

# DEPARTMENT OF DEFENSE



## FREEDOM OF INFORMATION ACT PROGRAM CY 1993

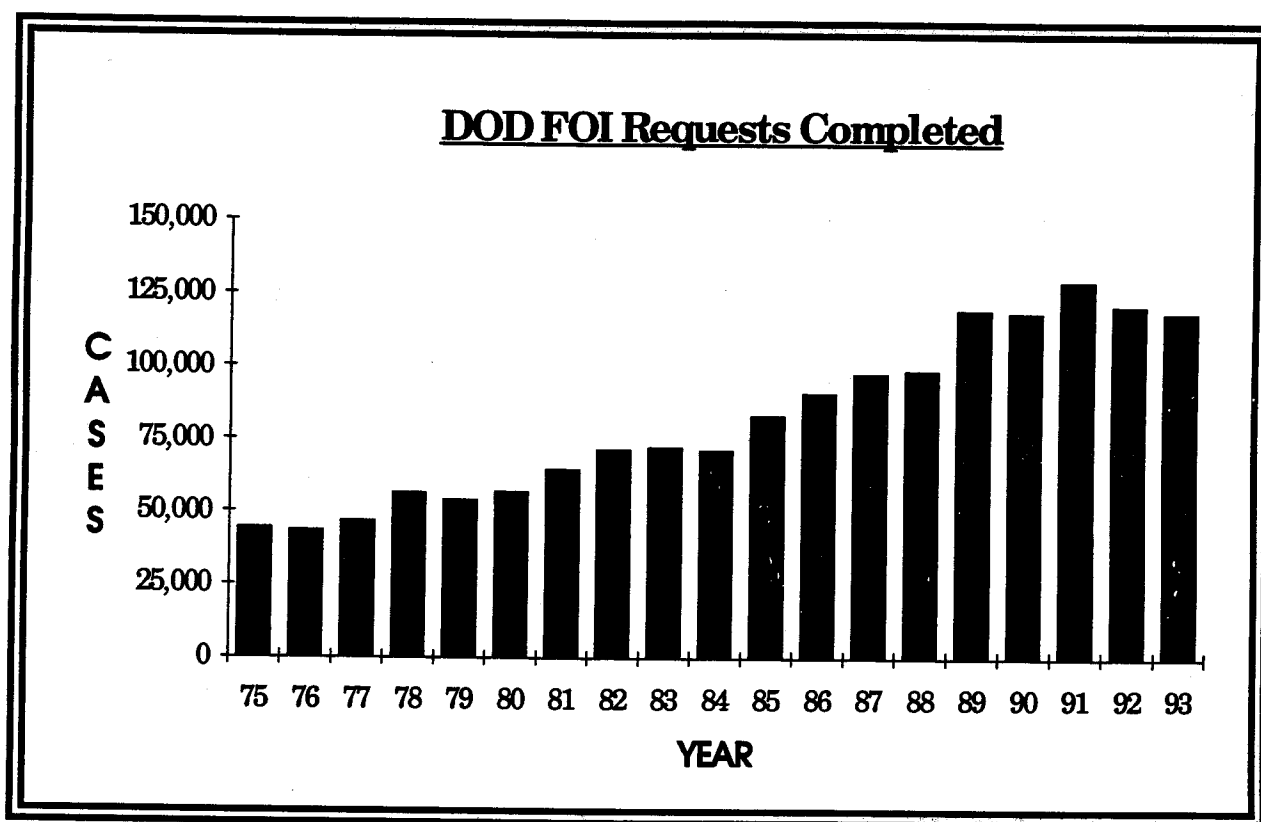
### REPORT TO CONGRESS

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

# FREEDOM OF INFORMATION ACT ANNUAL REPORT CALENDAR YEAR 1993

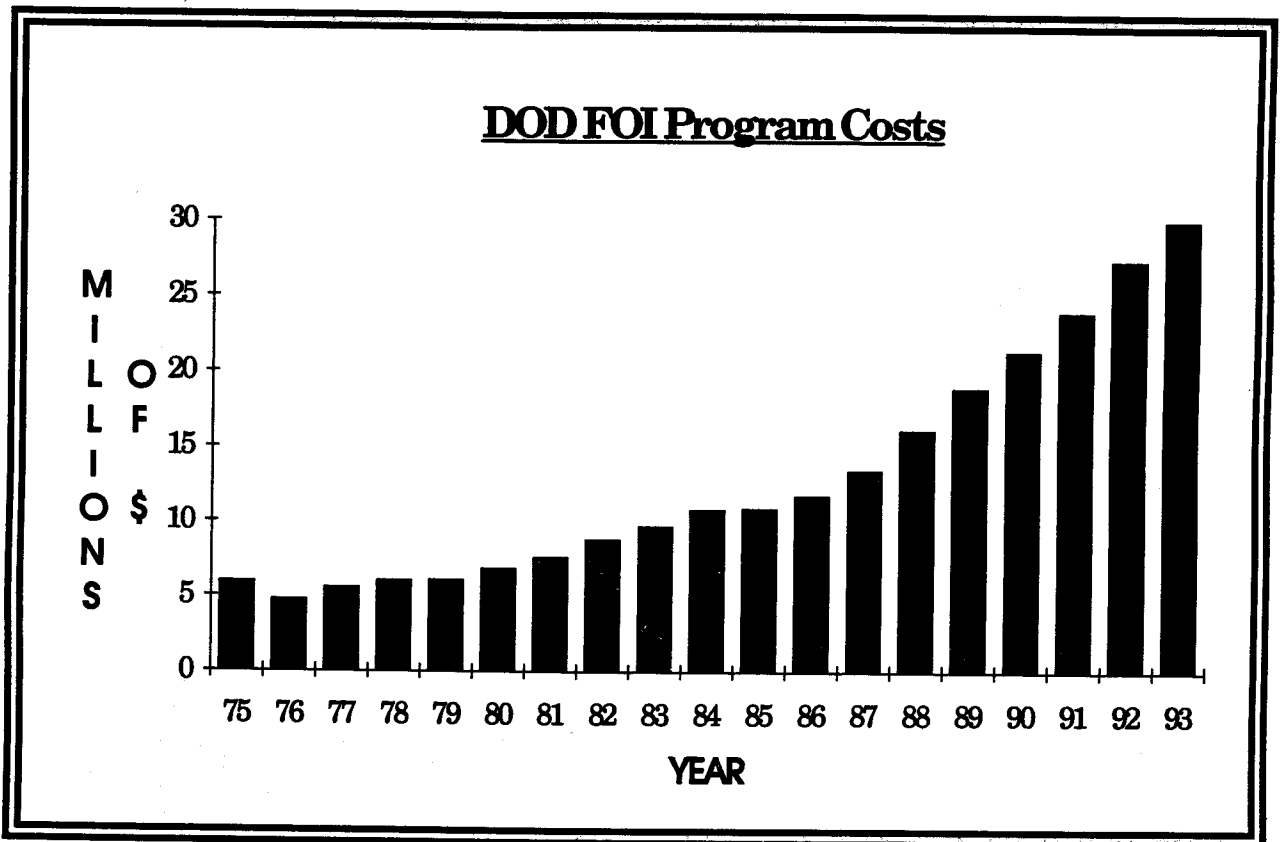
## SUMMARY

A total of 118,651 public requests for records under the Freedom of Information Act (FOIA) were completed during 1993 by the Department of Defense. As shown below, there was a slight decline in the number of cases processed in 1993 from the previous year.



The Department of Defense fully denied 1,798 and partially denied 9,229 out of 118,651 requests on the basis of FOIA exemptions. Of those exemptions, 10% were for classified information; 8% for internal rules and practices; 5% for statutory exemptions; 12% for proprietary data; 18% for deliberative material; 26% for privacy information; and 22% for law enforcement investigations. An additional 28,810 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 1,417 actions taken on appeals of denied requests, (69 granted, 357 partially denied, 594 fully denied, and 397 could not be filled for other reasons, as mentioned earlier).

The total DoD operating cost associated with the 1993 requests was \$30,099,397.89. The average cost of processing a single case during 1993 was approximately \$254. Fee collections for records provided to the public amounted to \$1,450,343.85. Total program costs since inception of the report are reflected below.



