to Reasonably Describe Record
  4. Other Failures by Requesters to Comply with Published Rules and/or Directives
  5. Request Withdrawn by Requester
  6. Not an Agency Record
- (See following page for description of each category.)

## "OTHER REASONS" DESCRIBED

### 1. Transferred Request or Appeal

This category applies when responsibility for making a determination or a decision on categories listed below is shifted from one Component to another Component/Federal Agency.

### 2. Lack of Records

This category covers situations wherein the requester is advised the agency has no record, or has no statutory obligation to create a record.

### 3. Failure of Requester to Reasonably Describe Record

This category is specifically based on Section 552(a)(3)(A) of the FOIA.

### 4. Other Failures by Requesters to Comply with Published Rules and/or Directives

This category is based on Section 552(a)(3)(B) of the FOIA and includes instances of failure to follow published rules concerning time, place, fees and procedures.

### 5. Request or Appeal Withdrawn by Requester

This category covers situations when the requester asks an agency to disregard the request (or appeal) or pursues the request outside FOIA channels.

### 6. Not an Agency Record

This category indicates the requested information is not an agency record.

### Item 3

#### Initial Denial Officials by Participation

Name	Title	Number of Instances
<b>OSD/JS</b>		
Alvin Tucker	Deputy Comptroller, Assistant Secretary of Defense, Comptroller	3
Carl L. Putnam	Special Assistant to the Comptroller, Assistant Secretary of Defense, Comptroller	2
William Turner	Executive Assistant to the Comptroller, Assistant Secretary of Defense, Comptroller	2
Cynthia Kendall	Deputy Comptroller, Assistant Secretary of Defense, Comptroller	3
D. O. Cooke	Director, Administration and Management	15
David J. Berteau	Deputy Assistant Secretary, Resource Management and Support	24
William O'Donnell	Executive Assistant, Assistant Secretary of Defense, Command, Control, Communications, & Intelligence	3
Barbara S. Pope	Deputy Assistant Secretary, Family, Support, Education and Safety	2
David Newhall	Acting Assistant Secretary of Defense for Health Affairs	4
Anthony W. Gray	Deputy Director, InterAmerican Region	1
Carl W. Ford	Deputy Principal Assistant Secretary, International Security Affairs	3
Lawrence Ropka	Deputy Principal Assistant Secretary, International Security Affairs	2

James H. Binns	Principal Deputy Assistant Secretary of Defense, International Security Policy	1
James W. Morrison	Acting Assistant Deputy Under Secretary, Soviet and East European Affairs	1
William A. Wright	Military Assistant, Assistant Secretary of Defense, Production and Logistics	7
Francis E. Cartwright	Senior Military Assistant, Assistant Secretary of Defense, Production and Logistics	4
D. B. Hansen	Director, Base Closure and Utilities Division, Assistant Secretary of Defense	12
W. B. Bergman III	Director, Logistics, Planning and Analysis, Assistant Secretary of Defense, Production and Logistics	2
Eleanor Spector	Deputy Assistant Secretary, Procurement, Assistant Secretary of Defense, Production and Logistics	2
W. M. McDonald	Director, Freedom of Information and Security Review	12
Roy S. Woods, Jr.	Chief, Congressional Actions and Internal Reports, Directorate of Programs Integration	6
C. E. Adolph	Deputy Director, Defense Research and Engineering, Operational Test & Evaluation	1
Craig I. Fields	Director, Defense Advanced Research Projects Agency	10
Richard L. Dunn	General Counsel, Defense Advanced Research Projects Agency	2
Ronnie H. Register	Deputy Director for Management, Defense Advanced Research Projects Agency	6
Vincent D. Kern	Director, Africa Region, Assistant Secretary of Defense, International Security Affairs	1

Karl Jackson	Deputy Assistant Secretary of Defense, East Asian and Pacific Affairs	1
John Woodworth	Deputy Assistant Secretary of Defense, European and NATO Policy	2
Darel Johnson	Director European Policy, Deputy Assistant Secretary of Defense, European and NATO Policy	3
G. A. Deegan	Vice Director, Joint Staff	7
J. H. McNeill	Assistant General Counsel (International & Intelligence)	3
Manual Briskin	Assistant General Counsel (Fiscal & Inspector General)	2
Maurice White	Staff Attorney, General Counsel	7
Michael Sterlacci	Assistant General Counsel (Legal Counsel)	3
Millard E. Addison	Assistant Director, Scientific Investigation, Inspector General	14
Dominick Wasielewski	Assistant Deputy Director, Inspector General	15
John C. Rudder, Jr.	Director, Information Operation Support, Inspector General	3
Richard Goetze, Jr.	Joint Staff, Vice Director	47
Bradley C. Hosmer	Joint Staff, Vice Director	7
Jeanne B. Fites	Principal Director, Resource Management and Support	3
Hansford T. Johnson	Director, Joint Staff	1
Maynard C. Anderson	Assistant Under Secretary of Defense, Counterintelligence and Security	13
Ted Daniel	Directorate for Management, Assistant Secretary of Defense, Public Affairs	3

George Bader	Principal Director, European and NATO Policy, Under Secretary of Defense, Policy	3
Daniel F. Janssen	Assistant Director Management Operations, Strategic Defense Initiative Organization	4
Deborah Vinson	Associate Director, Resource Management Director, Strategic Defense Initiative Organization	28
Lois Ryan	Director, Support Services, Strategic Defense Initiative Organization	1
J.T. Kavanaugh	Senior Military Assistant, Under Secretary of Defense, Acquisition	1
Mervyn E. Hampton	Assistant for Administration, Under Secretary of Defense, Policy	1
Arthur Fajans	Director, Security Plans and Programs, Under Secretary of Defense, Policy	2
Nicholas Krawciw	Director of NATO Policy, Under Secretary of Defense, Policy	2
Fred Gordon	Director Inter American Region, Deputy Assistant Secretary of Defense, Inter American Affairs	2
Frederick C. Smith	Director, Near East and South Asian Affairs, Assistant Secretary of Defense, International Security Affairs	6
David Hilty	Assistant Director, Deputy Assistant Secretary of Defense, Near East and South Asian Affairs	5
Seth Cropsey	Principal Deputy Assistant Secretary, Assistant Secretary of Defense, Special Operations Low Intensity Conflict	4
William Kahn	Director, Theater Nuclear Forces Policy, Under Secretary of Defense for Policy	4
Geneese Gottschalk	Executive Assistant, Operational Test and Evaluation	7

Ronald Adams	Executive Assistant to the Director, Directorate Defense Research and Engineering	8
James P. Brown	Director, Directorate for Industrial Security Clearance Review	22
Leon J. Schachter	Acting Director, Directorate for Industrial Security Clearance Review	14
John Stremple	Director, Department of Defense Dependent Schools	5
Marilee Fitzgerald	Staffing Branch, Department of Defense Dependent Schools	2
Glenn A. Rudd	Deputy Director, Defense Security Assistance Agency	9
Charles W. Brown	Director, Defense Security Assistance Agency	2
Stephen D. Bryen	Consultant, Defense Technology Security Administration	2
George Cole	The Executive Secretary of the Department of Defense, Executive Secretary	5
James F. Lemon	Executive Secretary, Department of Defense	5
Paul W. Hanley	Public Affairs Officer/FOIA Officer, US Atlantic Fleet	18
John E. Millward	Commander, Caribbean Regional Operations Center, Key West, FL	1
William J. Ruberry	Vice Chairman, Armed Services Board of Contract Appeals	18
Walter J. Bryde, Jr	Director, Personnel and Administration, US European Command	5
Thomas P. Barrett	Director Personnel and Administration, US European Command	3



Donald DeCort	Legal Advisor, Special Operations Command, Joint Service Operations Command	1
Joseph C. Lutz	Chief of Staff, Headquarters, US Special Operations Command	1
Joseph Quincannon	Deputy Chief of Staff, Naval Special Warfare Command	1
G. A. Stansell	Director of Information Management, US Space Command	3
Wayne R. Heinke	Director of Information Management, US Space Command	1
Bartley Lagomarsino	Deputy Director, Department of Defense Dependent Schools	2
Jospeh Blackstead	Director, Department of Defense Dependent Schools - Germany Region	5
Georgia Williams-Scaife	Director, Department of Defense Dependent Schools - Atlantic Region	2
Carl Akins	Deputy Director, Civilian Health and Medical Program of the Uniformed Services	32
J. P. Hoar	Chief of Staff, US Central Command	8
J. W. McGuinness	Deputy Chief of Staff, US Central Command	2
Stevan B. Richards	Director, Manpower, Personnel and Support, US Pacific Command	32
Frank Haynes	Acting Director, Manpower, Personnel and Support, US Pacific Command	512
Richard R. Lane	Acting Director, Manpower, Personnel and Support, US Pacific Command	105
Terry G. Kemp	Attorney-Advisor, US Southern Command	8

## Department of the Army

Milton H. Hamilton	Administrative Assistant to the Secretary of the Army	20
Stanley H. Hyman	Commander, US Army Intelligence and Security Command	773
Clyde E. Jeffcoat	Director, Assistant Secretary of the Army (Financial Management)	18
Bruce G. Hall	Deputy Director, Finance and Accounting, Assistant Secretary of the Army	2
Virgil A. Richard	Deputy Director, Finance and Accounting, Assistant Secretary of the Army	4
Robert H. Buker	Deputy Surgeon General, Office of the Surgeon General	67
Alcide M. LaNoue	Deputy Surgeon General, Office of the Surgeon General	41
Jean V. Smith	Principal Assistant Responsible for Contracting, US Army Medical Research and Development Command	11
Ronald M. Holdaway	Commander, US Army Legal Service Agency	1
William A. Aileo	Chief, Litigation Division, Office of the Judge Advocate General	1
James C. Gleason	Chief, Procurement Fraud Division, US Judiciary Army Legal Services, Office of the Judge Advocate General	
Adrián J. Gravelle	Acting Commander, US Army Claims Service	1
Jack F. Lane, Jr.	Commander, US Army Claims Service	11
William J. Lehman	Chief, Administrative Law Division, Office of the Judge Advocate General	31
Robert E. Murray	Executive Officer, Office of Assistant Judge Advocate General	1

James O. Smyser	Chief, Administrative Law Division, Office of the Judge Advocate General	23
Stephen D. Smith	Acting Chief, Criminal Law Division, Office of the Judge Advocate General	1
D. Craig Shelton, Jr.	Acting Chief, Office of Administrative Service, National Guard Bureau	4
E. Darden Baines	Chief, Advertising Support Center, National Guard Bureau	28
William F. Ward	Chief, Army Reserve	8
Paul L. Babiak	Commander, US Army Reserve Personnel Center	22
Bobby R. Sanders	Acting Commander, US Army Reserve Personnel Center	38
Edward J. Korte	Command Counsel, US Army Materiel Command	119
Anthony L. Wagner	Deputy Command Counsel, US Army Materiel Command	21
Don E. Lappin	Chief, General Law/Contract Affairs Division, US Army Materiel Command	6
Earl T. Hilts	Supervisory Attorney, US Army Materiel Command	8
Terrance Reininger	Chief, Flight Test Division, US Army Materiel Command	1
John E. Metcalf	Chief Counsel, US Army Materiel Command	1
Wilbur L. Hardy	Director, Crime Records Center, Criminal Investigation Command	1040
R. Dennis Duffie	Chief of Staff, US Army Personnel Command	153
Joseph E. Galbraith	Director, Civilian Personnel Directorate, US Army Personnel Command	49

Sheilia Helm	Deputy Director, Civilian Personnel Directorate, US Army Personnel Command	60
Verlin Dickman	General Counsel, Army and Air Force Exchange Service	19
Iain Riley	Director, Command, Control, Communications and Computers, US Army Forces Command	2
Alexander Fox	Director, Command, Control, Communications and Computers, US Army Forces Command	2
Theodore W. Makarewicz	Chief, Contracting Division, US Army Forces Command	41
Toni M. Gaines	Acting Principal Assistant Responsible for Contracting, US Army Forces Command	5
Neal T. Jaco	Commander, Community and Family Support Center	5
G. V. Bryant	Principal Assistant Responsible for Contracting, Health Services Command	3
C. A. Hennies	Commanding General, US Army Safety Center	32
Marvin E. Mitchiner, Jr.	Commanding General, US Army Safety Center	26
Alan F. Jones	Deputy Commander, US Army Safety Center	32
James A. Pongonis	Deputy Commander, US Army Safety Center	68
William E. Benson	Deputy Chief of Staff for Contracting, US Army Training and Doctrine Command	36
Bruce H. S. Anderson	Division Counsel, US Army Corps of Engineers	107
Newton L. Klements	Division Counsel, US Army Corps of Engineers	10