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

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

Abbreviation	Agency	Agency Head
OSD/JS	Office of the Secretary of Defense (Including the Joint Staff)	Hon Les P. Aspin
Dept Army	Secretary of the Army	Hon Togo D. West, Jr.
Dept Navy	Secretary of the Navy	Hon John B. Dalton
Dept Air Force	Secretary of the Air Force	Hon Shelia E. Widnall
DCAA	Defense Contract Audit Agency	Mr. William H. Reed
DFAS	Defense Finance and Accounting Service	Mr. John P. Springett
DIA	Defense Intelligence Agency	LtGen James R. Clapper, USAF
DIS	Defense Investigative Service	Mr. John F. Donnelly
DISA	Defense Information Systems Agency	LtGen Alonzo E. Short, Jr., USA
DLA	Defense Logistics Agency	VAdm Edward M. Straw, USN
DMA	Defense Mapping Agency	MajGen Raymund E. O'Mara, USAF
DNA	Defense Nuclear Agency	MajGen Kenneth L. Hagemann, USAF
NRO	National Reconnaissance Office	Vacant
NSA/CSS	National Security Agency/Central Security Service	VAdm John M. McConnell, USN
OIG, DOD	Office of the Inspector General, Department of Defense	Mr. Derek J. Vander Schaaf

## Department of Defense FOI Appeal and Program Officials

Agency	Appellate Authority	Agency Program Head
OSD/JS	Hon Kathleen M. deLaski, Assistant to the Secretary of Defense (Public Affairs)	Mr. William M. McDonald, Director, Freedom of Information and Security Review
Dept Army	Hon Lawrence Baskir, Deputy General Counsel	Mrs. Rose Marie Christensen, Chief, Information Branch, Freedom of Information & Privacy Act Division, HQUSAISC-P
Dept Navy	RAdm H.E. Grant, USN, Judge Advocate General/Hon Steven S. Homigman, General Counsel of the Navy	Capt F.J. Herron, USN, Assistant Vice 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
DCAA	Mr. John H. van Santen, Assistant Director, Resources	Mr. Dave Henshall, Information and Privacy Advisor
DFAS	Mr. John P. Springett, Director	Mr. Carroll Dennis, Director, External Affairs and Management Support
DIA	Mr. A. Denis Clift, Chief of Staff	Mr. Robert P. Richardson, Chief, FOIA Staff
DIS	Mr. John F. Donnelly, Director	Mr. Dale L. Hartig, Chief, Information/Public Affairs
DISA	LtGen Alonzo E. Short, Jr., USA, Director	Mrs. Susan Chadick, General Counsel
DLA	VAdm Edward M. Straw, USN, Director	Col Gary C. Tucker, USA, Staff Director, Administration

DMA	Capt L.W. Urbik, USN, Chief of Staff	Mr. Edward J. Obloy, General Counsel
DNA	MajGen Kenneth L. Hagemann, USAF, Director	LtCol Deborah G. Irby, USA, Public Affairs/Freedom of Information Officer
NRO	Mr. Jimmie D. Hill, Deputy Director	Mr. Michael P. Healy, Director, External Relations
NSA/CSS	Mr. Robert L. Prestel, Deputy Director	Mr. Michael A. Smith, Director of Policy
OIG, DOD	Mr. Nicholas Lutsch, Assistant IG for Administration and Information Management	Ms. Nadine Dulacki, Chief, FOIA and Privacy Act Office

## Item 1

### Initial Determinations

Component	Total Requests	Granted in Full	Denied in Part	Denied in Full	Other	Total Actions*
OSD/JS	3,900	1,236	561	87	2,195	4,079
Dept Army	34,481	23,362	2,482	600	8,451	34,895
Dept Navy	34,653	22,899	2,918	404	8,633	34,854
Dept Air Force	21,957	13,386	2,165	448	5,962	21,961
DCAA	193	70	20	3	100	193
DFAS	1,452	1,102	10	8	332	1,452
DIA	1,076	255	378	58	385	1,076
DIS	256	153	19	10	74	256
DISA	432	247	23	12	150	432
DLA	18,855	17,385	218	47	1,935	19,585
DMA	144	103	7	3	32	145
DNA	218	99	32	4	88	223
NRO	55	6	18	6	26	56
NSA/CSS	789	61	318	77	380	836
OIG, DOD	190	38	60	31	67	196
<b>DOD Totals</b>	<b>118,651</b>	<b>80,402</b>	<b>9,229</b>	<b>1,798</b>	<b>28,810</b>	<b>120,239</b>

\* Total Actions may exceed Total Requests because more than one action may be taken on a single request.



## 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	354	69	64	97	147	143	44	0	0	918
Dept Army	332	376	29	709	1,134	1,885	942	24	0	5,431
Dept Navy	143	268	72	203	592	872	1,244	0	0	3,394
Dept Air Force	198	229	93	563	883	873	1,109	0	0	3,948
DCAA	0	0	0	4	8	11	2	0	0	25
DFAS	0	0	0	0	3	15	0	0	0	18
DIA	261	196	8	18	4	146	0	0	0	633
DIS	0	5	0	0	1	22	21	0	0	49
DISA	0	0	8	19	3	4	0	0	0	34
DLA	1	9	0	161	63	41	25	0	0	300
DMA	1	0	1	2	0	6	0	0	0	10
DNA	14	2	13	9	6	9	2	0	0	55
NRO	21	0	25	0	2	0	0	0	0	48
NSA/CSS	188	28	466	51	15	68	23	0	0	839
OIG, DOD	3	10	0	7	23	23	77	0	0	143
<b>DOD Totals</b>	<b>1,516</b>	<b>1,192</b>	<b>779</b>	<b>1,843</b>	<b>2,884</b>	<b>4,118</b>	<b>3,489</b>	<b>24</b>	<b>0</b>	<b>15,845</b>
<b>Percent of Total</b>	<b>10%</b>	<b>8%</b>	<b>5%</b>	<b>12%</b>	<b>18%</b>	<b>26%</b>	<b>22%</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>

\* Total may not agree with denials in 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											Total
	OSD/ JS	Army	Navy	AF	DIA	DISA	DMA	DNA	NRO	NSA/ CSS		
10 USC 128			1					2				3
10 USC 130	1	6	28	15				1				51
10 USC 618 (e)		7		20								27
10 USC 1102 (f)		7	31	11								49
10 USC 2796						1						1
18 USC 798	2									91		93
22 USC 2778 (e)	2											2
35 USC 181-188			1									1
41 USC 423		9	7	31		8						55
42 USC 290dd-3				1								1
42 USC 2161-2168 (P.L. 703)	8			12			10					31
50 USC 402 Note Sec 6, P.L. 86-36	8			1	2					284		295
50 USC 403 (g)	4											4
Intelligence Authorization Act, FY 93, Sec 103 (c) (5)				2								2
Intelligence Authorization Act, FY 93, Sec 406(a)									13			13
National Security Act of 1947 (50 USC 401 et seq.), as amended, Sec 403-3 (c)(5)	12								12	91		115
National Security Act of 1947, Sub- section 102 (d)(3), as amended (50 USC 403 (d)(3))	27		3		6							36
<b>Agency Totals</b>	<b>64</b>	<b>29</b>	<b>72</b>	<b>93</b>	<b>8</b>	<b>8</b>	<b>13</b>	<b>1</b>	<b>25</b>	<b>466</b>		<b>779</b>

## Item 2(c)

### Other Reasons Cited on Initial Determinations

Component	Category*						Total
	1	2	3	4	5	6	
OSD/JS	1,181	417	87	237	256	32	2,210
Dept Army	3,567	1,837	397	1,083	828	739	8,451
Dept Navy	3,994	2,480	397	528	964	288	8,651
Dept Air Force	1,765	2,380	380	605	704	128	5,962
DCAA	44	16	7	3	27	3	100
DFAS	33	200	84	4	6	5	332
DIA	8	322	0	6	3	54	393
DIS	7	46	0	8	16	0	77
DISA	20	20	2	3	2	103	150
DLA	253	499	311	269	442	161	1,935
DMA	14	10	5	1	2	0	32
DNA	21	19	2	9	32	5	88
NRO	1	22	3	0	0	0	26
NSA/CSS	58	207	21	74	15	5	380
OIG, DOD	26	14	4	15	7	1	67
<b>DOD Totals</b>	<b>10,992</b>	<b>8,489</b>	<b>1,700</b>	<b>2,845</b>	<b>3,304</b>	<b>1,524</b>	<b>28,854</b>

**\* Types of Categories**

1. Transferred Request
  2. Lack of Records
  3. Failure of Requester to Reasonably Describe Record
  4. Other Failures by Requester 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**

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 Requester 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 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 Authorities by Participation

Name	Rank	Title	Number of Instances
<b><u>OSD/JS</u></b>			
Akins, Carl	Civ	Deputy Director for Program Administration and Support, Office of Civilian Health and Medical Program of the Uniformed Services	18
Alderman, Craig	Civ	Deputy Under Secretary of Defense for Security Policy	1
Alexander, Robert M.	LtGen	Deputy Assistant Secretary of Defense (Military Manpower and Personnel Policy), Assistant Secretary of Defense (Force Management and Personnel)	2
Aly, Stewart	Civ	Associate Deputy General Counsel (Legal Counsel), General Counsel	1
Andrews, Duane P.	Civ	Assistant Secretary of Defense (Command, Control, Communications and Intelligence)	1
Aurelio, Frank J.	Civ	Acting Assistant to the Secretary of Defense (Intelligence Oversight)	1
Ball, Elwood G.	Civ	Special Assistant , Director, Defense Research and Engineering	2
Basel, John M.	Col	Executive Assistant to Deputy Commander, United States Pacific Command	11
Baumgardner, Haynes M., Jr.	Col	Deputy Director, Manpower, Personnel and Security, United States European Command	14
Brick, Samuel T.	Civ	Director, Legislative Reference Service, General Counsel	2
Caddell, Ray L.	Col	Director, Management Operations, Strategic Defense Initiative Organization	16

Carpenter, Dennis D.	Col	Director, Manpower, Personnel, and Administration, United States Southern Command	2
Cheney, Steve	LtCol	Deputy Executive Secretary of the Department of Defense	3
Cole, George P.	LtCol	Deputy Executive Secretary of the Department of Defense	1
Coll, Alberto R.	Civ	Principal Deputy, Assistant Secretary of Defense (Special Operations and Low Intensity Conflict)	1
Connelly, Janet M.	Civ	Deputy Chief, Documentation Division, Joint Staff	8
Cook, Charles	Col	Military Assistant, Director, Test and Evaluation, Defense Research and Engineering	1
Cooke, David O.	Civ	Director, Administration and Management, Washington Headquarters Services	23
Dallager, John R.	Col	Deputy Chief of Staff, United States Central Command	5
Deegan, Gene A.	MajGen	Vice Director, Joint Staff	1
Dellermann, Frank	Civ	Director, Strategy Forces and Operations, Assistant Secretary of Defense (Nuclear Security and Counter Proliferation)	2
Dyke, Charles W.	MajGen	Vice Director, Joint Staff	1
Ellis, Robert L.	RAdm	Director, East Asia and Pacific Affairs, Assistant Secretary of Defense (International Security Affairs)	1
Fites, Jeanne	Civ	Principal Director, Requirements/Resources, Assistant Secretary of Defense (Force Management and Personnel)	2
Fitzgibbon, Gerald M.	Civ	Director, Proliferation Controls and Countermeasures, Assistant Secretary of Defense (International Security Affairs)	1
Fister, Bruce L.	MajGen	Commander, United States Air Force Special Operations Command	11

Ford, Carl W., Jr.	Civ	Principal Deputy, Assistant Secretary of Defense (International Security Affairs)	2
Freeman, Waldo D.	MajGen	Deputy Commander in Chief/Chief of Staff, United States Central Command	32
Garant, Ronald G.	Civ	Director for Investment, Comptroller	1
Gilliat, Robert L.	Civ	Deputy General Counsel, Personnel and Health Policy, General Counsel	2
Ginman, Richard T.	Capt	Deputy Director, Defense Procurement, Under Secretary of Defense (Acquisition)	9
Goetze, Richard B., Jr.	MajGen	Vice Director, Joint Staff	2
Gray, Edward	LtCol	Deputy Director, Management Operations Division, Ballistic Missile Defense Organization	22
Groves, Linda K.	Capt	Executive Assistant, Assistant to the Secretary of Defense (Atomic Energy)	2
Gulyas, Stephen M.	Col	Chief of Staff, National Defense University	2
Hamilton, Kelly S.	LtCol	Chief, SEA Branch, Plans/Policy Division, United States Pacific Command	2
Hamilton, Mark R.	BrigGen	Deputy Director, Plans/Policy Division, United States Pacific Command	1
Hensler, Robert M.	Col	Chief, Operations, Plans Division, United States Pacific Command	2
Ikle, Fred	Civ	Under Secretary of Defense for Policy	1
Janssen, Daniel F.	Civ	Assistant Director, Management Operations Division, Ballistic Missile Defense Organization	1
Johnson, Darel S.	Civ	Director, European Policy, Assistant Secretary of Defense (International Security Policy)	7
Jones, Jerome C.	BrigGen	Vice Commander, United States Air Force Special Operations Command	1
Kern, Vincent D.	Civ	Director, Africa Region, Deputy Assistant Secretary of Defense (African Affairs), Assistant Secretary of Defense (International Security Affairs)	1

Kincaid, William R.	Civ	Special Assistant to the Director, Tactical Systems, Under Secretary of Defense (Acquisition)	2
Kingsley, James A.	Col	Chief, Operations, Liaison Division, United States Pacific Command	1
Koch, Michael E.	Col	Chief of Staff, Defense Commissary Agency	15
Lanier, Jack O.	Civ	Principal Deputy Assistant Secretary of Defense (Health Affairs)	1
Lekang, Janet M.	Civ	Deputy Chief, Document Division, Joint Staff	1
Lilley, James R.	Civ	Assistant Secretary of Defense (International Security Affairs)	1
Locher, James R. III	Civ	Assistant Secretary of Defense (Special Operations and Low Intensity Conflict)	1
Lowe, Robert A.	Col	Chief of Staff, United States Transportation Command	2
Lusey, Rodney S.	Col	Deputy Chief of Staff, United States Space Command	3
Mabry, Robert C.	Capt	Deputy Chief of Staff, United States Special Operations Command	4
Malinowski, Paul A.	LtCol	Secretary, Joint Staff, United States Special Operations Command	2
Marshall, Andrew W.	Civ	Director, Net Assessment	2
Martin, Edward D.	Civ	Acting Assistant Secretary of Defense (Health Affairs)	1
Maude, Timothy J.	BrigGen	Director, Manpower, Personnel and Security, United States European Command	12
McBride, Edmund F.	Civ	Chief, Documents Division, Joint Staff	8
McDevitt, Michael A.	RAdm	Director, East Asia and Pacific Region, Assistant Secretary of Defense (International Security Affairs)	1
McDonald, W. M.	Civ	Director, Freedom of Information and Security Review, Assistant to the Secretary of Defense (Public Affairs)	54



McKalip, H. Diehl	Civ	Acting Director, Defense Security Assistance Agency	1
Menas, George E.	Civ	Acting Director, Defense Technical Security Administration	1
Michael, Louis C.	Civ	Principal Deputy, Assistant Secretary of Defense (International Security Policy)	1
Miles, David A.	Col	Deputy Chief of Staff, United States Special Operations Command	6
Mirkovich, David	LtCol	Deputy Director, Management Operations Division, Ballistic Missile Defense Organization	16
Mock, William G.	Civ	Regional Director, Deputy Assistant Secretary of Defense (Inter American Affairs); Deputy Director, Assistant Secretary of Defense (International Security Affairs)	1
Molholm, Kurt N.	Civ	Administrator, Defense Technical Information Center	1
Muckerman, Joseph E.	Civ	Director, Emergency Planning, Deputy Under Secretary of Defense for Security Policy	1
O'Connor, Richard M.	Col	Director, Treaty Implications, United States Southern Command	2
O'Donnell, William K.	Civ	Executive Assistant, Assistant Secretary of Defense (Command, Control, Communications and Intelligence)	9
Ostovich, Rudolph, III	MajGen	Vice Director, Joint Staff	34
Pendley, William T.	Civ	Deputy Assistant Secretary (East Asia and Pacific Affairs), Assistant Secretary of Defense (International Security Affairs)	3
Pollari, Ray W.	Civ	Acting Deputy, Assistant Secretary of Defense Command, Control, Communications and Intelligence)	1
Pontius, Harry	Civ	Director, Policy Directorate, Assistant Secretary of Defense Command, Control, Communications and Intelligence)	1
Powell, Gary	Civ	Executive Assistant, Deputy Assistant Secretary of Defense (Production Resources)	1

Ra'anan, Michael	Civ	General Counsel, On Site Inspection Agency	1
Rangel, Hector M.	Col	Acting Director, Management Directorate, Assistant to the Secretary of Defense (Public Affairs)	2
Ream, David W.	Civ	Director, Standard of Conduct Office, General Counsel	1
Register, Ronnie H.	Civ	Deputy Director for Management, Defense Advanced Research Projects Agency	19
Rhoden, Harold H.	BrigGen	Vice Commander, 9th Air Force, United States Central Command	2
Rigby, David J.	Civ	Deputy Chief, Public Affairs, On Site Inspection Agency	1
Robertson, Charles T., Jr.	MajGen	Vice Director, Joint Staff	14
Rogers, Richard L.	Civ	Deputy Executive Secretary of the Department of Defense	1
Ross, Edward W.	Civ	Acting Director, Assistant Secretary of Defense (POW/MIA Affairs); Acting Director, Defense POW/MIA Office	7
Rostow, Victor	Civ	Deputy Assistant Secretary of Defense (Conventional Forces and Arms Control Policy), Assistant Secretary of Defense (International Security Policy)	1
Roth, Stanley O.	Civ	Deputy Assistant Secretary (East Asia and Pacific Affairs), Assistant Secretary of Defense (International Security Affairs)	4
Rudd, Glenn A.	Civ	Deputy Director, Defense Security Assistance Agency	27
Rudman, William N.	Civ	Deputy Under Secretary of Defense (Trade Security Policy)	1
Sanders, Ronald P.	Civ	Principal Director, Deputy Assistant Secretary of Defense (Civilian Personnel/Equal Opportunity), Assistant Secretary of Defense (Personnel and Readiness)	1

Schachter, Leon J.	Civ	Director, Directorate for Industrial Security Clearance Review, Defense Legal Services Agency	5
Schefflen, Kenneth C.	Civ	Director, Defense Manpower Data Center, Assistant Secretary of Defense (Force Management and Personnel)	18
Schlatter, Joseph A., Jr.	Col	Deputy Chief, Defense POW/MIA Office	10
Schneider, Mark B.	Civ	Acting Deputy Assistant Secretary of Defense (Strategic Defense Space and Verification Policy), Assistant Secretary of Defense (International Security Policy)	1
Schriefer, Luther F.	Civ	Acting Deputy Assistant Secretary of Defense (Inter American Affairs), Assistant Secretary of Defense (International Security Affairs)	3
Schulte, Gregory L.	Civ	Director, Strategic Forces Policy, Assistant Secretary of Defense (International Security Policy)	1
Scott, J. T.	LtGen	Commanding General, United States Army Special Operations Command	1
Scott, R. Mark	Civ	Chief, Policy Division, Central Imagery Office	2
Sharkey, William J., Jr.	Civ	Director, Program Support, Assistant Secretary of Defense (Production and Logistics)	2
Sheridan, Brian E.	Civ	Deputy, Assistant Secretary of Defense (Drug Enforcement Policy and Support)	1
Smith, Darrell G.	Col	Deputy Chief of Staff, United States Special Operations Command	2
Smith, Frederick C.	Civ	Director, Near East and South Asian Region, Assistant Secretary of Defense (International Security Affairs)	14
Smith, Mason E.	Col	Deputy Chief of Staff, United States Space Command	8
Sterlacci, Michael A.	Civ	Deputy General Counsel, General Counsel	2
Stremple, John L.	Civ	Director, Department of Defense Dependents Schools	12