C. Eugene Reinke	Division Counsel, US Army Corps of Engineers	5
Claude T. Bagley	Division Counsel, US Army Corps of Engineers	31
Kathy Kurke	Assistant Counsel for Research and Development, US Army Corps of Engineers	4
Alan Shapiro	Division Counsel, US Army Corps of Engineers	6
Kathleen M. Miller	Principal Assistant Responsible for Contracting, US Army Southern Command	9
Robert G. Kulvich	Director, Administrative Operations Support Directorate, Information Systems Command-Pentagon	107
Alen K. Ono	Deputy Chief of Staff for Personnel	5
Terry L. Hare	Principal Assistant Responsible for Contracting, Military Traffic Management Command	1
Jeremiah C. Moll	Chief, Plans Division, Office of the Director for Information Systems for Command, Control, Communications and Computers	2
David Borland	Director, Information Systems Selection and Acquisition Agency	28
Ronald H. Griffith	Deputy Director, Operations and Security, Deputy Chief of Staff for Operations and Plans	1
Howard C. Eggleston	Director, Space and Special Weapons, Deputy Chief of Staff for Operations and Plans	16
Larry G. Lehowicz	Director of Training, Deputy Chief of Staff for Operations and Plans	1
William H. Forster	Director, Force Requirements Integration Deep Operations, Deputy Chief of Staff for Operations and Plans	1

Robert B. Rosenkranz	Director, Operations, Readiness and Mobilization, Deputy Chief of Staff for Operations and Plans	2
Louis J. Del Rosso	Director, Space and Special Weapons, Deputy Chief of Staff for Operations and Plans	1
John J. Yeosock	Assistant Deputy Chief of Staff for Operations and Plans	1
John R. Greenway	Assistant Deputy Chief of Staff for Operations and Plans	1
John O. B. Sewall	Director, Strategy, Plans and Policy, Deputy Chief of Staff for Operations and Plans	2
James D. Smith	Director, Operations, Readiness and Mobilization, Deputy Chief of Staff for Operations and Plans	2
William W. Crouch	Director, Operations, Readiness and Mobilization, Deputy Chief of Staff for Operations and Plans	1
Daniel W. Christman	Deputy Director of Strategy, Plans and Policy, Deputy Chief of Staff for Operations and Plans	2
John W. Foss	Deputy Chief of Staff for Operations and Plans	10
Gordon R. Sullivan	Deputy Chief of Staff for Operations and Plans	11
<b>Department of the Navy</b>		
E. G. Cammack	Director, Contracts & Business Management, Assistant Secretary of the Navy (Shipbuilding & Logistics)	7
W. E. Cohen	Special Assistant for Legal Matters, Assistant Secretary of the Navy (Shipbuilding & Logistics)	2
P. W. Hanley	Public Affairs Officer, US Atlantic Fleet	9

C. C. Lautenbacker	Deputy and Chief of Staff for Management/ Inspector General, US Pacific Fleet	4
D. M. Bennett	Deputy Chief of Staff for Operations and Plans, US Pacific Fleet	5
J. H. McCoy	Deputy Chief of Staff for Operations and Plans (Acting), US Pacific Fleet	2
P. E. Misiaszek	Fleet Judge Advocate, US Naval Forces, Europe	3
J. L. Johnson	Commander Second Fleet	6
J. Lair	Chief of Staff, Sixth Fleet	1
T. J. Johnson	Commander, US Naval Forces, Marianas	2
D. R. Sackett, Jr.	Commander, US Naval Forces, Japan	7
R. L. Shaffer	Auditor General of the Navy	5
J. M. Seeley	Acting Comptroller of the Navy	3
W. E. Daeschner	Commander, Navy Accounting and Finance Center	2
M. E. Chang	Naval Inspector General	82
J. L. Hoffman, Jr.	Assistant Judge Advocate General Civil Law	44
F. E. Saalfeld	Director, Office of Naval Research	1
R. J. Jones	Assistant Vice Chief of Naval Operations	15
R. Suarez	Deputy Director, Command and Control Systems	1
R. Felton	Director, Naval Civilian Personnel Center	1
E. M. Straw	Director, Materiel Division	1
R. L. Wernsman	Head, Ordnance Materiel Management Branch	6
D. N. Rogers	Deputy Assistant Chief of Naval Operations (Air Warfare)	2

J. D. Taylor	Director, Aviation Plans/Requirements Division	1
J. S. Zayicek	Head, Strike/Air Surface Warfare Branch	1
J. E. Taylor	Director, Politico-Military Policy & Current Plans	9
T. A. Meinicke	Director, Strategic & Theater Nuclear Warfare	7
C. R. McGrail	Assistant Deputy, Chief of Naval Operations (Naval Warfare)	3
R. H. Spector	Director, Naval Historical Center	1
F. L. Lewis	Commander, Naval Safety Center	25
L. F. Norton	Acting Commander, Naval Safety Center	42
J. P. Oppenhuizen	Deputy Commander, Naval Safety Center	8
R. G. Stewart, Jr.	Special Assistant for Legal Affairs, Navy Recruiting Command	2
J. T. Zimble	Chief, Bureau of Medicine & Surgery	2
H. J. T. Sears	Commander, Naval Medical Command	1
R. B. Hadler	Commander, Naval Medical Command Southwest Region	5
P. M. Hekman	Commander, Naval Sea Systems Command	93
E. W. Hosken	Staff Judge Advocate, Naval Air Systems Command	167
G. H. Strohsahl	Commander, Pacific Missile Test Center	5
D. J. Nash	Commander, Naval Facilities Engineering Command	2
J. R. Ives	Commander, Pacific Division	8
H. P. Cruz	Executive Officer, Public Works Center, Guam	1



H. H. Lewis	Commanding Officer, Construction Battalion Center, Gulfport, MS	4
R. M. Rohrbach	Commanding Officer, Southern Division	11
T. C. Kelley	Commanding Officer, Public Works Center-Naval Air Station, San Diego, CA	4
J. E. Henderson	Commanding Officer, Engineering Field Activity, Northwest, Washington	13
F. D. Schlesinger	Commanding Officer, Engineering Field Activity, Southwest	3
G. B. Estes	Officer in Charge of Construction, Trident	1
S. A. Martinelli	Commanding Officer, Chesapeake Division	19
R. P. Dillman	Commanding Officer, Northern Division	5
D. E. Bottorff	Commander, Atlantic Division	10
L. M. Smith	Commander, Western Division	32
C. D. Gee	Vice Commander, Naval Resale and Services Supply Office	1
F. L. Filipiak	Commanding Officer, Spare Parts Control Center	2
P. D. Butcher	Commander, Military Sealift Command	19
J. C. Weaver	Commander, Space and Naval Warfare Systems Command	5
L.T. Holloway	Vice Commander, Space and Naval Warfare Systems Command	4
E. A. Lyle	Command Counsel, Naval Telecommunications Command	1
K. C. Malley	Director, Strategic Systems Programs	25
E. D. Conner	Vice Chief of Naval Education and Training	2
V. C. Smith	Vice Chief of Naval Education and Training	9

R. W. West, Jr.	Superintendent, Naval Postgraduate School	3
C. J. Vanarsdall, III	Deputy to the President, Naval War College	1
J. C. Runyon	Inspector General, Naval Intelligence Command	23
W. A. Coomes	Deputy Commander for Plans, Policy and Security Programs, Naval Investigative Service Command	639
C. M. LeGrand	Legal Counsel, Naval Military Personnel Command	98
R. E. Coyle	Legal Counsel, Naval Military Personnel Command	197
R. A. Spofford	Deputy for Operations, US Naval Academy	10
H. L. Stoller	Judge Advocate, Naval Reserve Force	13
R. J. Davis	Commandant, Naval District Washington	5
J. E. Koehr	Commander, Naval Oceanography Command	5
W. G. Carson	Deputy Chief of Staff (Installation and Logistics), HQ Marine Corps	11
D. G. Amey	Director, Manpower Management Information Division, HQ Marine Corps	26
E. J. Godfrey	Commanding General, Headquarters Fleet Marine Force Pacific, Camp Smith, HI	39
R. H. Huckaby	Commanding General, Marine Corps Base, Camp Pendleton, CA	6
J. E. Cassity	Commanding General, Marine Corps Logistics Base, Albany, GA	19
J. P. Brickley	Commanding General, Marine Corps Logistics Base, Barstow, CA	8
D. V. Shuter	Commander, Marine Corps Air Bases Western Area, El Toro, CA	1

D. K. Oermann	Adjutant, Marine Corps Combat Development Command, Quantico, VA	8
J. K. Duncan	Management Assistance Officer, Marine Corps Air Station, Cherry Point, NC	9
G. W. Jones	Staff Judge Advocate, Marine Corps Recruit Depot, Parris Island, SC	11
P. J. Jones	Commanding Officer, Marine Aviation Training Support Group, Naval Air Station, Pensacola, FL	2
R. M. Franklin	Commanding General, Marine Corps Research Development and Acquisition Command	50
D. R. Oliver, Jr.	Commander Submarine Force, US Pacific Fleet Representative, West Coast	1
D. C. Larson	Commander, Naval Air Force, US Pacific Fleet	2
R. K. U. Kihune	Commander, Naval Surface Force, US Pacific Fleet	1
S. A. Rose	Force Judge Advocate, Naval Air Force, US Atlantic Fleet	3
E. B. Baker, Jr.	Commander Amphibious Group 3	1
R. C. Newman	Staff Judge Advocate, Commander Patrol Wings, US Pacific Fleet	11
S. K. Chadwick	Commander, Naval Surface Group Mid Pacific	2
J. Higginson	Commander, Naval Surface Group, Long Beach, CA	2
H. R. Molinengo, II	Staff Judge Advocate, Patrol Wings Atlantic, Brunswick, ME	6
R. W. Jesberg	Commander, Helicopter Wings Atlantic, Jacksonville, FL	14

J.W. Bitoff	Commander, Combat Logistics Group 1, Oakland, CA	6
W. P. Houley	Commander, Submarine Group Two, Naval Submarine Base, Groton, CT	6
J. W. Partington	Commander, Strike-Fighter Wings, Atlantic	10
A. E. Reider	Commander, Naval Base, Philadelphia, PA	3
J. W. Bitoff	Commander, Naval Base, San Francisco, CA	2
S. K. Chadwick	Commander, Naval Base, Pearl Harbor, HI	8
W. N. Johnson	Commander, Naval Base, Charleston, SC	5
J. W. Adams	Commander, Naval Base, San Diego, CA	2
<b>Department of the Air Force</b>		
Edward Ackermann	Acting Director of Information Management, HQ Military Airlift Command	42
Gary M. Alkire	Commander, Air Force Commissary Service	2
J. R. Allen	Commander, Oklahoma City Air Logistics Center, Air Force Logistics Command	17
Ty J. Andersen	Director of Information Management, HQ Tactical Air Command	14
Eddie L. Anderson	Director of Information Management, HQ Military Airlift Command	24
Henry C. Aulwarm	Vice Commander, Air Force Engineering and Services Center	3
E. Darden Baines	Chief, Admin Services Division, National Guard Bureau	16
Wayne E. Balthun	Director of Information Management, HQ Air University	8
Virgil F. Batten	Chief of Staff, HQ Air Force Reserves	6

Billy J. Bingham	Deputy Assistant Chief of Staff, Intelligence, HQ US Air Force	11
John H. Birkern	Deputy Commander for Resources, HQ Air Force Intelligence Agency	22
Michael P. Blaisdell	Chief of Staff, HQ US Air Force Academy	4
Gene Boesch	Acting Deputy for Security and Investigative Programs Office, Secretary of the Air Force	4
William P. Bowden	Commander, Oklahoma City Air Logistics Center, Air Force Logistics Command	7
Charles G. Boyd	Assistant Deputy Chief of Staff Plans and Operations, HQ US Air Force	2
Virginia L. Brassfield	Acting Assistant Secretary of the Air Force (Manpower and Reserve Affairs)	1
Wesley Brown	Chief of Staff, HQ Electronic Security Command	31
Anthony J. Burshnick	Deputy Chief of Staff Plans and Operations, HQ US Air Force	1
H. Cronin Byrd	Acting Inspector General, Office, Secretary of the Air Force	1
H. N. Campbell	Assistant Deputy Chief of Staff Logistics and Engineering, HQ US Air Force	3
Thomas A. Cardwell, III	Deputy Assistant Chief of Staff Studies and Analysis, HQ US Air Force	1
Robert D. Clark	Vice Commander, HQ Alaskan Air Command	26
Roscoe M. Coughill	Deputy Assistant Chief of Staff Systems for Command, Control, Communications and Computers, HQ US Air Force	2
Harry W. Crooks	Acting Chief of Staff Munitions Systems Division, Air Force Systems Command	1