Stringer, George T.	Col	Executive Assistant to the Department of Defense Comptroller	3
Sullivan, Peter M.	Civ	Acting Deputy Under Secretary of Defense (Trade Security Policy)	9
Tamblyn, Marcia J.	LtCol	Executive Assistant, Assistant Secretary of Defense (Command, Control, Communications and Intelligence)	4
Taylor, Robert W.	Civ	Principal Deputy, Assistant to the Secretary of Defense (Public Affairs)	2
Taylor, Wesley B., Jr.	BrigGen	Deputy Assistant Secretary of Defense (Policy and Missions), Assistant Secretary of Defense (Special Operations and Low Intensity Conflict)	2
Thomas, Trent N.	BrigGen	Director, Intelligence, United States Southern Command	3
Thompson, John C.	MajGen	Director, Operations, United States Southern Command	8
Tucker, Alvin	Civ	Deputy Comptroller (Management Systems), Department of Defense Comptroller	2
Vesser, Dale A.	LtGen	Principal Deputy, Assistant Secretary of Defense (Strategy, Requirements and Resources)	1
Wermuth, Michael A.	Civ	Deputy Assistant Secretary of Defense (Drug Enforcement Policy and Support)	1
Wiles, John A.	Civ	Director, Defense Evaluation Support Activity, Under Secretary of Defense (Acquisition)	2
Woods, Roy S., Jr.	Civ	Chief, Congressional Actions and Internal Reports, Directorate of Acquisition Policy and Programs Integration	3
Woodworth, John A.	Civ	Deputy Assistant Secretary of Defense (European and NATO Policy), Assistant Secretary of Defense (International Security Policy)	1
Zakem, Jeffrey S.	Capt	Public Affairs Officer, United States Atlantic Command	28

Zubel, John S.	Col	Chief of Staff, 9th Air Force, United States Central Command	3
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**DEPARTMENT OF THE ARMY**

Bagley, Claude	Civ	Division Counsel-Lower Mississippi Valley District, Corps of Engineers	7
Baines, E. Darden	Civ	Chief, Administrative Services, National Guard Bureau	34
Bates, Dennis L.	Civ	Chief Counsel, Letterkenny Army Depot	10
Baughman, Norman B.	Civ	Division Counsel-Huntsville District, Corps of Engineers	6
Bedwell, Richard E.	LtCol	Executive Officer, United States Total Army Personnel Command	22
Berry, Peter T.	MajGen	Commander, United States Army Criminal Investigation Command	362
Black, Richard H.	Col	Chief, Criminal Law Division, Office of the Judge Advocate General	16
Black, Verbon	Civ	Chief Counsel, United States Army Missile Command	5
Blanton, Barbara A.	Civ	Acting Chief, Freedom of Information/Privacy, United States Army Intelligence and Security Command	303
Borland, David	Civ	Director, United States Army Information Systems Selection and Acquisition Agency	41
Bruns, Thomas E.	Col	Chief, Contracting Division, G4 (Logistics), United States Army Forces Command	56
Bush, Brian X.	Col	Acting Commander, United States Army Claims Service, Office of the Judge Advocate General	2
Cisneros, Marc A.	MajGen	Deputy The Inspector General	87
Ciummo, David	Civ	Principal Assistant Responsible for Contracting, United States Army Information Systems Command	1

Cohen, Martin	Civ	Assistant Chief Counsel for Litigation, Corps of Engineers	59
Cooper, Fredrick D.	Col	Information Management Officer, Office of the Deputy Chief of Staff for Personnel	28
Corman, Roger	Capt	Chief Counsel, Tooele Army Depot	3
DiGiovani, Joseph	Civ	Division Counsel-New England District, Corps of Engineers	4
Downhour, O. Wayne	Col	Principal Assistant Responsible for Contracting, United States Army Training and Doctrine Command	16
Edwards, John T.	Col	Commandant, The Judge Advocate General School, Office of the Judge Advocate General	1
Eiche, Jay	Capt	Legal Counsel, United States Army Material Command	2
Fowler, Joseph C., Jr.	Col	Commander, United States Army Claims Service, Office of the Judge Advocate General	3
Frenette, Richard	Civ	Counsel-Humphreys Engineer Center District, Corps of Engineers	15
Frost, John W.	Col	Commander, United States Army Reserve Personnel Center	190
Futch, Michael	Civ	Chief Counsel, Tobyhanna Army Depot	3
Gaines, Toni M.	Civ	Acting Principal Assistant Responsible for Contracting, United States Army Forces Command	28
Gallagher, Shawn T.	Maj	Command Judge Advocate General, Yuma Proving Ground	23
Gauger, Raymond A.	Col	Director for Acquisition, United States Army Training and Doctrine Command	17
Goodbary, Robert A.	MajGen	Acting The Inspector General	15
Griffith, Ronald H.	LtGen	The Inspector General	197
Griner, Remer W.	Civ	Chief, Technical Service Branch, United States Total Army Personnel Command	30

Guinan, William J.	Civ	Counsel, United States Army Audit Agency	24
Gunn, Ralph L.	Civ	Information Manager, Headquarters	64
Hahn, Alan K.	Col	Chief Counsel, United States Army Test and Evaluation Command	1
Halperin, Ben	Civ	Chief Counsel, United States Army Research, Development and Engineering Center	6
Hamilton, Milton H.	Civ	Administrative Assistant, Office of the Secretary of the Army	35
Heath, Herman S.	Col	Deputy Commander, United States Army Safety Center	168
Hemingway, Charles W.	LtCol	Chief, Labor and Employment Law Division, Office of the Judge Advocate General	25
Hilts, Earl T.	Civ	Chief, Staff Judge Advocate's Office, Watervliet Arsenal	6
Hiltz, James E.	Civ	Chief, Field Operations Division, United States Total Army Personnel Command	148
Hobbs, Quincy C., Jr.	Col	Principal Assistant Responsible for Contracting, United States Army Contracting Center, Europe	17
Holloman, J. Thomas	Col	Chief, Army Procurement Fraud Division, Office of the Judge Advocate General	1
Kaplan, Marshall M.	Col	Chief, Standards of Conduct Office, Office of the Judge Advocate General	1
Kilmartin, Thomas G.	BrigGen	Deputy Chief, United States Army Reserve	2
King, Bruce J.	Civ	Acting Director, Contracting Division, United States Army Acquisition Agency	2
Klements, Newton	Civ	Division Counsel-North Atlantic District, Corps of Engineers	8
Kullman, Thomas M.	Col	Staff Judge Advocate, United States Army Materiel Command	31
Lamy, Joel R.	LtCol	Commander, United States Army Health Services Command Acquisition Activity	18

Lane, Jack F., Jr.	Col	Chief, Standards of Conduct Office, Office of the Judge Advocate General	2
LaNoue, Alcide M.	LtGen	The Surgeon General	53
Lappin, Don E.	Civ	Chief, General Law Division, United States Army Armament, Munitions and Chemical Command	84
Lingenfelter, Stephen	Civ	Division Counsel-South Atlantic District, Corps of Engineers	9
Lovelady, William N., Jr.	Civ	Laboratory Counsel-Waterways Experiment Station District, Corps of Engineers	20
Lowe, Gregory A.	Col	Commandant, United States Disciplinary Barracks	4
Lyman, Carter	Civ	Division Counsel-Pacific Ocean District, Corps of Engineers	2
Mahoney, Robert	Civ	Division Counsel-Missouri River District, Corps of Engineers	8
Middleton, Douglas J.	Col	Chief of Staff, United States Army Community and Family Support Center	7
Miskell, C. David	Civ	Acting Chief, Administrative Services, National Guard Bureau Staff for Personnel	20
Moore, Edward J.	LtCol	Principal Assistant Responsible for Contracting, United States Army South	5
Murray, Robert E.	MajGen	Assistant Judge Advocate General, Office of the Judge Advocate General	2
Nardotti, Michael J.	MajGen	The Judge Advocate General	2
Otgen, John P.	MajGen	Acting The Inspector General	4
Owens, Billy E.	Civ	Principal Assistant Responsible for Contracting, United States Army Intelligence and Security Command	17
Page, Reba	Civ	Division Counsel-Ohio River District, Corps of Engineers	4
Paschke, Jerry B.	Capt	Legal Officer, Sierra Army Depot	1



Peay, J. H. Binford, III	LtGen	Deputy Chief of Staff for Operations and Plans	6
Phillips, Zane	Civ	Principal Assistant Responsible for Contracting, United States Army Strategic Defense Command	9
Reinke, Cecil	Civ	Division Counsel-North Pacific District, Corps of Engineers	10
Renkey, Leslie E.	Civ	Chief Counsel, Blue Grass Army Depot	3
Rucker, John T.	LtCol	Acting Chief, Criminal Law Division, Office of the Judge Advocate General	1
Ruppert, Raymond C.	Col	Chief, International and Operations Law Division, Office of the Judge Advocate General	1
Salomon, Leon E.	LtGen	Deputy Chief of Staff for Logistics	3
Sandler, Roger W.	MajGen	Chief, Army Reserve	7
Sealock, Jane B.	Civ	Chief, Freedom of Information/Privacy, United States Army Intelligence and Security Command	169
Shapiro, Alan	Civ	Division Counsel, South Pacific District, Corps of Engineers	8
Simek, Peggy O.	LtCol	Principal Assistant Responsible for Contracting, Military Traffic Management Command	1
Solomon, Sandy	Civ	Division Counsel-North Central District, Corps of Engineers	20
Srump, John A.	LtCol	Staff Judge Advocate, United States Army White Sands Missile Range	174
Thomason, Matthew D., III	Civ	Division Counsel-Transatlantic District, Corps of Engineers	7
Tilelli, John H.	LtGen	Deputy Chief of Staff for Operations and Plans	123
VanLieu, Edna M.	Civ	Chief, Contracting Division, United States Army Training and Doctrine Command	1
Vela, Hector	Civ	Division Counsel-Southwestern District, Corps of Engineers	10