J. B. Culpepper	Executive Assistant, Sacramento Air Logistics Center, Air Force Logistics Command	46
William A. Davidson	Deputy for Security and Investigative Programs, Office, Secretary of the Air Force	8
John W. Davies	Commander, Air Force Computer Acquisitions Center, Air Force Communications Command	27
Jack L. Diekman	Director of Information Management, HQ Tactical Air Command	33
Larry D. Dillingham	Assistant Deputy Chief of Staff Personnel, HQ US Air Force	7
Brett M. Duba	Deputy Director, Office of Legislative Liaison, Office, Secretary of the Air Force	4
Robert J. Dzur	Director of Information Management, HQ Tactical Air Command	48
R. D. Eaglet	Assistant Deputy, Office of the Assistant Secretary (Acquisition), Office, Secretary of the Air Force	2
Belinda A. East	Director of Information Management, HQ Air University	2
Larry G. Ellis	Chief of Staff, Air Force Flight Test Center, Air Force Systems Command	14
Richard L. Ferro	Commander, Air Force Computer Acquisitions Center, Air Force Communications Command	32
S. M. Fignshu	Executive Assistant, Sacramento Air Logistics Center, Air Force Logistics Command	12
Charles E. Fox, Jr.	Vice Commander, Ogden Air Logistics Center, Air Force Logistics Command	30
Charles L. Fox	Chief of Staff, HQ Pacific Air Forces	30

James H. Frampton	Acting Staff Judge Advocate, HQ Strategic Air Command	53
Cecil W. Fry	Chief, Information Release Division, HQ Air Force Office of Special Investigations	436
Bernard A. Gardetto	Deputy Assistant Comptroller, HQ Air Force Accounting and Finance Center	3
Samuel W. Gereg	Acting Chief of Staff, Munitions Systems Division, Air Force Systems Command	8
R. F. Gillis	Commander, Warner Robbins Air Logistics Center, Air Force Logistics Command	2
David M. Goodrich	Assistant Deputy Chief of Staff, Programs and Resources, HQ US Air Force	2
Harvey Greenberg	Acting Staff Judge Advocate, HQ Strategic Air Command	1
Frederick P. Hallsworth	Director of Information Management, HQ Air Training Command	83
George B. Harrison	Chief of Staff, HQ US Air Forces Europe	8
Eckbert M. Hartung-Schuster	Chief of Staff, HQ Air Force Inspection and Safety Center	75
John E. Haseltine	Acting Deputy Inspector General, Office, Secretary of the Air Force	23
Wayne R. Heinke	Director of Information Management, Air Force Space Command	63
Larry D. Hellikson	Chief of Staff, Air Force Contract Management Division, Air Force Systems Command	6
Paul F. Heye	Commander, HQ Air Force Service Information and News Center	1
Fred M. Hicklin, Jr.	Director of Information Management, HQ Tactical Air Command	13
John M. Hoffman	Acting Chief of Staff, Air Force Flight Test Center, Air Force Systems Command	1

Daniel R. Holoviak	Deputy Chief of Staff Information Management, HQ Air Force Office of Special Investigations	15
J. W. Hopp	Commander, Ogden Air Logistics Center, Air Force Logistics Command	4
Everett G. Hopson	Chief, General Law Division, Office of the Judge Advocate General, HQ US Air Force	14
T. Howard	Commander, Sacramento Air Logistics Center, Air Force Logistics Command	2
David W. Hubbard	Director of Information Management, HQ Air University	1
Ralph E. Hudson	Deputy Chief of Staff, HQ Air Force Office of Special Investigations	1
Ronald W. Iverson	Vice Commander, Air Force Military Personnel Center	6
Jay J. Jaynes	Commander, HQ Air Force Technical Applications Center	7
Chris L. Jefferies	Director of Information Management, HQ Military Airlift Command	37
James C. Jeske	Director of Information Management, Air Force Communications Command	24
Roger A. Jones	Staff Judge Advocate, HQ Strategic Air Command	180
Karen R. Keesling	Acting Assistant Secretary Manpower and Reserve Affairs Office, Secretary of the Air Force	3
Stephen E. Kelley	Chief of Staff, Air Force Communications Command	37
Roy G. Kennington	Commander, Air Force Engineering and Services Center	1
Arthur Y. Kishiyama	Chief of Staff, Electronic Systems Division Air Force Systems Command	59



Donald L. Lamberson	Assistant Deputy Chief of Staff, Research, Development and Acquisition, Office, Secretary of the Air Force	6
Lester C. Layman, Jr.	Acting Director of Information Management, HQ Air Force Systems Command	7
Bruce J. Lotzbire	Chief of Staff, HQ US Air Forces in Europe	5
Dominick R. Martinelli	Chief of Staff, Satellite Space Division, Air Force Systems Command	78
James P. McCarthy	Deputy Chief of Staff, Programs and Resources, HQ US Air Force	7
R. P. McCoy	Vice Commander, HQ Air Force Logistics Command	4
Glenn E. Messerli	Chief of Staff, Munitions Systems Division, Air Force Systems Command	29
David W. Milam	Chief of Staff, Aeronautical Systems Division, Air Force Systems Command	80
Monte B. Miller	The Surgeon General, HQ US Air Force	6
James W. Mock, III	Acting Chief of Staff, HQ Electronic Security Command	15
Denis R. Nibbelin	Director of Information Management, HQ Air Force Systems Command	13
Joseph A. Panza, Jr	Assistant Chief of Staff, HQ US Air Forces In Europe	16
F. W. Pillet	Acting Vice Commander, San Antonio Air Logistics Center, Air Force Logistics Command	8
C. W. Powell	Commander, HQ Air Force Operational Test and Evaluation Center	3

L. G. Pugh	Executive Assistant, Warner Robins Air Logistics Center, HQ Air Force Logistics Command	36
James D. Quinn	Executive Director, US Air Force Scientific Advisory Board, HQ US Air Force	1
Daniel S. Rak	Deputy Assistant Secretary, Acquisition Management and Policy, Office, Secretary of the Air Force	9
Joseph C. Ramsey, Jr	Commander, HQ Air Reserve Personnel Center	3
Stephen F. Ramsey	Chief of Staff, HQ US Air Force Academy	15
Donald A. Riggs	Deputy Inspector General, Office, Secretary of the Air Force	2
Thomas E. Ruffini	Chief of Staff, HQ Air Force Office of Special Investigations	5
Norman F. Samuelson	Deputy Director of Information Management, HQ Air Training Command	15
James G. Sanders	Deputy Surgeon General, HQ US Air Force	15
D. Craigin Shelton, Jr.	Acting Chief, Administrative Services Division, National Guard Bureau	3
Jay D. Sherman	Vice Commander, HQ Air Force Technical Applications Center	4
John F. Shiner	Deputy Chief, Office of Air Force History, HQ US Air Force	4
Larry G. Shockley	Acting Deputy Director, Office of Legislative Liaison, Office, Secretary of the Air Force	1
Elwyn D. Shumway	Chief of Staff, Air Force Military Personnel Center	61
Charles P. Skipton	Assistant Deputy Chief of Staff, Logistics and Engineering, HQ US Air Force	1

Carl R. Smith	Assistant Vice Chief of Staff, HQ US Air Force	5
Leo W. Smith	Assistant Deputy Chief of Staff, Plans and Operations, HQ US Air Force	5
R. D. Smith	Commander, San Antonio Air Logistics Center, Air Force Logistics Command	3
Linwood H. Snell	Assistant Chief of Staff, HQ US Air Forces in Europe	46
Joseph K. Stapleton	Deputy Inspector General, Office, Secretary of the Air Force	96
James E. Stoucker	Director of Information Management, HQ Tactical Air Command	5
R. Kenneth Strum	Acting Director of Information Management, HQ Air Force Systems Command	1
Robert E. Tafares	Vice Commander, Air Force District of Washington	13
D. W. Thompson	Chief of Staff, HQ Air Force Logistics Command	28
Carl E. Van Pelt	Deputy Military Assistant to the Secretary of the Air Force	1
Brian E. Wages	Chief of Staff, HQ Pacific Air Forces	9
Denis L. Walsh	Vice Commander, Oklahoma City Air Logistics Center, Air Force Logistics Command	17
Claudius E. Watts, III	Comptroller of the Air Force, HQ US Air Force	1
W. E. Weber	Acting Commander, Air Force Computer Acquisitions Center, Air Force Communications Command	14
Billy L. Williams	Chief, Administrative Communications and Records Management Division, Directorate	26

	of Information Management, HQ Air Training Command	
Walter A. Willson	Assistant General Counsel, Civilian Personnel and Fiscal Office, Secretary of the Air Force	1
Norman C. Wood	Assistant Chief of Staff, Intelligence, HQ US Air Force	4
J. D. Wood	Vice Commander, San Antonio Air Logistics Center, Air Force Logistics Command	17
John Wren	Attorney Advisor, Office of the Assistant General Counsel, Office, Secretary of the Air Force	1
M. J. Zickert	Chief of Staff, HQ Air Force Operational Test and Evaluation Center	1
<b>Defense Contract Audit Agency</b>		
Sophie Emami	Chief, Information Resources Management Branch	14
H. Della Bernarda	Regional Director, Eastern Region	5
Robert Matter	Regional Director, Northeastern Region	3
Joel Valenzuela	Regional Director, Central Region	12
Robert Hubbard	Regional Director, Southwestern Region	7
William H. Kraft, Jr.	Regional Director, Mid-Atlantic Region	4
Bernard Topf	Regional Director, Western Region	8
<b>Defense Intelligence Agency</b>		
Robert C. Hardzog	Chief, FOIA Office	347
<b>Defense Investigative Service</b>		
Dale L. Hartig	Chief, Information and Public Affairs	59

**Defense Logistics Agency**

Charles McCausland	Director	4
Brady M. Cole	Deputy Director	1
Charles R. Henry	Deputy Director Acquisition Management	9

**Defense Mapping Agency**

Stanley O. Smith	Chief of Staff	1
David W. Saunders	Director, DMA Combat Support Center	1
Kermit A. Sande	Associate General Counsel, DMA Hydrographic Topographic Center	7
Andrew H. Deranger	Associate General Counsel, DMA Hydrographic Topographic Center	4

**Defense Nuclear Agency**

Marvin C. Atkins	Deputy Director	33
William Kahn	Director, Theater Nuclear Forces Policy ASD(ISP)	1

**National Security Agency/Central Security Service**

Richard W. Gronet	Director of Policy	298
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**Office of the Inspector General, DOD**

Dominick D. Wasielewski	Assistant Director	180
David C. Stewart	Deputy Director	35

Item 4

Number of Appeals and Results

Component	Number of Appeals			Total
	Granted	Granted in Part	Denied	
OSD/JS	3	7	4	14
DEPT ARMY	75	46	191	312
DEPT NAVY	21	76	176	273
DEPT AIR FORCE	15	40	178	233
DCA	0	0	0	0
DCAA	4	2	2	8
DIA	1	13	18	32
DIS	0	0	10	10
DLA	4	5	9	18
DMA	0	0	1	1
DNA	0	0	3	3
NSA/CSS	1	4	21	26
OIG, DOD	0	7	3	10
<b>DoD Totals</b>	<b>124</b>	<b>200</b>	<b>616</b>	<b>940</b>

Item 5(a)

Exemptions Invoked on Appeal Determinations  
Exemptions by Number (5 U.S.C. 552(b))

Component	Exemptions									Total*
	1	2	3	4	5	6	7	8	9	
OSD/JS	9	0	0	0	1	2	2	0	0	14
DEPT ARMY	31	34	5	13	97	100	56	0	0	336
DEPT NAVY	50	41	17	7	99	73	34	0	0	321
DEPT AIR FORCE	22	30	8	25	110	52	59	0	0	306
DCA	0	0	0	0	0	0	0	0	0	0
DCAA	1	1	0	1	1	0	3	0	0	7
DIA	28	11	5	1	1	0	0	0	0	46
DIS	1	3	0	2	2	0	2	0	0	10
DLA	0	0	0	4	9	1	0	0	0	14
DMA	0	0	0	0	0	0	0	0	0	0
DNA	1	0	2	0	0	0	0	0	0	3
NSA/CSS	22	1	24	1	3	2	0	0	0	53
OIG, DOD	0	2	0	0	7	5	13	0	0	27
<b>DoD Totals</b>	<b>165</b>	<b>123</b>	<b>61</b>	<b>54</b>	<b>330</b>	<b>235</b>	<b>169</b>	<b>0</b>	<b>0</b>	<b>1137</b>
<b>Percent of Total</b>	<b>15%</b>	<b>11%</b>	<b>5%</b>	<b>5%</b>	<b>29%</b>	<b>21%</b>	<b>15%</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>

\* Totals may not agree with item 4 because of cases where two or more exemptions were cited.

Item 5(b)

Statutes Invoked on Appeal Determinations

Statute	Number of Times by Agency							DoD Total*
	OSD	ARMY	NAVY	AIR FORCE	DNA	DIA	NSA/ CSS	
10 USC 128				2				2
10 USC 130			8	3				11
10 USC 618f				1				1
10 USC 1102		5	3	1				9
18 USC 798							19	19
42 USC 2011			1					1
42 USC 2161-2166				1				1
42 USC 2162(d)			2		2			4
50 USC 402			1				23	24
<u>Note, Section 6, Public Law 86-36</u>								0
50 USC 403(d)(3)			1			5	17	23
50 USC 403(g)			1					1
<b>Agency Totals</b>	<b>0</b>	<b>5</b>	<b>17</b>	<b>8</b>	<b>2</b>	<b>5</b>	<b>59</b>	<b>96</b>

\* Totals may not agree with 5 U.S.C. 552(b)(3) exemptions because of cases where two or more exemptions were cited.



Item 5(c)

Other Reasons Cited on Appeal Determinations

Component	Category*						Total
	1	2	3	4	5	6	
OSD/JS	20	0	0	1	4	0	25
DEPT ARMY	5	8	5	24	3	0	45
DEPT NAVY	34	5	0	19	7	0	65
DEPT AIR FORCE	0	0	0	0	0	0	0
DCA	0	0	0	0	0	0	0
DCAA	0	0	0	0	0	0	0
DIA	1	0	0	0	0	0	1
DIS	0	0	0	0	0	0	0
DLA	0	0	0	0	0	0	0
DMA	1	0	0	1	0	1	3
DNA	0	0	0	0	0	1	1
NSA/CSS	0	0	0	0	0	0	0
OIG, DOD	0	0	0	0	0	0	0
DoD Totals	61	13	5	45	14	2	140

\* Types of Categories

1. Transferred Appeal
  2. Lack of Records
  3. Failure of Requester to Reasonably Describe Record
  4. Other Failures by Requesters to Comply with Published Rules and/or Directives
  5. Request Withdrawn by Requester
  6. Not an Agency Record
- (See page 8 for full description of "other reasons".)

## Item 6

### Participation of Appellate Authorities (Those Responsible for Denials in Whole or Part)

Name	Title	Number of Instances
<b>OSD/JS</b>		
Pete Williams	Assistant Secretary of Defense (Public Affairs)	4
J. Daniel Howard	Assistant Secretary of Defense (Public Affairs)	4
Fred S. Hoffman	Principal Deputy Assistant Secretary of Defense (Public Affairs)	3
<b>Department of the Army</b>		
Matt Reres	Special Assistant to the General Counsel (Fiscal Law & Policy)	1
Darrell Peck	Deputy General Counsel (Military and Civil Affairs)	276
Ernest M. Wilcher	Acting Deputy General Counsel	1
Jimmy D. Ross	Deputy Chief of Staff for Logistics	1
Anthony H. Gamboa	Deputy General Counsel (Acquisition)	10
Thomas W. Taylor	Deputy General Counsel (Installations & Operations)	3
Thomas F. Kranz	Principal Deputy, General Counsel	44
<b>Department of the Navy</b>		
John J. Geer	Acting Judge Advocate General (General Law)	42
J. L. Hoffman, Jr.	Acting Judge Advocate General (Civil Law)	80

R. C. Berkley	Acting Judge Advocate General (General Law)	33
H. D. Bohaboy	Acting Judge Advocate General (Operations & Manpower)	4
L. L. Lamade	General Counsel	81
C. S. King	General Counsel	2
H. J. Wilcox	Acting General Counsel	10
<b>Department of the Air Force</b>		
Steven A. Thompson	Deputy Admin Assistant, Office, Secretary of the Air Force	200
William A. Davidson	Acting Deputy Admin Assistant, Office, Secretary of the Air Force	18
<b>Defense Contract Audit Agency</b>		
John van Santan	Assistant Director Resources	4
<b>Defense Intelligence Agency</b>		
Gordon Negus	Executive Director	28
Lewis Prombain	Assistant Executive Director	3
<b>Defense Investigative Service</b>		
John F. Donnelly	Director	10
<b>Defense Logistics Agency</b>		
Charles McCausland	Director	4
Brady M. Cole	Deputy Director	1
Charles R. Henry	Deputy Director Acquisition Management	9
<b>Defense Nuclear Agency</b>		
J. T. Parker	Director	3

**National Security Agency/Central Security Service**

Gerald R. Young	Deputy Director	20
John P. Devine	Chief of Staff	5

**Office of the Inspector General, DOD**

Morris B. Silverstein	Assistant Inspector General for Criminal Investigations Policy & Oversight	9
Stephen A. Whitlock	Assistant Inspector General for Special Programs	1

## Item 7

### Court Opinions and Actions Taken

#### OSD/JS

Alan V. Fitzgibbon v. Agency for International Development, et.al., C. A. 87-1548, U.S.D.C. D.C., November 17, 1989. Plaintiff requested copies of DoD FOIA Annual Reports since inception of the Report. Defendant advised that the Reports had been made available to Congress and were also in the Public Reading Room. Defendant considered this to be in the public domain, and therefore denied plaintiff's request for a fee waiver. The court ruled in favor of the plaintiff on November 16, 1989. Decision to appeal pending.

Armed Forces Relief and Benefit Association v. Department of Defense, Department of the Army, Department of the Air Force and Department of the Navy, C. A. 89-0689, U.S.D.C. D.C., March 15, 1989. Plaintiff filed suit for defendant's refusal to release servicemens' names and duty addresses. Information was withheld pursuant to 5 USC 552 (b)(2) and (b)(6). Plaintiff voluntarily dismissed suit June 19, 1989.

National Security Archive v. DoD, C. A. 86-03454 U.S. Court of Appeals, D.C. D.C., August 1988. Plaintiff appealed district court's decision that the National Security Archive was not entitled to preferred fee category status as an educational or news media requester. On July 28, 1989, appeals court ruled that the Archive was not an educational institution, but was entitled to preferred fee category status as a representative of the news media. Petition of certiorari filed (Supreme Court docket 89-1204).

#### DEPARTMENT OF THE ARMY

J.V. Bailey Co., Inc v. John O. Marsh, No. 88-5072 (D.S.D.). On 6 June 1988, plaintiff filed suit challenging the denial of requests related to contractual matters pending before the Armed Services Board of Contract Appeals (ASBCA). On 16 December 1988, the court granted defendant's motion for summary judgment. The court agreed that the documents were exempt from disclosure on the basis of the deliberative process privilege or attorney work product doctrine.

Harry Goldgar v. Department of the Army, No 89-4219 (E.D. La.). On 12 October 1989, plaintiff, a retired attorney, filed suit to compel release of all records of a therapeutic project concerning plaintiff's involuntary telepathic transmissions ("thought projections"). Plaintiff alleges that the project was initiated in 1944 and continues to the present. Plaintiff also claims that he did not receive a "plain and unambiguous" response to his FOIA request. On 22 November 1989, plaintiff voluntarily dismissed his complaint.

**Hunninen v. Department of the Army, et. al.**, 88-1624 TPJ (D.D.C.). On 14 June 1988, plaintiff filed suit (also alleging a Privacy Act violation) to compel release of documents withheld by the Department of Justice. One Document was referred by the FBI to the Army which determined that the document was properly classified and therefore denied release. On 30 December 1988, the parties agreed to a stipulated dismissal of the case, with each party bearing its own costs and fees. As a condition of the stipulation, the Army agreed to provide plaintiff with a letter stating that the pages withheld contained no mention or reference to the plaintiff.

**Inland Services Corp. v. Department of the Army**, No. CIV-89-1003-P (W.D. Okla.). Plaintiff, the successful bidder on a contract for refuse disposal at Ft. Hood, Texas, brought this "reverse FOIA" action to enjoin the Army from disclosing their performance proposal, which was submitted as part of their bid. On 5 June 1989, the parties stipulated to the dismissal of the case.

**Michael W. Owens v. Paul L. Babiak et. al.**, MO. 89-1140 (8th Cir.). On 27 July 1988, plaintiff sued the Commanding General of the Army Personnel Center for refusing to disclose his ex-wife's address. On 22 November 1988, the United States District Court for the Eastern District of Missouri dismissed the complaint for failure to exhaust administrative remedies and plaintiff appealed. On 8 February 1989, the court dismissed the appeal, finding the issues raised as lacking in merit and legally frivolous.

**Perlman & Partners v. Department of the Army**, No. 88-1859 (D.D.C.). On 7 July 1988, plaintiff filed suit seeking production of documents related to the specifications for a grass paver to be used in the performance of a government contract. On 28 March 1989, the complaint was dismissed with prejudice. The defendant, however, will pay attorney's fees and costs in the amount of \$1,500.00 in full satisfaction of plaintiff's claim for costs and fees.

**James Andrew Thomas v. Department of the Army**, No. 88-c-1539-E (N.D. Okla.). On 16 November 1988, plaintiff filed suit, alleging that the Army improperly denied plaintiff's request for a full Report of the Inspector General by withholding a page from an Inspector General Report. On 28 April 1989, the case was dismissed without prejudice.

**Vietnam Veterans of America v. Department of the Army, et. al.**, No. 88-5347 (D.C. Cir.). On 7 February 1986, plaintiffs filed suit to compel the Army and Navy to publish or make available The Judge Advocate General (TJAG) opinions for public inspection and copying under FOIA. Plaintiffs also requested that defendants be required to maintain and make available for public inspection and copying current indexes to TJAG opinions. On 24 May 1989, the decision that there was no duty to index and publish the opinions was affirmed.

**LaForge and Budd Construction Company, Inc. v. U.S.**, CIV 88-0808 (D.D.C.)  
Plaintiff filed 21 April 1989 requesting documents concerning closed, unproductive

fraud investigation. Defendant claimed exemption 5 and 7d. The court denied the plaintiff's request.

#### **DEPARTMENT OF THE NAVY**

**Federal Electric Corporation (FEC) v. Frank Carlucci, Secretary of Defense, et. al.** 866 F. 2d 1530 (D.C. Cir. 1989). On 7 February 1989. U.S. Court of Appeals for the District of Columbia Circuit affirmed the summary judgment of the United States District Court for the District of Columbia that the Navy's release of Federal Electric's allegedly proprietary and confidential cost data was lawful and did not harm Federal Electric in competing for a new government contract. The court reached its decision based on a finding that the release did not prejudice FEC in a solicitation it was competing for and reached no conclusion as to whether the Navy complied with applicable statutes and regulations.

**Jowett, Inc. v. Department of the Navy**, CA. No. 88-091 CRR. In a 30 October 1989 decision, the court ruled that the Navy properly withheld audits under Exemption 5 which protects the deliberative process.

**Raytheon v. Department of the Navy**, CA. No. 88-0094, filed 5 January 1989, D.C.D.C. Decision involving NAVSEA withholding under exemption 7, "compiled for law enforcement purposes." Processing one contract every two weeks (12 contracts). NAVSEA has made responsive releasable documents available. Raytheon will come in some time after 1 January 1990 to review and copy.

**Raytheon v. Department of the Navy**, CA. No. 89-2481 JHG, filed 5 September 1989, D.C.D.C. Case involved the Naval Air Systems Command's proposed release of bottom line pricing by Raytheon of options under Sidewinder, AIM-9R Missile contract. Plaintiff's motion for summary judgment granted on 22 December 1989. Based upon a finding that release of these bottom-line prices poses a likelihood of substantial competitive harm to Raytheon, summary judgment was entered in favor of Raytheon.

**Solar Turbines, Inc. v. Department of the Navy**, CA. No. 86-2284 SS. Judge Stanley Sporkin. Solar Turbines sought release of documents under FOIA for use in a multimillion dollar claim. Consent Order agreeing to \$12,000.00 in attorney fees and costs and to processing of FOIA request for any five RACER documents within four months from receipt was signed by parties and Judge Sporkin on 12 May 1989.

**Taylor Woodrow International, Ltd. v. Department of the Navy**, CA. No. C88-429R, U.S.D.C. Western District of Washington at Seattle. In a 31 March 1989 decision, the court applied the confidential commercial privilege to permit the Navy to withhold cost estimate sheets after contract award so long as the Navy "continues to negotiate substantial change order proposals."

**Armed Forces Relief and Benefit Association (AFRBA) v. Department of Defense, et. al.** CA. No. 89-0689, 15 March 1989. AFRBA requested lists of service personnel from all services. Requests denied under (b)(2). Plaintiff never appealed Navy denial.

Department of Justice moved for stay of proceedings pending an outcome of Schwaner appeal. Plaintiff filed motion for summary judgment 28 April 1989. Case stayed 11 May 1989. Dismissal approved on 19 June 1989.

Carney, M. v. Central Intelligence Agency, et. al., CA. No. 88-00602. Plaintiff sought information concerning priest who dies in Honduras in 1983. Received court order dismissing Department of Navy on 29 September 1989.