Wise, Franklin F.	Col	Chief of Staff, United States Total Army Personnel Command	67
Wixted, Michael G.	Col	Chief of Staff, United States Total Army Personnel Command	53
Woodard, William D.	Civ	Laboratory Counsel-Construction Engineering Research District, Corps of Engineers	22

### DEPARTMENT OF THE NAVY

Allard, D. E.	Civ	Director of Naval History	1
Anselmo, P. S.	RAdm	Head, Aviation Plans and Requirements Branch (N880)	1
Ayers, L. L.	Capt	Vice Commander, Atlantic Division, Naval Facilities Engineering Command	7
Baggett, J. E.	Capt	Deputy Judge Advocate General (International Law)	1
Baker, J.	Capt	Director, Afloat Safety Programs, Naval Safety Center	1
Beard, G. C., Jr.	Capt	Commander, Submarine Group 9, United States Pacific Fleet	3
Becker, F. R.	Capt	Legal Counsel, Bureau of Naval Personnel	68
Bennett, D. M.	VAdm	Inspector General	42
Berson, V. E., Jr.	Lt	Staff Judge Advocate, United States Naval Support Activity, Naples, Italy, United States Naval Forces Europe	1
Bond, J. N.	LtCdr	Staff Judge Advocate, Fleet Air Mediterranean, United States Naval Forces Europe	2
Brown, R. E.	Capt	Commanding Officer, Chesapeake Division, Naval Facilities Engineering Command	5
Burns, J. D.	Capt	Deputy Commander, Naval Security Group Command	1
Cantrell, W. H.	RAdm	Commander, Space and Naval Warfare Systems Command	10

Chema, J. R.	LtCdr	Staff Judge Advocate, Office of Naval Intelligence	13
Cook, R.	Capt	Vice Commander, Naval Air Warfare Center (Weapons), Naval Air Systems Command	2
Cook, T. P.	Maj	Staff Judge Advocate, Naval Criminal Investigative Service	975
Courtney, T. E.	LtCdr	Staff Judge Advocate, Naval Aviation Activities Brunswick, United States Atlantic Fleet	49
Coyle, R. E.	Capt	Staff Judge Advocate, Naval Air Systems Command	340
Coyle, S. J.	Cdr	Acting Fleet Judge Advocate, United States Pacific Fleet	2
Dames, T. A.	RAdm	Commanding Officer, Atlantic Division, Naval Facilities Engineering Command	5
Davis, D. E.	Col	Commanding Officer, Marine Corps Logistics Base, Barstow	1
Davis, E. B.	Capt	Deputy Commander, Naval Computer and Telecommunications Command	7
Decicco, W. A.	Cdr	Force Judge Advocate, Naval Air Force, United States Atlantic Fleet	1
Dejaegher, R. H.	Capt	Commander, Fleet Air Western Pacific, United States Pacific Fleet	1
Despain, W. M.	Capt	Commander, United States Naval Base, Guantanamo Bay, United States Atlantic Fleet	1
Dirren, F. M., Jr.	RAdm	Commander Naval Aviation Activities, Jacksonville, United States Atlantic Fleet	25
Dombroski, J. E.	Capt	Vice Commander, Naval Legal Service Command	1
Doran, W. F.	RAdm	Director, Operations, Plans and Political Military Affairs Division (N31/N52)	2
Doyle, J. R.	Capt	Executive Officer, Naval Construction Center, Pt. Hueneme	9

Eddingfield, L. E.	Capt	Deputy and Chief of Staff, Naval Surface Force, United States Pacific Fleet	5
Eddington, D. E.	Capt	Force Judge Advocate, Naval Reserve Force	28
Elder, C. E.	Cdr	Staff Judge Advocate, Chief of Naval Air Training	2
Ensch, J. C.	Capt	Commander, Naval Training Center San Diego	1
Estes, G. B.	RAdm	Commanding Officer, Pacific Division, Naval Facilities Engineering Command	2
Finch, M. D.	Capt	Deputy Assistant Judge Advocate General, Claims and Tort Litigation	9
Fiske, R. N.	Cdr	Deputy Assistant Judge Advocate General, Investigations	221
Fladd, W. R.	RAdm	Deputy and Chief of Staff, Naval Surface Force, United States Pacific Fleet; Commander South Atlantic Force, United States Atlantic Fleet	5
Flemming, R. P.	Capt	Chief of Staff, Commander, Fleet Air Keflavik, United States Atlantic Fleet	3
Foxall, R. W.	Lt	Assistant Staff Judge Advocate, Naval Base Norfolk, United States Atlantic Fleet	1
Gabriel, C. A.	Capt	Commander, Naval Media Center	1
Gallagher, T.	LtCdr	Deputy Staff Judge Advocate, Naval Criminal Investigative Service	236
Gay, R. G.	Capt	Chief of Staff, Submarine Group 10, United States Atlantic Fleet	1
Goetz, G. F.	Lt	Assistant Force Judge Advocate, Naval Reserve Force	29
Grant, F. I.	Capt	Director, Naval Council of Personnel Boards	4
Green, M. G.	Lt	Staff Judge Advocate, Naval Postgraduate School	5
Gunn, T. E.	Capt	Commanding Officer, Southern Division, Naval Facilities Engineering Command, Charleston	5
Hagen, D. F.	VAdm	Chief, Bureau of Medicine and Surgery	43

Hall, T. F.	RAdm	Commander, Naval Reserve Force	1
Hamilton, F. X., Jr.	MajGen	Commander, Marine Corps Logistics Base, Albany, Georgia	2
Hancock, W. A.	Cdr	Assistant Chief of Staff Operations, United States Naval Academy	7
Hanel, L. E.	Capt	Acting Commander, Naval Base Seattle, United States Pacific Fleet	1
Hannas, M. D.	Civ	Acting Deputy Assistant Judge Advocate General (Claims and Tort Litigation)	3
Hargrave, D.	Cdr	Executive Assistant, Naval Air Warfare Center Weapons Division, Naval Air Systems Command	18
Harness, F. W.	RAdm	Commander, Naval Base Philadelphia, United States Atlantic Fleet	7
Hendrickson, D. M.	Capt	Chief of Staff, United States Central Command, United States Atlantic Fleet	2
Hickman, D. E.	RAdm	Vice Commander, Naval Supply Systems Command	8
Higginbotham, G. B.	BrigGen	Commanding General, 1st Force Service Support Group, Camp Pendleton	1
Holtz, M. B.	Civ	Director, Public Affairs, Military Sealift Command	1
Jackson, A. P.	LtCdr	Acting Deputy Assistant Judge Advocate General (Investigations)	103
Johnson, P. N.	Capt	Acting Deputy and Chief of Staff, Naval Surface Force, United States Pacific Fleet	2
Jones, J. E.	Capt	Commanding Officer, Engineering Field Activity, Mediterranean	2
Jones, R. G., Jr.	RAdm	Staff Judge Advocate, Chief of Naval Air Training	8
Kalleres, M. P.	VAdm	Commander, Military Sealift Command	1
Kamrath, R. A.	Capt	Chief of Staff, Naval Base Charleston, United States Atlantic Fleet	9

Kaup, K. L.	RAdm	Commander, Naval Base Charleston, United States Atlantic Fleet	7
Kavanaugh, J. T.	RAdm	Commander, Naval Exchange Service Command	5
Kelley, P. W.	Capt	Deputy Assistant Judge Advocate General (Admiralty)	2
Kelly, L. J.	Civ	Director, Administration and Resources Management Division, Headquarters United States Marine Corps	10
Kihune, R. K. U.	VAdm	Chief of Naval Education and Training	10
Kill Kelley, J.	Civ	Acting Director, Office of Civilian Personnel Management	1
Kotzen, P. S.	Civ	Deputy Inspector General	47
Kristensen, E. K.	RAdm	Commander, United States Naval Forces Marianas, United States Pacific Fleet	2
Krol, J. J.	Capt	Chief of Staff, Naval Submarine Force, United States Atlantic Fleet	20
Lagomarsino, T. S.	Capt	Acting Commander, Naval Training Center Orlando	1
Lair, J. A.	RAdm	Commander, Carrier Group 2, United States Atlantic Fleet	1
Lawrence, R.	Civ	Staff Judge Advocate, Chief of Naval Air Training	1
Lewis, W. H.	Cdr	Acting Commanding Officer, Western Division, Naval Facilities Engineering Command	24
Linder, B. R.	Capt	Acting Deputy and Chief of Staff, Naval Surface Force, United States Pacific Fleet	1
Litchman, D. M.	RAdm	Commander, National Naval Medical Center, Bethesda, Bureau of Medicine and Surgery	1
Lowe, M. E.	Col	Chief of Staff, Marine Corps Base, Camp Pendleton	2
Lynch, D.	BrigGen	Commanding General, Marine Corps Base, Camp Pendleton	1