Estate of H.L. Tucker v. Department of the Navy, CA. No. 3:88-3140-16. Portions of the Judge Advocate General Manual (JAGMAN) withheld concerning auto accident. Plaintiff voluntarily dismissed appeal at 4th Circuit on 21 June 1989.

Haves International v. Department of the Navy, CA. No. 86-T-1129. Plaintiff sought documents concerning aircraft mishap of C-131. Decision denying attorney fees granted 13 February 1989.

Maynard, B. v. CIA, et. al., CA. No. 88-0046-B. Plaintiff sought information pertaining to former husband, alleged CIA agent who disappeared over Cuba in 1961. Small amount of personal information withheld from the NIS report. Case was dismissed on 7 September 1989.

Pototsky v. BGEN Cates/Department of the Navy, CA. No. 87-0833. Plaintiff sought Judge Advocate General investigation into misconduct of fellow Marine Corps officer. Order issued 10 August 1989 granting defendant's motion for summary judgment. Case closed 21 June 1989.

Ritchy, P. v. Department of the Navy, CA. No. C-1-87-1006. Plaintiff requested personnel, courts martial, incarceration and investigative records. Referral made to various naval activities. No records found and case dismissed on 12 January 1989.

Ross, John v. Department of the Navy, CA. No. CA3-88-0348. Plaintiff appealed for copy of JAGMAN (Judge Advocate General Manual) findings of fact. Navy's motion for summary judgment granted 18 May 1990.

Vietnam Veterans of America (VVOA) v. Department of the Navy, CA. No. 860357. Plaintiff sought all JAG opinions. Motion for summary judgment denied 4 June 1987; Navy's cross motion for summary judgment made on 8 May 1988, Judge entered summary judgment for defendants on 6 September 1988. D.C. Circuit affirmed 30 May 1989. VVOA did not seek certificate. Case closed 11 September 1989.

#### DEPARTMENT OF THE AIR FORCE

Armed Forces Relief and Benefit Assoc. v. DOD, et. al., U.S.D.C.D.C. Civ. No. 89-0689, 15 March 1989. Plaintiff filed a complaint for injunctive relief to order production of agency records improperly withheld. Plaintiff requested under FOIA magnetic tapes containing the names, ranks, and military addresses of all Air Force personnel. Armed Forces Relief and Benefit Association (AFRBA) planned to use the



lists to mail solicitations to military personnel offering the sale of their group insurance programs. They stated use of the lists for mailing solicitations was critical to their ability to attract new members, to minimize administrative expenses, and to continue to offer its services and programs to military personnel at lower costs. AFRBA withdrew the FOIA suit and a Stipulation of Dismissal was filed on 19 June 1989.

Maureen F. Carney, et. al. v. Central Intelligence Agency et. al., U.S.D.C.C.D., CA. Civ. No. 88-00602. On 4 February 1988, plaintiff and the family of the late Father Carney filed a complaint seeking to uncover facts known to the United States Government about the alleged capture, torture, and execution of Father Carney by members of the Honduran Armed Forces in September 1983. Air Force participation in this matter was limited to only a few hundred withheld documents or portions of documents. On 18 August 1989, pursuant to a joint stipulation, the Air Force was dismissed as defendant by court order.

Harris Corporation, Government Information Systems Division v. USAF, U.S.D.C.D.C., Civ. No. 89-0032 (SS). On 6 January 1989, plaintiff submitter filed a suit to enjoin the Air Force from releasing information concerning submitter's projected staffing levels and cost per house, which were incorporated into the contract from submitter's proposal. Submitter claimed that release of this information would allow competitors to determine submitter's "unique manloading strategy and labor rates." The decision to release the information was made a base level. Submitter was notified in accordance with E.O. 12600. The decision was not required to be and has not been reviewed by the Office of the Secretary of the Air Force. On 27 February 1989, the court concurred with a stipulation for dismissal.

Hughes Aircraft Corp. v. USA, et. al., U.S.D.C. ED, VA. Civ. No. 88-1575-A. On 15 December 1988, plaintiff filed a complaint attempting to block release of a contested document under the FOIA. The requester was a reporter for Defense Week. The decision to release the document was made after giving Hughes an opportunity to comment on its releasability. On 11 May 1989, the court agreed to a stipulation for dismissal without prejudice.

Beatrice Maynard v. Central Intelligence Agency, et. al., U.S.D.C. ME. Civ. No. 88-0046-B. On 20 February 1988, plaintiff filed a complaint seeking documents pertaining to her former husband. The National Personnel Records Center (NPRC), a part of the National Archives and Records Administration (NARA), processed FOIA requests for United States Air Force records in accordance with an agreement dated 20 September 1982 between the National Archives and Records Service (NARS), a part of the General Service Administration, and the United States Air Force. (NARS is the predecessor to NARA.) The subject request was sent to NPRC, and, to our knowledge, has never been transferred to either of the Air Force components named in the agreement as recipients of such referrals, the Air Force Military Personnel Center and the Air Reserve Personnel Center. On 16 August 1989, the court dismissed the case.

Henry Singer v. Russell A. Rourke, et. al., U.S.D.C. KS. Civ. No. 87-1213-C. Suit was filed on 22 April 1987, for the investigation and related correspondence concerning the McConnell Air Force Base Education Office. Plaintiff was a civilian employee at McConnell, who believed himself to be a victim of numerous investigations based on false accusations made by a retired Air Force officer. Plaintiff asserted that the requested information was necessary to obtain a restraining order against the retired officer. The district court denied the plaintiff's request for information except for one document by adopting the 3 January 1989 magistrate's order. The district court's final order was dated 8 February 1989.

Southwestern Ohio Council for Higher Education v. DOD, et. al., U.S.D.C. SD. OH. Civ. No. C-3-89-334. On 11 August 1989, plaintiff filed suit to obtain information concerning the failure of Wright Patterson Air Force Base to exercise its contract options with the plaintiff. On 15 September 1989, defendants filed an Answer. On 29 November 1989, judgment was entered ordering the case dismissed without prejudice, with plaintiff maintaining the right to refile within a one-year period of time.

#### **DEFENSE INTELLIGENCE AGENCY**

Dorothy Wynn v. DIA, Civ No. 87-5141, U.S. Court of Appeals, D.C. FOIA/PA case where plaintiff asked for all information on herself. DIA searched records with negative results. DIA granted summary judgment in June 1989.

U.S. v. Jack Terrell, Civ No. 88-6097, U.S.D.C. Southern District of Florida. Christic Institute filed a request for information concerning CMAG (Civilian Military Assistance Group). DIA on initial response located no record. DIA separated from suit in September 1988.

Snow v. United States, et. al., Civ No. H-85-6322, U.S.D.C. Southern District of Texas, Houston Division. Case involved eight documents being referred to DIA. DIA responded in December 1986 and withheld portions of the material. Plaintiff did not appeal and summary judgment was granted in January 1989.

#### **DEFENSE LOGISTICS AGENCY**

American Friends Service Committee v. DoD, Civ. No. 83-4916 (ED PA), Suit filed 11 October 1983 upon denial of appeal for requested DTIC records. On appeal, 3rd Circuit affirmed the district court judgment in favor of United States by decision dated 19 January 1989.

Crowell and Moring v. DoD and DLA, Civ. No. 87-3432, U.S.D.C.D.C. Suit filed 17 December 1987 after denial of appeal for DRMS sales records seized by DCIS. By decision dated 12 January 1989, district court upheld the agency's denial.

Thomas Filmore v. DLA, Civ. No. 89-0968 (U.S.D.C. WD. MO.). Individual filed suit on 23 October 1989; case dismissed voluntarily without prejudice on 27 November 1989.

**NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE**

**Maureen Frances Carney, et. al. v. CIA, et. al.**, Civ. No. 88-00602-MRP (C.D.CA). On 11 August 1986, plaintiff filed suit seeking records on U.S. foreign policy regarding Cuba. Motion for Summary Judgment was heard on 4 January 1989. The court dismissed NSA, along with six other defendants, from the case.

**Oglesby v. Department of Army, et. al.**, Civ. No. 87-3349-NHJ. (D.D.C.) Plaintiff filed suit seeking World War II information from several federal agencies. Judicial relief was sought from NSA's initial denial of his fee waiver request. After becoming aware of his credentials as a journalist, the fee waiver was granted in March 1989. The court dismissed NSA from the case 22 May 1989.

**Dan Snow v. Executive Office of the President, et. al.**, Civ. No. H-85-85-6322 (S.D.TX.). Plaintiff sought records on U.S. foreign policy regarding Cuba. The court granted the Government's Motion for Partial Summary Judgment in January 1989 which dismissed NSA from the case.

Item 8

FOIA Implementation Rules or Regulations

COMPONENT	DOCUMENT IDENTIFICATION	CFR. REF.
OSD/JS	DoD Regulation 5400.7-R "DoD Freedom of Information Act Program"	32 CFR 286, Vol 54, No. 155, pg 33190, 14 Aug 89
DEPT ARMY	AR 340-17	Pending Revision. 32 CFR 518, 1 Jul 80
DEPT NAVY	SECNAVINST 5720.42D	32 CFR 701, Vol 53, No. 248, pg 52139, 27 Dec 88
DEPT AIR FORCE	AFR 12-30	Pending Revision. 32 CFR 806, Vol 48, No. 69, pg 15248, 8 Apr 83
DCA	DCA Instruction 210-225-1	Pending Revision. 32 CFR 287, 1 Jul 80
DCAA	Freedom of Information Act Program; Defense Contract Audit Agency, (DCAA 5410.8)	32 CFR 290, Vol 54, No. 142, page 31014, 26 Jul 89
DIA	DIA Regulation 12-39	32 CFR 292, Vol 53, No. 128, pg 25157, 5 Jul 88
DIS	DIS Regulation 01-12	32 CFR 298b, Vol 53, No. 185, pg 36968, 23 Sep 88
DLA	DLA Regulation 5400.14	32 CFR 1285, Vol 53, No. 143, pg 27962, 26 Jul 88; amended 3 Oct 88, pg 38716

COMPONENT	DOCUMENT IDENTIFICATION	CFR. REF.
DMA	DMA Instruction 5400.7	32 CFR 295, Vol 53, No. 45, pg 7358, 8 Mar 88; amended 16 Mar 88, pg 8629
DNA	DNA Instruction 5400.7B	32 CFR 291, Vol 53, No. 56, pg 9435, 23 Mar 88
NSA/CSS	NSA/CSS Regulation 10-9, 9 Feb 82	Pending Revision. 32 CFR 299, 1 Jul 85
OIG/DOD	Office of the Inspector General Freedom of Information Act Program	Pending final rule. 32 CFR 284, Vol 54, No. 51, page 11237, 17 Mar 89

## **Item 9**

### **Fee Schedule and Fees Collected**

The fee schedule on pages 52 through 66, reprinted from Chapter 6, DoD Regulation 5400.7-R, July 1989, establishes standard costs collectible by Department of Defense Agencies.

\$1,443,655.52 was collected from the public for making records available during the year 1989 (see item 10(b), page 68 for agency totals).

## Chapter VI

### FEE SCHEDULE

#### Section 1

#### GENERAL PROVISIONS

##### 6-100 Authorities

The Freedom of Information Act (5 U.S.C. 552), as amended; by the Freedom of Information Reform Act of 1986; the Paperwork Reduction Act (44 U.S.C. 35); the Privacy Act of 1974 (5 U.S.C. 552a); the Budget and Accounting Act of 1921 (31 U.S.C. 1 et. seq.); the Budget and Accounting Procedures Act (31 U.S.C. 67 et. seq.); the Defense Authorization Act for FY 87, Section 954, (P.L. 99-661), as amended by the Defense Technical Corrections Act of 1987 (P.L. 100-26).

##### 6-101 Application

a. The fees described in this Chapter apply to FOIA requests, and conform to the Office of Management and Budget Uniform Freedom of Information Act Fee Schedule and Guidelines. They reflect direct costs for search, review (in the case of commercial requesters); and duplication of documents, collection of which is permitted by the FOIA. They are neither intended to imply that fees must be charged in connection with providing information to the public in the routine course of business, nor are they meant as a substitute for any other schedule of fees, such as DoD Instruction 7230.7 (reference (r)), which does not supersede the collection of fees under the FOIA. Nothing in this Chapter shall supersede fees chargeable under a statute specifically providing for setting the level of fees for particular types of records. A "statute specifically providing for setting the level of fees for particular types of records" (5 U.S.C. 552 (a)(4)(a)(vi)) means any statute that enables a Government Agency such as the Government Printing Office (GPO) or the National Technical Information Service (NTIS), to set and collect fees. Components should ensure that when documents that would be responsive to a request are maintained for distribution by agencies operating statutory-based fee schedule programs such as the GPO or NTIS, they inform requesters of the steps necessary to obtain records from those sources.

b. The term "direct costs" means those expenditures a Component actually makes in searching for, reviewing (in the case of commercial requesters), and duplicating documents to respond to an FOIA request. Direct costs include, for example, the salary of the employee performing the work (the basic rate of pay for the employee plus 16 percent of that rate to cover benefits), and the costs of operating duplicating machinery. These factors have been included in the fee rates prescribed at Section 2 of this Chapter. Not included in direct costs are overhead expenses such as costs of space, heating or lighting the facility in which the records are stored.

c. The term "search" includes all time spent looking for material that is responsive to a request. Search also includes a page-by-page or line-by-line identification (if necessary) of material in the document to determine if it, or portions thereof are responsive to the request. Components should ensure that searches are done in the most efficient and least expensive manner so as to minimize costs for both the Component and the requester. For example, Components should not engage in line-by-line searches when duplicating an entire document known to contain responsive information would prove to be the less expensive and quicker method of complying with the request. Time spent reviewing documents in order to determine whether to apply one or more of the statutory exemptions is not search time, but review time. See subparagraph 6-101, e., for the definition of review, and subparagraph 6-201, b., for information pertaining to computer searches.

d. The term "duplication" refers to the process of making a copy of a document in response to an FOIA request. Such copies can take the form of paper copy, microfiche, audiovisual, or machine readable documentation (e. g., magnetic tape or disc), among others. Every effort will be made to ensure that the copy provided is in a form that is reasonably useable, the requester shall be notified that their copy is the best available and that the agency's master copy shall be made available for review upon appointment. For duplication of computer tapes and audiovisual, the actual cost, including the operator's time, shall be charged. In practice, if a Component estimates that assessable duplication charges are likely to exceed \$25.00, it shall notify the requester of the estimate, unless the requester has indicated in advance his or her willingness to pay fees as high as those anticipated. Such a notice shall offer a requester the opportunity to confer with Component personnel with the object of reformulating the request to meet his or her needs at a lower cost.

e. The term "review" refers to the process of examining documents located in response to an FOIA request to determine whether one or more of the statutory exemptions permit withholding. It also includes processing the documents for disclosure, such as excising them for release. Review does not include the time spent resolving general legal or policy issues regarding the application of exemptions. It should be noted that charges for commercial requesters may be assessed only for the initial review. Components may not charge for reviews required at the administrative appeal level of an exemption already applied. However, records or portions of records withheld in full under an exemption which is subsequently determined not to apply may be reviewed again to determine the applicability of other exemptions not previously considered. The costs for such a subsequent review would be properly assessable.

#### 6-102 Fee Restrictions

a. No fees may be charged by any DoD Component if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee. With the exception of requesters seeking documents for a commercial use, Components shall provide the first two hours of search time, and the first one hundred pages of duplication without charge. For example, for a request (other than one from a commercial requester) that involved two hours and ten minutes of search time, and



resulted in one hundred and five pages of documents, a Component would determine the cost of only ten minutes of search time, and only five pages of reproduction. If this processing cost was equal to, or less than the cost to the Component for billing the requester and processing the fee collected, no charges would result.

b. Requesters receiving the first two hours of search and the first one hundred pages of duplication without charge are entitled to such only once per request. Consequently, if a Component, after completing its portion of a request, finds it necessary to refer the request to a subordinate office, another DoD Component, or another Federal Agency to action their portion of the request, the referring Component shall inform the recipient of the referral of the expended amount of search time and duplication cost to date.

c. The elements to be considered in determining the "cost of collecting a fee" are the administrative costs to the Component of receiving and recording a remittance, and processing the fee for deposit in the Department of Treasury's special account. The cost to the Department of Treasury to handle such remittance is negligible and shall not be considered in Components' determinations.

d. For the purposes of these restrictions, the word "pages" refers to paper copies of a standard size, which will normally be "8 1/2 x 11" or "11 x 14". Thus, requesters would not be entitled to 100 microfiche or 100 computer disks, for example. A microfiche containing the equivalent of 100 pages or 100 pages of computer printout; however, might meet the terms of the restriction.

e. In the case of computer searches, the first two free hours will be determined against the salary scale of the individual operating the computer for the purposes of the search. As an example, when the direct costs of the computer central processing unit, input-output devices, and memory capacity equal \$24.00 (two hours of equivalent search at the clerical level), amounts of computer costs in excess of that amount are chargeable as computer search time.

#### 6-103 Fee Waivers

a. Documents shall be furnished without charge, or at a charge reduced below fees assessed to the categories of requesters in paragraph 6-104 when the Component determines that waiver or reduction of the fees is in the public interest because furnishing the information is likely to contribute significantly to public understanding of the operations or activities of the Department of Defense and is not primarily in the commercial interest of the requester.

b. When assessable costs for an FOIA request total \$15.00 or less, fees shall be waived automatically for all requesters, regardless of category.

c. Decisions to waive or reduce fees that exceed the automatic waiver threshold shall be made on a case-by-case basis, consistent with the following factors:

1. Disclosure of the information "is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government."

(i) The subject of the request. Components should analyze whether the subject matter of the request involves issues which will significantly contribute to the public understanding of the operations or activities of the Department of Defense. Requests for records in the possession of the Department of Defense which were originated by non-government organizations and are sought for their intrinsic content, rather than informative value will likely not contribute to public understanding of the operations or activities of the Department of Defense. An example of such records might be press clippings, magazine articles, or records forwarding a particular opinion or concern from a member of the public regarding a DoD activity. Similarly, disclosures of records of considerable age may or may not bear directly on the current activities of the Department of Defense; however, the age of a particular record shall not be the sole criteria for denying relative significance under this factor. It is possible to envisage an informative issue concerning the current activities of the Department of Defense, based upon historical documentation. Requests of this nature must be closely reviewed consistent with the requester's stated purpose for desiring the records and the potential for public understanding of the operations and activities of the Department of Defense.

(ii) The informative value of the information to be disclosed. This factor requires a close analysis of the substantive contents of a record, or portion of the record, to determine whether disclosure is meaningful, and shall inform the public on the operations or activities of the Department of Defense. While the subject of a request may contain information which concerns operations or activities of the Department of Defense, it may not always hold great potential for contributing to a meaningful understanding of these operations or activities. An example of such would be a heavily redacted record, the balance of which may contain only random words, fragmented sentences, or paragraph headings. A determination as to whether a record in this situation will contribute to the public understanding of the operations or activities of the Department of Defense must be approached with caution, and carefully weighed against the arguments offered by the requester. Another example is information already known to be in the public domain. Disclosure of duplicative, or nearly identical information already existing in the public domain may add no meaningful new information concerning the operations and activities of the Department of Defense.

(iii) The contribution to an understanding of the subject by the general public likely to result from disclosure. The key element in determining the applicability of this factor is whether disclosure will inform, or have the potential to inform the public, rather than simply the individual requester or small segment of interested persons. The identity of the requester is essential in this situation in order to determine whether such requester has the capability and intention to disseminate the information to the public. Mere assertions of plans to author a book, researching a particular subject, doing doctoral dissertation work, or indigency are insufficient

without demonstrating the capacity to further disclose the information in a manner which will be informative to the general public. Requesters should be asked to describe their qualifications, the nature of their research, the purpose of the requested information, and their intended means of dissemination to the public.

(iv) The significance of the contribution to public understanding. In applying this factor, Components must differentiate the relative significance or impact of the disclosure against the current level of public knowledge, or understanding which exists before the disclosure. In other words, will disclosure on a current subject of wide public interest be unique in contributing previously unknown facts, thereby enhancing public knowledge, or will it basically duplicate what is already known by the general public. A decision regarding significance requires objective judgment, rather than subjective determination, and must be applied carefully to determine whether disclosure will likely lead to a significant public understanding of the issue. Components shall not make value judgments as to whether the information is important enough to be made public.

2. Disclosure of the information "is not primarily in the commercial interest of the requester."

(i) The existence and magnitude of a commercial interest. If the request is determined to be of a commercial interest, Components should address the magnitude of that interest to determine if the requester's commercial interest is primary, as opposed to any secondary personal or non-commercial interest. In addition to profit-making organizations, individual persons or other organizations may have a commercial interest in obtaining certain records. Where it is difficult to determine whether the requester is of a commercial nature, Components may draw inference from the requester's identity and circumstances of the request. In such situations, the provisions of paragraph 6-104, below, apply. Components are reminded that in order to apply the commercial standards of the FOIA, the requester's commercial benefit must clearly override any personal or non-profit interest.

(ii) The primary interest in disclosure. Once a requester's commercial interest has been determined, Components should then determine if the disclosure would be primarily in that interest. This requires a balancing test between the commercial interest of the request against any public benefit to be derived as a result of that disclosure. Where the public interest is served above and beyond that of the requester's commercial interest, a waiver or reduction of fees would be appropriate. Conversely, even if a significant public interest exists, and the relative commercial interest of the requester is determined to be greater than the public interest, then a waiver or reduction of fees would be inappropriate. As examples, news media organizations have a commercial interest as business organizations; however, their inherent role of disseminating news to the general public can ordinarily be presumed to be of a primary interest. Therefore, any commercial interest becomes secondary to the primary interest in serving the public. Similarly, scholars writing books or engaged in other forms of academic research, may recognize a commercial benefit, either directly, or indirectly (through the institution they represent); however, normally such pursuits

are primarily undertaken for educational purposes, and the application of a fee charge would be inappropriate. Conversely, data brokers or others who merely compile government information for marketing can normally be presumed to have an interest primarily of a commercial nature.

d. Components are reminded that the above factors and examples are not all inclusive. Each fee decision must be considered on a case-by-case basis and upon the merits of the information provided in each request. When the element of doubt as to whether to charge or waive the fee cannot be clearly resolved, Components should rule in favor of the requester.

e. In addition, the following additional circumstances describe situations where waiver or reduction of fees are most likely to be warranted:

1. A record is voluntarily created to preclude an otherwise burdensome effort to provide voluminous amounts of available records, including additional information not requested.

2. A previous denial of records is reversed in total, or in part, and the assessable costs are not substantial (e. g. \$15.00 - \$30.00).

#### 6-104. Fee Assessment

a. Fees may not be used to discourage requesters, and to this end, FOIA fees are limited to standard charges for direct document search, review (in the case of commercial requesters) and duplication.

b. In order to be as responsive as possible to FOIA requests while minimizing unwarranted costs to the taxpayer, Components shall adhere to the following procedures:

1. Analyze each request to determine the category of the requester. If the Component determination regarding the category of the requester is different than that claimed by the requester, the Component shall:

(i) Notify the requester that he should provide additional justification to warrant the category claimed, and that a search for responsive records will not be initiated until agreement has been attained relative to the category of the requester. Absent further category justification from the requester, and within a reasonable period of time (i. e., 30 calendar days), the Component shall render a final category determination, and notify the requester of such determination, to include normal administrative appeal rights of the determination.

(ii) Advise the requester that, notwithstanding any appeal, a search for responsive records will not be initiated until the requester indicates a willingness to pay assessable costs appropriate for the category determined by the Component.

2. Requesters must submit a fee declaration appropriate for the below categories.

(i) Commercial. Requesters must indicate a willingness to pay all search, review and duplication costs.

(ii) Educational or Noncommercial Scientific Institution or News Media. Requesters must indicate a willingness to pay duplication charges in excess of 100 pages if more 100 pages of records are desired.

(iii) All Others. Requesters must indicate a willingness to pay assessable search and duplication costs if more than two hours of search effort or 100 pages of records are desired.

3. If the above conditions are not met, then the request need not be processed and the requester shall be so informed.

4. In the situations described by subparagraphs 6-104, b.1. and 2., above, Components must be prepared to provide an estimate of assessable fees if desired by the requester. While it is recognized that search situations will vary among Components, and that an estimate is often difficult to obtain prior to an actual search, requesters who desire estimates are entitled to such before committing to a willingness to pay. Should Component estimates exceed the actual amount of the estimate or the amount agreed to by the requester, the amount in excess of the estimate or the requester's agreed amount shall not be charged without the requester's agreement.

5. No DoD Component may require advance payment of any fee; i. e., payment before work is commenced or continued on a request, unless the requester has previously failed to pay fees in a timely fashion, or the agency has determined that the fee will exceed \$250.00. As used in this sense, a timely fashion is 30 calendar days from the date of billing (the fees have been assessed in writing) by the Component.

6. Where a Component estimates or determines that allowable charges that a requester may be required to pay are likely to exceed \$250.00, the Component shall notify the requester of the likely cost and obtain satisfactory assurance of full payment where the requester has a history of prompt payments, or require an advance payment of an amount up to the full estimated charges in the case of requesters with no history of payment.