Mackwell, G. A.	Capt	Deputy Commander, Naval Computer and Telecommunications Command	1
Malley, K. C.	VAdm	Commander, Naval Sea Systems Command	92
Malloy, C. J.	Capt	Acting Deputy Commander, Naval Security Group Command	1
Mandsager, D. L.	Capt	Fleet Judge Advocate, United States Pacific Fleet	2
Mazach, J. J.	RAdm	Commander, Carrier Group 2, United States Atlantic Fleet	1
McCarty, S.	Cdr	Executive Assistant, Naval Air Warfare Center Weapons Division, Naval Air Systems Command	35
McClelland, T. L.	Capt	Vice Chief of Naval Education and Training	3
McElhaney, M. K.	Civ	Counsel, Naval Facilities Engineering Command	2
McGadney, R. L.	Civ	Acting Director, Office of Civilian Personnel Management	2
Megonigal, W. F.	Col	Director, Manpower Management Information Systems Division, Headquarters, United States Marine Corps	11
Mitchell, J. T.	RAdm	Director, Strategic Systems Programs	7
Mitchell, R. M.	RAdm	Commanding Officer, Ships Parts Control Center, Naval Supply Systems Command	5
Mixson, R. D.	RAdm	Director, Air Warfare (N88)	4
Moeller, R. L.	Capt	Commanding Officer, Western Division, Naval Facilities Engineering Command	3
Monahan, R. P.	Cdr	Force Judge Advocate, Naval Surface Force, United States Atlantic Fleet	1
Mooberry, W. J.	Capt	Executive Director, Naval Safety Center	77
Moore, E.	RAdm	Commandant, Naval District of Washington	2
Morgan, E. L.	Capt	Chief of Staff, Submarine Group 2, United States Atlantic Fleet	1

Munninghoff, J. M.	Capt	Commanding Officer, Naval Air Station, Key West, United States Atlantic Fleet	1
Myers, R. H.	Col	Commanding Officer, Marine Corps Logistics Base, Barstow	5
Newman, R. C.	Cdr	Force Judge Advocate, United States Naval Forces Japan, United States Pacific Fleet	10
Newman, W. E.	RAdm	Commander, Naval Air Warfare Center (Weapons), Naval Air Systems Command	9
Norton, F. L.	RAdm	Commander, Fleet Air Caribbean, United States Atlantic Fleet	1
Nuernberger, J. A.	Capt	Chief of Staff, Submarine Group 8, United States Atlantic Fleet	1
O'Neil, D. L.	Capt	Commander, Naval Aviation Activities, Jacksonville, United States Atlantic Fleet	2
Osttag, W. P.	Cdr	Executive Officer, Engineering Field Activity, Northwest, Naval Facility, Silverdale	2
Parker, S.	Maj	Acting Staff Judge Advocate, Naval Criminal Investigative Service	14
Pattarozzi, N. J.	Capt	Commander, Naval Education Training Center, Chief of Naval Education and Training Activities	113
Perkins, J. B. III	RAdm	Commander, Amphibious Group THREE, United States Pacific Fleet	1
Peters, R. K.	Civ	Director, Office of Civilian Personnel Management	1
Picotte, L.	RAdm	Commander, Amphibious Group 2, United States Atlantic Fleet	2
Puncke, F. D.	Capt	Acting Commanding Officer, Pacific Division, Naval Facilities Engineering Command	5
Quigley, S. T.	Capt	Acting Director, Strategy and Policy Division (N51)	3
Randall, T. E.	Capt	Fleet Staff Judge Advocate, United States Naval Forces, Europe	1



Retz, W. A.	RAdm	Commander, Naval Surface Group, Middle Pacific, United States Pacific Fleet; Commander, Naval Base Pearl Harbor, United States Pacific Fleet	10
Rever, J. N.	Capt	Commanding Officer, Southern Division, Naval Facilities Engineering Command	10
Reynolds, A. A.	Capt	Fleet Judge Advocate, Naval Air Force, Pacific, United States Pacific Fleet	11
Riddell, R. A.	RAdm	Commander, Naval Base Seattle, United States Pacific Fleet	6
RiHenour, H. T.	RAdm	Head, CV/Air Station Programs (N885)	1
Ritter, D. L.	Civ	Administrative Officer, Information Technology Acquisition Center, Naval Information Systems Management Center	38
Robertson, T. J.	RAdm	Commander, Submarine Group 10, United States Atlantic Fleet	2
Ruck, M. W.	RAdm	Commander, Naval Base San Francisco, United States Pacific Fleet	1
Rushing, J. M.	Capt	Director, Afloat Safety Programs, Naval Safety Center	3
Saalfeld, F. E.	Civ	Director, Office of Naval Research	1
Sanford, F. G.	RAdm	Commander, Naval Medical Center, Oakland, United States Pacific Fleet	2
Schmitt, C. H.	Civ	Deputy Director, Naval Nuclear Propulsion (N00NB)	8
Setser, R. J., Jr.	Capt	Commander, Submarine Group 9, United States Fleet Pacific	5
Simms, R. G.	Capt	Commander, Naval Activities Spain, United States Naval Forces, Europe	3
Smith, B. J.	RAdm	Commander, Carrier Group FIVE, United States Pacific Fleet	1
Smith, G. R.	Cdr	Executive Officer, Chesapeake Division, Naval Facilities Engineering Command	5

Spane, R. J.	VAdm	Commander, Naval Air Force, United States Pacific Fleet	6
Stevens, R. A.	Cdr	Force Judge Advocate, Submarine Force, United States Pacific Fleet	2
Stewart, J. D.	MajGen	Commander, Marine Corps Logistics Base, Albany, Georgia	3
Stoutamire, S. L.	Capt	Acting Deputy Commander, Naval Computer and Telecommunications Command	3
Stutzel, R. K.	Maj	Director, Administrative Support Division, Navy-Marine Corps Appellate Review Acting	27
Tanner, T. J.	Capt	Commanding Officer, Northwest Division, Naval Facilities Engineering Command	5
Taylor, P. E.	Capt	Commander, Submarine Group 9, United States Pacific Fleet	1
Taylor, R. A.	Capt	Acting Commanding Officer, Southern Division, Naval Facilities Engineering Command	1
Taylor, T. B.	Capt	Public Affairs Officer, United States Atlantic Fleet	7
Taylor, T. R.	Cdr	Force Judge Advocate, Naval Air Force, United States Atlantic Fleet	2
Tennes, M. J.	Col	Deputy Commander, Naval Space Command	1
Thompson, B. L.	Civ	Head, Freedom of Information/Privacy Act Section, Headquarters United States Marine Corps	21
Tiebout, R. A.	LtGen	Deputy Chief of Staff, Installations and Logistics, Headquarters, United States Marine Corps	1
Tillotson, F. L.	RAdm	Commander, Naval Training Center Orlando	2
Tomiak, W. W.	Capt	Acting Commander, Pacific Naval Facilities Engineering Command, Pearl Harbor	2
Town, D. S.	Col	Commander, 1st Force Service Support Group, Camp Pendleton	1

Tucker, R. D.	RAdm	Commander, Logistics Group Western Pacific, United States Pacific Fleet	1
Utecht, M. S.	Cdr	Staff Judge Advocate, Naval Base Norfolk, United States Atlantic Fleet	12
Vitalie, J. S.	Civ	Director, Administration and Resources Management Division, Headquarters United States Marine Corps	53
Walls, R. G.	Col	Assistant Chief of Staff, Marine Corps Base, Camp Pendleton	1
Walsh, D. F.	Capt	Commanding Officer, Engineering Field Activity, Northwest, Naval Facility, Silverdale	7
Walsh, J. R.	Maj	Command Adjutant, Marine Corps Command Development Command Quantico	8
Warner, M. C.	Capt	Deputy Commander, Naval Security Group Command	3
Waters, W. A.	Capt	Commanding Officer, Northern Division, Naval Facilities Engineering Command	27
Watkins, E. L.	RAdm	Commander, United States Naval Forces Korea, United States Pacific Fleet	1
Whitaker, M. L.	Lt	Acting Deputy Assistant Judge Advocate General (Investigations)	47
William, J. A.	Capt	Force Judge Advocate, Naval Surface Force, United States Atlantic Fleet	2
William, R. R. III	Capt	Acting Director, Operations, Plans and Political Military Affairs Division (N31/N52)	2
Wilmot, L. C.	RAdm	Vice Chief, Chief of Naval Education and Training Activities	3
Winfrey, R. R.	Cdr	Acting Fleet Judge Advocate, United States Pacific Fleet	5
Wities, R. B.	Cdr	Staff Judge Advocate, Office of Naval Intelligence	26
Wright, J. C.	Capt	Executive Officer, Public Works Center, San Diego, Naval Facilities Engineering Command	15

Wright, T. W.	VAdm	Commander, SEVENTH Fleet, United States Pacific Fleet	1
Wright, W. H.	RAdm	Director, Operations, Plans, Political Military Affairs Division (N31/52)	2
Wynn, A. L.	Capt	Commanding Officer, Public Works Center, San Francisco	2
Zakem, J. S.	Capt	Public Affairs Officer, United States Atlantic Fleet	1

### DEPARTMENT OF THE AIR FORCE

Bagley, Samuel S.	LtCol	Staff Judge Advocate, Human Systems Center, Air Force Materiel Command	4
Bailey, Gregory	Col	Vice Commander, 16th Air Force, United States Air Forces in Europe	20
Baines, E. Darden	Civ	Chief, Administrative Services, National Guard Bureau	32
Batten, Frank H., Jr.	Civ	Chief, Information Release, Headquarters Air Force Office of Special Investigations	420
Bauerlein, Robert D.	Civ	Deputy Under Secretary of the Air Force, International Affairs	1
Baugh, Robert L.	Civ	Assistant Auditor General (Operations), Headquarters Air Force Audit Agency	2
Beach, John W.	Civ	Deputy Assistant Secretary of the Air Force (Financial Management and Comptroller)	2
Blankenbeker, Joan W.	Col	Director, Information Management, Headquarters Air Education and Training Command	82
Blanton, Walter W.	LtCol	Acting Director, Information Management, Headquarters Air Combat Command	4
Block, David O.	Maj	Acting Director, Information Management, Headquarters Air Force Space Command	16