7. Where a requester has previously failed to pay a fee charged in a timely fashion (i. e., within 30 calendar days from the date of the billing), the Component may require the requester to pay the full amount owed, plus any applicable interest, or demonstrate that he or she has paid the fee, and to make an advance payment of the full amount of the estimated fee before the Component begins to process a new or pending request from the requester. Interest will be at the rate prescribed in 31 U. S. C. 3717 (reference (ff)), and confirmed with respective Finance and Accounting Offices.

8. After all work is completed on a request, and the documents are ready for release, Components may request payment before forwarding the documents if there is no payment history on the requester, or if the requester has previously failed to pay a fee in a timely fashion (i. e., within 30 calendar days from the date of the billing). In the case of the latter, the provisions of subparagraph 6-104, b.7., above, apply. Components may not hold documents ready for release pending payment from requesters with a history of prompt payment.

9. When Components act under subparagraphs 6-104, 1 through 7, above, the administrative time limits of the FOIA (i.e., 10 working days from receipt of initial requests, and 20 working days from receipt of appeals, plus permissible extensions of these time limits) will begin only after the Component has received a willingness to pay fees and satisfaction as to category determination, or fee payments (if appropriate).

10. Components may charge for time spent searching for records, even if that search fails to locate records responsive to the request, or if records located are determined to be exempt from disclosure. In practice, if the Component estimates that search charges are likely to exceed \$25.00 it shall notify the requester of the estimated amount of fees, unless the requester has indicated in advance his or her willingness to pay fees as high as those anticipated. Such a notice shall offer the requester the opportunity to confer with Component personnel with the object of reformulating the request to meet his or her needs at a lower cost.

c. Commercial Requesters. Fees shall be limited to reasonable standard charges for document search, review and duplication when records are requested for commercial use. Requesters must reasonably describe the records sought (see paragraph 1-507).

1. The term "commercial use" request refers to a request from, or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interest of the requester or the person on whose behalf the request is made. In determining whether a requester properly belongs in this category, Components must determine the use to which a requester will put the documents requested. Moreover, where a Component has reasonable cause to doubt the use to which a requester will put the records sought, or where that use is not clear from the request itself, Components should seek additional clarification before assigning the request to a specific category.

2. When Components receive a request for documents for commercial use, they should assess charges which recover the full direct costs of searching for, reviewing for release, and duplicating the records sought. Commercial requesters (unlike other requesters) are not entitled to two hours of free search time, nor 100 free pages of reproduction of documents. Moreover, commercial requesters are not normally entitled to a waiver or reduction of fees based upon an assertion that disclosure would be in the public interest. However, because use is the exclusive determining criteria, it is possible to envision a commercial enterprise making a request that is not for commercial use. It is also possible that a non-profit organization could

make a request that is for commercial use. Such situations must be addressed on a case-by-case basis.

d. Educational Institution Requesters. Fees shall be limited to only reasonable standard charges for document duplication (excluding charges for the first 100 pages) when the request is made by an educational institution whose purpose is scholarly research. Requesters must reasonably describe the records sought (see paragraph 1-507). The term "educational institution" refers to a pre-school, a public or private elementary or secondary school, an institution of graduate high education, an institution of undergraduate higher education, an institution of professional education, and an institution of vocational education, which operates a program or programs of scholarly research.

e. Non-Commercial Scientific Institution Requesters. Fees shall be limited to only reasonable standard charges for document duplication (excluding charges for the first 100 pages) when the request is made by a non-commercial scientific institution whose purpose is scientific research. Requesters must reasonably describe the records sought (see paragraph 5-107). The term "non-commercial scientific institution" refers to an institution that is not operated on a "commercial" basis as defined in subparagraph 6-104, c., above, and which is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry.

f. Components shall provide documents to requesters in subparagraphs 6-104, d. and e., above, for the cost of duplication alone, excluding charges for the first 100 pages. To be eligible for inclusion in these categories, requesters must show that the request is being made under the auspices of a qualifying institution and that the records are not sought for commercial use, but in furtherance of scholarly (from an educational institution) or scientific (from a non-commercial scientific institution) research.

g. Representatives of the news media. Fees shall be limited to only reasonable standard charges for document duplication (excluding charges for the first 100 pages) when the request is made by a representative of the news media. Requesters must reasonably describe the records sought (see paragraph 1-507).

1. The term "representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public. These examples are not meant to be all-inclusive. Moreover, as traditional methods of news delivery evolve (e. g., electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category. In the case of "freelance" journalists, they may be regarded as working for a news

organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but Components may also look to the past publication record of a requester in making this determination.

2. To be eligible for inclusion in this category, a requester must meet the criteria in subparagraph 6-104, g.1., above, and his or her request must not be made for commercial use. A request for records supporting the news dissemination function of the requester shall not be considered to be a request that is for a commercial use. For example, a document request by a newspaper for records relating to the investigation of a defendant in a current criminal trial of public interest could be presumed to be a request from an entity eligible for inclusion in this category, and entitled to records at the cost of reproduction alone (excluding charges for the first 100 pages).

h. All Other Requesters. Components shall charge requesters who do not fit into any of the above categories, fees which recover the full direct cost of searching for and duplicating records, except that the first two hours of search time and the first 100 pages of duplication shall be furnished without charge. Requesters must reasonably describe the records sought (see paragraph 1-507). Requests from subjects about themselves will continue to be treated under the fee provisions of the Privacy Act of 1974 (reference (gg)), which permit fees only for duplication. Components are reminded that this category of requester may also be eligible for a waiver or reduction of fees if disclosure of the information is in the public interest as defined under subparagraph 6-103, a., above. (See also subparagraph 6-104, c.2.).

#### 6-105 Aggregating Requests

Except for requests that are for a commercial use, a Component may not charge for the first two hours of search time or for the first 100 pages of reproduction. However, a requester may not file multiple requests at the same time, each seeking portions of a document or documents, solely in order to avoid payment of fees. When a Component reasonably believes that a requester or, on rare occasions, a group of requesters acting in concert, is attempting to break a request down into a series of requests for the purpose of avoiding the assessment of fees, the agency may aggregate any such requests and charge accordingly. One element to be considered in determining whether a belief would be reasonable is the time period in which the requests have occurred. For example, it would be reasonable to presume that multiple requests of this type made within a 30 day period had been made to avoid fees. For requests made over a longer period; however, such a presumption becomes harder to sustain and Components should have a solid basis for determining that aggregation is warranted in such cases. Components are cautioned that before aggregating requests from more than one requester, they must have a concrete basis on which to conclude that the requesters are acting in concert and are acting specifically to avoid payment of fees. In no case may Components aggregate multiple requests on unrelated subjects from one requester.



6-106 Effect of the Debt Collection Act of 1982 (P. L. 97-365)

The Debt Collection Act of 1982 (P.L. 97-365) provides for a minimum annual rate of interest to be charged on overdue debts owed the Federal Government. Components may levy this interest penalty for any fees that remain outstanding 30 calendar days from the date of billing (the first demand notice) to the requester of the amount owed. The interest rate shall be as prescribed in 31 U. S. C. 3717 (reference (ff)). Components should verify the current interest rate with respective Finance and Accounting Offices. After one demand letter has been sent, and 30 calendar days have lapsed with no payment, Components may submit the debt to respective Finance and Accounting Offices for collection pursuant to the Debt Collection Act of 1982.

6-107 Computation of Fees

The fee schedule in this Chapter shall be used to compute the search, review (in the case of commercial requesters) and duplication costs associated with processing a given FOIA request. Costs shall be computed on time actually spent. Neither time-based nor dollar-based minimum charges for search, review and duplication are authorized.

Section 2

COLLECTION OF FEES AND FEE RATES

6-200 Collection of Fees

Collection of fees will be made at the time of providing the documents to the requester or recipient when the requester specifically states that the costs involved shall be acceptable or acceptable up to a specified limit that covers the anticipated costs. Collection of fees may not be made in advance unless the requester has failed to pay previously assessed fees within 30 calendar days from the date of the billing by the DoD Component, or the Component has determined that the fee will be in excess of \$250 (see paragraph 6-104).

6-201 Search Time

a. Manual Search

<u>Type</u>	<u>Grade</u>	<u>Hourly Rate (\$)</u>
Clerical	E9/GS8 and below	12
Professional	01-06/GS9-GS/GM15	25
Executive	07/GS/GM16/ES1 and above	45

b. Computer Search

Computer search is based on direct cost of the central processing unit, input-output devices, and memory capacity of the actual computer configuration. The salary scale (equating to paragraph a. above) for the computer operator/programmer determining how to conduct and subsequently executing the search will be recorded as part of the computer search.

6-202 Duplication

<u>Type</u>	<u>Cost per Page (¢)</u>
Pre-Printed material	02
Office copy	15
Microfiche	25
Computer copies (tapes or printouts)	Actual cost of duplicating the tape or printout (includes operator's time and cost of the tape)

6-203 Review Time (in the case of commercial requesters)

<u>Type</u>	<u>Grade</u>	<u>Hourly Rate(\$)</u>
Clerical	E9/GS8 and below	12
Professional	01-06/GS9-GS/GM15	25
Executive	07/GS/GM16/ES1 and above	45

6-204 Audiovisual Documentary Materials

Search costs are computed as for any other record. Duplication cost is the actual direct cost of reproducing the material, including the wage of the person doing the work. Audiovisual materials provided to a requester need not be in reproducible format or quality.

6-205 Other Records

Direct search and duplication cost for any record not described above shall be computed in the manner described for audiovisual documentary material.

6-206 Costs for Special Services

Complying with requests for special services is at the discretion of the Components. Neither the FOIA, nor its fee structure cover these kinds of services. Therefore, Components may recover the costs of special services requested by the requester after agreement has been obtained in writing from the requester to pay for one or more of the following services:

- a. Certifying that records are true copies.
- b. Sending records by special methods such as express mail, etc.

### Section 3

## COLLECTION OF FEES AND FEE RATES FOR TECHNICAL DATA

### 6-300 Fees for Technical Data

a. Technical data, other than technical data that discloses critical technology with military or space application, if required to be released under the FOIA, shall be released after the person requesting such technical data pays all reasonable costs attributed to search, duplication and review of the records to be released. Technical data, as used in this Section, means recorded information, regardless of the form or method of the recording of a scientific or technical nature (including computer software documentation). This term does not include computer software, or data incidental to contract administration, such as financial and/or management information. DoD Components shall retain the amounts received by such a release, and it shall be merged with and available for the same purpose and the same time period as the appropriation from which the costs were incurred in complying with request. All reasonable costs as used in this sense are the full costs to the Federal Government of rendering the service, or fair market value of the service, whichever is higher. Fair market value shall be determined in accordance with commercial rates in the local geographical area. In the absence of a known market value, charges shall be based on recovery of full costs to the Federal Government. The full costs shall include all direct and indirect costs to conduct the search and to duplicate the records responsive to the request. This cost is to be differentiated from the direct costs allowable under Section 2 of this Chapter for other types of information released under the FOIA.

b. Waiver. Components shall waive the payment of costs required in subparagraph 6-300, a., above, which are greater than the costs that would be required for release of this same information under Section 2 of this Chapter if:

1. The request is made by a citizen of the United States or a United States corporation, and such citizen or corporation certifies that the technical data requested is required to enable it to submit an offer, or determine whether it is capable of submitting an offer to provide the product to which the technical data relates to the United States or a contractor with the United States. However, Components may require the citizen or corporation to pay a deposit in an amount equal to not more than the cost of complying with the request, which will be refunded upon submission of an offer by the citizen or corporation;

2. The release of technical data is requested in order to comply with the terms of an international agreement; or,

3. The Component determines in accordance with subparagraph 6-103, a., above, that such a waiver is in the interest of the United States.

c. Fee Rates

1. Search Time

(i) Manual Search

<u>Type</u>	<u>Grade</u>	<u>Hourly Rate (¢)</u>
Clerical	E9/GS8 and below	13.25
(Minimum Charge)		8.30

Professional and Executive (To be established at actual hourly rate prior to search. A minimum charge will be established at 1/2 hourly rates)

(ii) Computer search is based on the total cost of the central processing unit, input-output devices, and memory capacity of the actual computer configuration. The wage (based upon the scale in subparagraph 6-300, c.1. (i), above) for the computer operator and/or programmer determining how to conduct, and subsequently executing the search will be recorded as part of the computer search.

2. Duplication

<u>Type</u>	<u>Cost</u>
Aerial photographs, specifications, permits, charts, blueprints, and other technical documents	\$2.50
Engineering data (microfilm)	
a. Aperture cards	
(i) Silver duplicate negative, per card	.75
When key punched and verified, per card	.85
(ii) Diazo duplicate negative, per card	.65
When key punched and verified, per card	.75
b. 35mm roll film, per frame	.50
c. 16mm roll film, per frame	.45
d. Paper prints (engineering drawings), each	1.50
e. Paper reprints of microfilm indices, each	.10

3. Review Time

<u>Type</u>	<u>Grade</u>	<u>Hourly Rate(\$)</u>
Clerical (Minimum Charge)	E9/GS8 and below	13.25 8.30

Professional and Executive (To be established at actual hourly rate prior to review: A minimum charge will be established at 1/2 hourly rates).

d. Other Technical Data Records

Charges for any additional services not specifically provided subparagraph 6-300, c., above, consistent with DoD Instruction 7230.7 (reference (r)), shall be made by Components at the following rates:

1. Minimum charge for office copy (up to six images) ..... \$3.50
2. Each additional image ..... .10
3. Each typewritten page ..... 3.50
4. Certification and validation with seal, each ..... 5.20
5. Hand-drawn plots and sketches, each hour or fraction thereof ..... 12.00

**ITEM 10(a)**

**Availability of Records**

(New Categories or segregable portions of records now being released).

NONE

Item 10(b)\*

Calendar Year Costs and Fees Collected

Component	Annual Cost	Fees Collected
OSD/JS	\$1,135,403.12	\$23,825.55
DEPT ARMY	\$5,964,375.09	\$430,856.58
DEPT NAVY	\$5,248,332.44	\$482,829.45
DEPT AIR FORCE	\$4,253,958.75	\$250,965.00
DCA	\$19,215.75	\$720.00
DCAA	\$158,444.83	\$6,391.84
DIA	\$293,557.75	\$1,289.00
DIS	\$50,789.49	\$294.03
DIA	\$1,125,961.50	\$231,717.00
DMA	\$17,681.23	\$1,207.80
DNA	\$67,672.92	\$2,469.27
NSA/CSS	\$352,468.75	\$6,669.00
OIG, DOD	\$231,894.50	\$4,421.00
<b>DoD Totals</b>	<b>\$18,919,756.12</b>	<b>\$1,443,655.52</b>

\* Based on reporting procedures established March 16, 1977, to capture a "best estimate" cost of administrating FOIA as amended. The cost outline on the following page provides a breakdown by DoD reporting agencies.

Item 10(b) (Cont'd)  
**CALENDAR YEAR COSTS AND FEES COLLECTED BY DOD REPORTING AGENCIES**

COST OUTLINE	OSD/JS	DEPT ARMY	DEPT NAVY	DEPT AIR FORCE
<b>I. Personnel Costs</b>				
A. Estimated Manyears*	16.06	133.43	106.01	91.46
B. Manyear Costs (Grades Considered)	\$727,670.23	\$3,369,910.93	\$3,172,251.18	\$2,180,789.00
C. Estimated Manhour Costs by Category (Fee Schedule Rates)**				
(1) Search Time	\$34,552.21	\$213,771.54	\$203,760.00	\$170,684.00
(2) Review & Enrolling	\$59,792.52	\$132,767.92	\$105,703.00	\$242,371.00
(3) Coordination & Approval	\$31,607.26	\$121,053.37	\$101,534.00	\$196,170.00
(4) Correspondence/Form Preparation	\$6,714.25	\$90,534.96	\$81,034.00	\$134,706.00
(5) Other Activities	\$14,952.11	\$71,224.72	\$54,715.00	\$87,850.00
<b>MANHOUR COST TOTAL</b>				
D. Total C. (1) thru C. (5)	\$147,618.35	\$629,352.51	\$546,746.00	\$831,781.00
E. Overhead (Computed at 25%)	\$218,822.14	\$999,815.86	\$929,749.30	\$753,142.50
F. Total Personnel Costs	\$1,094,110.72	\$4,999,079.30	\$4,648,746.48	\$3,765,712.50
<b>II. Other Case-Related Costs</b>				
A. Computer Search Time	\$3,089.21	\$180,418.89	\$100,054.75	\$25,407.00
B. Reproduction	\$17,187.23	\$238,727.17	\$218,562.15	\$227,278.00
C. Microfiche Reproduction	\$69.25	\$24,048.50	\$8,829.75	\$10,426.00
D. Printed Records	\$690.61	\$9,919.89	\$9,227.98	\$7,446.00
E. Total of Other Case-Related Costs	\$21,036.30	\$453,114.45	\$336,674.63	\$270,557.00
<b>III. Reporting/Other Costs</b>				
A. Reporting Costs				
(1) Operational	\$63.00	\$41,477.12	\$34,012.86	\$157,261.00
(2) User	\$6.50	\$6,246.39	\$2,647.00	\$0.00
(3) Overhead (Computed at 25%)	\$17.38	\$11,930.88	\$9,164.97	\$39,315.25
B. Other Operating Costs (Voluntary Reporting of items such as postage travel, computer, etc.)	\$17.00	\$25,675.26	\$86,250.52	\$0.00
C. Total Reporting/Other Costs	\$103.88	\$85,329.65	\$132,075.35	\$196,576.25
IV. Cost of Routine Requests Processed	\$20,152.22	\$426,851.69	\$130,835.99	\$21,113.00
<b>V. Summary</b>				
A. Total Costs, Sections I thru IV	\$1,135,403.12	\$5,964,375.09	\$5,248,332.44	\$4,253,958.75
B. Amount Collected from the Public	\$23,825.55	\$430,856.58	\$482,829.45	\$250,965.00

\*Personnel assigned full-time or part-time FOI duties.  
 \*\*Personnel other than I.B.



Item 10(b) (Cont'd)  
**CALENDAR YEAR COSTS AND FEES COLLECTED BY DoD REPORTING AGENCIES**

COST OUTLINE	DCA	DCMA	DIA	DIS
<b>I. Personnel Costs</b>				
A. Estimated Manyears*				
B. Manyear Costs (Grades Considered)				
C. Estimated Manhour Costs by Category (Fee Schedule Rates)**	0.1	4.75	4	1.3
(1) Search Time	\$4,000.00	\$114,875.00	\$158,951.00	\$35,085.00
(2) Review & Excising	\$1,316.00	\$4,706.65	\$10,044.00	\$219.50
(3) Coordination & Approval	\$2,589.00	\$2,968.25	\$29,343.00	\$0.00
(4) Correspondence/Form Preparation	\$237.00	\$0.00	\$10,601.00	\$3,687.95
(5) Other Activities	\$2,765.00	\$0.00	\$4,752.00	\$1,250.00
	\$0.00	\$20.00	\$1,150.00	\$0.00
<b>MANHOUR COST TOTAL</b>				
D. Total C. (1) thru C. (5)	\$6,907.00	\$7,694.90	\$55,890.00	\$5,157.45
E. Overhead (Computed at 25%)	\$2,726.75	\$30,642.47	\$53,710.25	\$10,060.61
F. Total Personnel Costs	\$13,633.75	\$153,212.38	\$268,551.25	\$50,303.06
<b>II. Other Case-Related Costs</b>				
A. Computer Search Time	\$0.00	\$242.73	\$12,734.00	\$52.25
B. Reproduction	\$5,582.00	\$1,873.73	\$9,551.00	\$114.90
C. Microfiche Reproduction	\$0.00	\$0.00	\$16.00	\$25.25
D. Printed Records	\$0.00	\$2,815.99	\$18.00	\$294.03
E. Total of Other Case-Related Costs	\$5,582.00	\$4,932.45	\$22,319.00	\$486.43
<b>III. Reporting/Other Costs</b>				
A. Reporting Costs				
(1) Operational	\$0.00	\$0.00	\$2,150.00	\$0.00
(2) User	\$0.00	\$0.00	\$0.00	\$0.00
(3) Overhead (Computed at 25%)	\$0.00	\$0.00	\$537.50	\$0.00
B. Other Operating Costs (Voluntary Reporting of items such as postage travel, computer, etc.)	\$0.00	\$300.00	\$0.00	\$0.00
C. Total Reporting/Other Costs	\$0.00	\$300.00	\$2,687.50	\$0.00
<b>IV. Cost of Routine Requests Processed</b>				
V. Summary				
A. Total Costs, Sections I thru IV	\$19,215.75	\$158,444.83	\$293,557.75	\$50,789.49
B. Amount Collected from the Public	\$720.00	\$6,391.84	\$1,289.00	\$294.03

\*Personnel assigned full-time or part-time FOI duties.  
 \*\*Personnel other than I.B.

Item 10(b) (Cont'd)  
CALENDAR YEAR COSTS AND FEES COLLECTED BY DoD REPORTING AGENCIES

COST OUTLINE		DIA	DMA	DMA	NSA/CSS	OIG, DOD
<b>I. Personnel Costs</b>						
A. Estimated Manyears*	20.38					
B. Manyear Costs (Grades Considered)	\$503,441.00	\$6,412.00	\$27,508.47	2.5	\$213,217.00	5.5
C. Estimated Manhour Costs by Category (Fee Schedule Rates)**						1.93
(1) Search Time	\$97,205.00	\$1,614.50	\$1,895.50		\$22,856.00	\$4,028.00
(2) Review & Excising	\$56,994.00	\$810.65	\$14,992.00		\$35,976.00	\$39,928.00
(3) Coordination & Approval	\$24,406.00	\$1,100.00	\$5,416.83		\$0.00	\$4,695.00
(4) Correspondence/Form Preparation	\$11,992.00	\$511.00	\$1,265.67		\$810.00	\$1,551.00
(5) Other Activities	\$24,220.00	\$1,771.25	\$1,704.75		\$0.00	\$8,433.00
<b>MANHOUR COST TOTAL</b>						
D. Total C. (1) thru C. (5)	\$214,817.00	\$5,807.40	\$25,274.75		\$59,642.00	\$58,635.00
E. Overhead (Computed at 25%)	\$179,564.50	\$3,054.85	\$13,195.81		\$68,214.75	\$44,896.50
F. Total Personnel Costs	\$897,822.50	\$15,274.25	\$65,979.02		\$341,073.75	\$224,482.50
<b>II. Other Case-Related Costs</b>						
A. Computer Search Time	\$112,048.00	\$0.00	\$68.00		\$5,991.00	\$1,578.00
B. Reproduction	\$50,641.00	\$604.63	\$1,397.15		\$5,404.00	\$4,904.00
C. Microfiche Reproduction	\$47,588.00	\$0.00	\$0.00		\$0.00	\$0.00
D. Printed Records	\$3,443.00	\$0.94	\$0.00		\$0.00	\$0.00
E. Total of Other Case-Related Costs	\$213,720.00	\$605.57	\$1,465.15		\$11,395.00	\$25.00
<b>III. Reporting/Other Costs</b>						
A. Reporting Costs						
(1) Operational	\$4,325.00	\$1,395.13	\$183.00		\$0.00	\$724.00
(2) User	\$843.00	\$42.00	\$0.00		\$0.00	\$0.00
(3) Overhead (Computed at 25%)	\$1,292.00	\$359.28	\$45.75		\$0.00	\$181.00
B. Other Operating Costs (Voluntary Reporting of items such as postage travel, computer, etc.)	\$7,460.00	\$5.00	\$0.00		\$0.00	\$0.00
C. Total Reporting/Other Costs	\$13,920.00	\$1,801.41	\$228.75		\$0.00	\$905.00
<b>IV. Cost of Routine Requests Processed</b>						
V. Summary	\$499.00	\$0.00	\$0.00		\$0.00	\$0.00
A. Total Costs, Sections I thru IV	\$1,124,961.50	\$17,681.23	\$67,672.92		\$352,468.75	\$231,894.50
B. Amount Collected from the Public	\$231,717.00	\$1,207.80	\$2,469.27		\$6,669.00	

\*Personnel assigned full-time or part-time FOI duties.  
\*\*Personnel other than I.B.

Item 10(c)

Time Limit Extensions by Agency

Component	I Unusual Circumstances		II & III Court Involvement		Totals
	Location	Volume	Consultation	Involvement	
OSD/JS	25	359	1384	0	1,768
DEPT ARMY	39	45	18	0	102
DEPT NAVY	29	184	28	3	244
DEPT AIR FORCE	8	693	207	0	908
DCA	0	106	0	0	106
DCAA	2	6	7	0	15
DIA	0	0	0	0	0
DIS	0	0	0	0	0
DLA	179	177	34	0	390
DMA	3	2	12	0	17
DNA	1	0	3	0	4
NSA/CSS	1	0	0	0	1
OIG, DOD	0	0	0	0	0
<b>DoD Totals</b>	<b>287</b>	<b>1,572</b>	<b>1,693</b>	<b>3</b>	<b>3,555</b>

## ITEM 10(d) Optional

### Other Information

Of the 2,385 requests completed in the Office of the Secretary of Defense, the following table categorizes the requesters by percentage of the total case load:

<u>CATEGORY</u>	<u>PERCENTAGE</u>
Business Firms	20
Congress	1
Foreign	1
Individual	31
Law Firms	15
News Media	10
Research	1
Special Interest	13
Students	1
Other	7
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	100