Boles, Billy J.	LtGen	Deputy Chief of Staff for Personnel, Headquarters United States Air Force	8
Boyd, Richard L.	Maj	Director, Information Management, Air University	2
Brotzman, Robert L.	Col	Vice Commander, 3d Air Force, United States Air Forces in Europe	30
Brummett, Duane L.	LtCol	Acting Staff Judge Advocate, Air Force Development Test Center, Air Force Materiel Command	4
Buckingham, F. N.	BrigGen	Vice Commander, Warner Robins Air Logistics Center, Air Force Materiel Command	1
Buethe, Robert E.	MajGen	Director, Medical Programs and Resources, Office of The Surgeon General, Headquarters United States Air Force	20
Burgess, Ronald A.	Capt	Director, Information Management, Air University	6
Chapman, Thomas N.	Col	Director, Information Management, Headquarters Air Combat Command	156
Chavis, Dullivan C.	Civ	Director, Information Management, Headquarters Pacific Air Forces	3
Clapper, John R.	Col	Commander, Headquarters Air Force Safety Agency	22
Closner, John J.	MajGen	Chief, Air Force Reserve, Headquarters United States Air Force	2
Coacher, Lellen	Maj	Acting Staff Judge Advocate, Human Systems Center, Air Force Materiel Command	1
Cole, James L., Jr.	BrigGen	Chief of Safety, Headquarters United States Air Force	1
Cozza, James A.	Col	Director of Information Management, Headquarters Pacific Air Forces	64
Culkowski, Vladimir	Civ	Deputy Director, Intelligence Plans and Requirements, Assistant Chief of Staff Intelligence	13

D'Alexander, J. F.	Civ	Executive Assistant, Sacramento Air Logistics Center, Air Force Materiel Command	12
Darby, Thomas A.	Col	Chief, Office of Information Management, Headquarters Air Mobility Command	177
Delligatti, Robert	MajGen	Chief of Staff, Headquarters United States Air Forces in Europe	93
Dimitt, Ted A.	Capt	Acting Director, Information Management, Headquarters Air Force Reserve	3
Dorger, John M.	Col	Vice Commander, United States Air Force Academy	31
Druyun, Darleen	Civ	Deputy Assistant Secretary for Acquisition (Management and Policy)	3
Euretig, Joseph G	Col	Staff Judge Advocate, Sacramento Air Logistics Center, Air Force Materiel Command	3
Fortuna, John A.	Civ	Deputy to the Commander, Headquarters Air Force Services Agency	1
Fry, Cecil W.	Civ	Director, Information Release, Headquarters Air Force Office of Special Investigations	139
Garry, Peter	Col	Commander, Investigative Operations Center, Headquarters Air Force Office of Special Investigations	3
Gereg, Samuel W.	LtCol	Acting Staff Director, Air Force Development Test Center, Air Force Materiel Command	24
Glosson, Buster	LtGen	Deputy Chief of Staff, Plans and Operations, Headquarters United States Air Force	1
Hannan, Stephen J.	Civ	Director, Information Systems Support, Headquarters Air Force Audit Agency	15
Harris, Philip L.	BrigGen	Vice Commander, Oklahoma Air Logistics Center, Air Force Materiel Command	4
Hogle, Walter	BrigGen	Director of Public Affairs, Office of the Secretary of the Air Force	1
Hokkanen, Jerry	Col	Vice Commander, 17th Air Force, United States Air Forces in Europe	28

Holt, Lake B. III	Col	Staff Judge Advocate, Warner Robins Air Logistics Center, Air Force Materiel Command	10
Hopson, Everett G.	Civ	Chief, General Law Division, Office of The Judge Advocate General, Headquarters United States Air Force	21
Howard, Olin A.	Civ	Director, Corporate Information, Headquarters Air Force Materiel Command	1
Hummell, Dennis K.	BrigGen	Vice Commander, Aeronautical Systems Center, Air Force Materiel Command	11
Hurd, Joseph	BrigGen	Assistant Deputy Under Secretary (International Affairs)	3
Idrogo, Samuel	Civ	Executive Assistant, San Antonio Air Logistics Center, Air Force Materiel Command	21
Irving, George W. III	Col	Staff Director, Human Systems Center, Air Force Materiel Command	65
Johnson, Dennis B.	SMSgt	Acting Director, Information Management Air University	3
Johnson, Jeanne M.	LtCol	Deputy Director, Information Management, Headquarters Air Education and Training Command	28
Johnson, Mose	LtCol	Acting Staff Director, Air Force Development Test Center, Air Force Materiel Command	3
Jones, William E.	MajGen	Director, Forces, Deputy Chief of Staff Plans and Operations	5
Kelly, Lawrence W.	LtCol	Acting Staff Judge Advocate, Warner Robins Air Logistics Center, Air Force Materiel Command	5
Kessler, Brian L.	Col	Staff Judge Advocate, Electronic Systems Center, Air Force Materiel Command	2
Klich, Michael A.	LtCol	Director, Information Management, Headquarters Air Force Space Command	52
Koenig, Robert F. Jr.	Col	Director, Information Management, Headquarters Air Force Space Command	32

Letellier, Patrick J.	Col	Commander, Investigative Operations Center, Headquarters Air Force Office of Special Investigations	1
Lorber, John G.	MajGen	Director, Operations, Deputy Chief of Staff, Plans and Operations	6
Lyles, Lester I.	MajGen	Commander, Ogden Air Logistics Center, Air Force Materiel Command	4
Mackey, Thomas J.	Col	Staff Director, Electronic Systems Center, Air Force Materiel Command	65
Malandrino, J. Paul, Jr.	Col	Chief, Inquiries, Office of The Inspector General, Office of the Secretary of the Air Force	46
Mandrell, Gene D.	Civ	Acting Director, Corporate Information, Headquarters Air Force Materiel Command	2
Mannell, Stephen	BrigGen	Chief, Security Police, Headquarters United States Air Force	1
Mattice, James J.	Civ	Deputy Assistant Secretary for Acquisition (Research and Engineering)	3
McCarthy, James	BrigGen	The Civil Engineer, Headquarters United States Air Force	1
McGovern, Francis X.	LtCol	Chief, Office of Information Management, Headquarters Air Mobility Command	47
McNamara, Roger	Civ	Attorney Advisor to the Assistant General Counsel, Office of the Secretary of the Air Force	1
McPherson, Carl L.	Col	Director, Command Staff, Air Force Special Operations Command	17
Middleton, Gordon	Col	Director, Space Policy, Planning and Strategy, Office of the Secretary of the Air Force	1
Milam, David W.	Col	Chief of Staff, Aeronautical Systems Center, Air Force Materiel Command	5



Miller, Brian D.	LtCol	Director, Information Management, Headquarters Air Force Command, Control, Communications, and Computer Agency; Director, Information Management, Headquarters Pacific Air Forces	79
Miller, Judy Ann	Civ	Principal Deputy, Assistant Secretary of the Air Force (Manpower, Reserve Affairs, Installations, and Environment)	9
Miskell, C. David	Civ	Acting Chief, Administrative Services, National Guard Bureau	10
Moore, William F.	BrigGen	Vice Commander, San Antonio Air Logistics Center, Air Force Materiel Command	1
Morrison, William B. III	Col	Deputy Inspector General, Office of the Secretary of the Air Force	4
Norwood, George W.	BrigGen	Deputy Inspector General, Office of the Secretary of the Air Force	1
O'Berry, Carl G.	MajGen	Deputy Chief of Staff, Command, Control, Communications and Computers Headquarters United States Air Force	3
Olsen, Alan K.	Civ	Director, Air Force Base Conversion Agency	1
Owens, Jeffrey R.	Col	Staff Judge Advocate, 645 Air Base Wing Air Force Materiel Command	3
Page, Roland J.	Col	Vice Commander, Headquarters Air Force Safety Agency	50
Palau, Javier	Civ	Executive Assistant, Sacramento Air Logistics Center, Air Force Materiel Command	6
Pamerleau, Susan L.	Col	Vice Commander, Headquarters Air Force Military Personnel Center	9
Pardini, Edward A.	Col	Director, Information Management, Office of The Administrative Assistant to the Secretary of the Air Force	2
Parker, Charles E.	Col	Commander, Headquarters Air Force Safety Agency	10

Pavich, Michael D.	Gen	Commander, Sacramento Air Logistics Center, Air Force Materiel Command	1
Peterson, Richard A.	Civ	Acting Chief, General Law Division, Headquarters United States Air Force	3
Phillips, John F.	MajGen	Commander, Sacramento Air Logistics Center, Air Force Materiel Command	2
Pugh, Larry G.	Civ	Executive Assistant, Warner Robins Air Logistics Center, Air Force Materiel Command	143
Ray, Alan C.	Col	Staff Director, Air Force Development Test Center, Air Force Materiel Command	21
Rekowski, Paul J.	Civ	Environmental Coordinator, Operating Location, Air Force Base Conversion Agency	1
Ritchey, Steven R.	Civ	Acting Deputy Under Secretary, International Affairs	2
Saxon, Vernon P.	Col	Vice Commander, Air Force Flight Test Center, Air Force Materiel Command	4
Schepens, William	Col	Director, Inspections, Office of The Inspector General	3
Schlechter, Alvin E.	Col	Staff Judge Advocate, Air Force Development Test Center, Air Force Materiel Command	4
Sgroi, Anthony S.	LtCol	Acting Director, Information Management, Headquarters Air Combat Command	20
Shulstad, Raymonda A.	BrigGen	Chief of Staff, Aeronautical Systems Center, Air Force Materiel Command	13
Smallwood, Glenn H.	Col	Director, Corporate Information, Headquarters Air Force Materiel Command	11
Speelman, Thomas Jr.	Col	Acting Chief of Staff, Headquarters United States Air Forces in Europe	22
Spiers, Joseph K.	BrigGen	Commander, Oklahoma Air Logistics Center, Air Force Materiel Command	7
Stein, Paul	MajGen	Director, Legislative Liaison, Office of the Secretary of the Air Force	1

Stewart, Todd I.	Col	Deputy Civil Engineer, Headquarters United States Air Force	1
Teiber, Joseph F. Jr.	Col	Director, Information Management, Headquarters Air Force Reserve	14
Thompson, Dale W.	MajGen	Commander, Ogden Air Logistics Center, Air Force Materiel Command	1
Tillstrom, Richard P.	Col	Chief of Staff, Headquarters Air Force Military Personnel Center	119
Trest, Warren A.	Civ	Acting Director, Air Force Historical Research Agency	1
Tucker, John E.	Col	Acting Chief, Information Security Division, Chief of Security Police, Headquarters United States Air Force	1
Walker, Johnny R.	Maj	Acting Director, Information Management, Headquarters Air Combat Command	1
Walters, Charles W.	Col	Vice Commander, Headquarters Air Force District of Washington	41
Weaver, Richard L.	Col	Deputy, Security and Investigative Programs, Office of The Administrative Assistant to the Secretary of the Air Force	31
White, Eugene J. Jr.	Civ	Chief, Information Security Division, Chief of Security Police, Headquarters United States Air Force	3
White, Joe M.	Civ	Acting Director, Information Management, Headquarters Air Force Space Command	2
Wilbur, David M.	LtCol	Acting Director, Information Management, Headquarters Air Combat Command	27
Williams, Billy L.	Civ	Chief, Administrative, Communications and Records Management, Headquarters Air Education and Training Command	3
Wingfield, Stephen R.	Col	Commander, Headquarters Air Force Services Agency	1
Yanker, Gerald	Civ	Executive Assistant, Oklahoma Air Logistics Center, Air Force Materiel Command	5

### DEFENSE CONTRACT AUDIT AGENCY

Della Bernarda, H.	Civ	Regional Director, Eastern	6
Kraft, William	Civ	Regional Director, Mid-Atlantic	2
Summers, Francis	Civ	Regional Director, Northeastern	2
Valenzuela, Joel	Civ	Regional Director, Central	1
Woulhueter, Robert	Civ	Chief, Information Resources Management Branch, Headquarters	12

### DEFENSE FINANCE AND ACCOUNTING SERVICE

Bitz, Gregory P.	Civ	Director, Defense Finance and Accounting Service-Kansas City Center	3
Charles, Richard P.	Civ	Records Manager, Defense Finance and Accounting Service-Columbus Center	1
Dennis, Carroll W.	Civ	Director, External Affairs Management Support, Defense Finance and Accounting Service-Headquarters	3
Nabil, John S.	Civ	Director, Defense Finance and Accounting Service-Denver Center	2
Williams, Jay F.	Civ	Director, Defense Finance and Accounting Service-Cleveland Center	3
Wilson, Michael E.	Civ	Director, Defense Finance and Accounting Service-Indianapolis Center	6

### DEFENSE INTELLIGENCE AGENCY

Richardson, Robert P.	Civ	Chief, Freedom of Information Act Staff	436
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### DEFENSE INVESTIGATIVE SERVICE

Hartig, Dale L.	Civ	Chief, Office of Information and Public Affairs	29
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Hempson, Donald	Capt	Commander, Defense Reutilization and Marketing Service	1
Hruskocy, Thomas	BrigGen	Executive Director, Quality Assurance	1
Ketts, R. L.	Capt	Commander, Defense Contract Management District West	21
Labounty, James E.	Col	Commander, Defense Distribution Region West	15
Lebarron, R. S.	Col	Acting Commander, Defense Electronic Supply Center	1
Lehmann, Miles R.	Col	Staff Director, Command Security	7
Lippert, K. W.	Capt	Commander, Defense General Supply Center	8
Papas, Pat	Civ	Associate General Counsel	1
Parsons, Bobby L.	Civ	Staff Director, Information Services	3
Phillips, Glenn P.	RAdm	Executive Director, Operations Policy	2
Pope, James H.	Civ	Deputy Staff Director, Command Security	2
Simpson, L. E.	Col	Commander, Defense Logistics Services Center	5
Stewart, John N.	Col	Commander, Defense Reutilization and Marketing Service	10
Thompson, Lee	Col	Commander, Defense Contract Management District North Central	6
Tucker, Gary C.	Col	Commander, Defense Logistics Agency Administrative Support Center	10
Williams, Fred A.	Capt	Commander, Defense Distribution Region East	9
Wilson, Leon A.	Col	Commander, Defense Fuel Supply Center	1
Wojtaszek, Frank	Civ	Acting Executive Director, Contract Management	1

**DEFENSE MAPPING AGENCY**

Black, David	Civ	Deputy Director, Command Information	9
Sande, Kermit A.	Civ	Associate General Counsel	1

**DEFENSE NUCLEAR AGENCY**

Ullrich, George W.	Civ	Deputy Director	36
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**NATIONAL RECONNAISSANCE OFFICE**

Healy, Michael P.	Civ	Director, External Relations	9
Isham, Joanne O.	Civ	Director, External Relations	15

**NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE**

Smith, Michael A.	Civ	Director of Policy, Office of Policy	395
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**OFFICE OF THE INSPECTOR GENERAL, DOD**

Dulacki, Nadine K.	Civ	Chief, Freedom of Information/Privacy Act Office	79
Rosen, Jeffrey P.	Civ	Chief, Administration and Policy Review Division	12

## Item 4

### Appeal Determinations

Component	Total Requests	Granted in Full	Denied in Part	Denied in Full	Other	Total Actions*
OSD/JS	94	14	23	11	47	95
Dept Army	291	10	96	91	94	291
Dept Navy	487	18	86	278	122	504
Dept Air Force	341	18	74	156	93	341
DCAA	6	2	3	1	0	6
DFAS	0	0	0	0	0	0
DIA	42	2	27	13	0	42
DIS	1	0	1	0	0	1
DISA	2	0	2	0	0	2
DLA	24	1	4	15	4	24
DMA	1	0	1	0	0	1
DNA	7	1	1	1	4	7
NRO	11	0	2	6	3	11
NSA/CSS	52	2	10	19	21	52
OIG, DOD	40	1	27	3	9	40
<b>DOD Totals</b>	<b>1,399</b>	<b>69</b>	<b>357</b>	<b>594</b>	<b>397</b>	<b>1,417</b>

\* Total Actions may exceed Total Requests because more than one action may be taken on a single request.



## Item 5(a)

### Exemptions Invoked on Appeal Determinations

Component	Exemptions by Number (5 U.S.C. 552(b))									Total*
	1	2	3	4	5	6	7	8	9	
OSD/JS	23	3	2	0	8	7	2	0	0	45
Dept Army	9	17	8	14	91	97	68	0	0	304
Dept Navy	28	37	6	22	104	88	118	0	0	403
Dept Air Force	42	10	5	14	115	50	87	0	0	323
DCAA	0	0	0	5	5	0	0	0	0	10
DFAS	0	0	0	0	0	0	0	0	0	0
DIA	39	38	0	0	2	23	0	0	0	102
DIS	0	0	0	0	0	1	1	0	0	2
DISA	0	0	2	0	0	0	0	0	0	2
DLA	0	2	0	10	7	3	6	0	0	28
DMA	0	0	0	0	0	1	1	0	0	2
DNA	1	0	1	0	0	0	0	0	0	2
NRO	3	0	5	0	0	0	0	0	0	8
NSA/CSS	33	2	65	0	1	1	3	0	0	105
OIG, DOD	0	2	0	0	14	21	28	0	0	65
<b>DOD Totals</b>	<b>178</b>	<b>111</b>	<b>94</b>	<b>65</b>	<b>347</b>	<b>292</b>	<b>314</b>	<b>0</b>	<b>0</b>	<b>1,401</b>
<b>Percent of Total</b>	<b>13%</b>	<b>8%</b>	<b>7%</b>	<b>5%</b>	<b>25%</b>	<b>21%</b>	<b>22%</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>

\* Total may not agree with denials in 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								Total
	OSD/ JS	Army	Navy	Air Force	DISA	NRO	DNA	NSA/ CSS	
10 USC 128			1						1
10 USC 130			1	1					2
10 USC 618 (e)		6							6
10 USC 1102 (f)		2	1	2					5
18 USC 798								19	19
41 USC 423			1		2				3
42 USC 290dd-3			1						1
42 USC 2161-2168 (P.L. 703)	1		1	1			1		4
50 USC 401 Note, Sec 1082 (P.L. 102-190)	1								1
50 USC 402 Note (Sec 6, P.L. 86-36)				1				28	29
National Security Act of 1947, (50 USC 401 et sec, as amended, 403-3 (c)(5))						3		18	21
Intelligence Auth Act, FY 93, Sec 406 (a)						2			2
<b>Agency Totals</b>	<b>2</b>	<b>8</b>	<b>6</b>	<b>5</b>	<b>2</b>	<b>5</b>	<b>1</b>	<b>65</b>	<b>94</b>

## Item 5(c)

### Other Reasons Cited on Appeal Determinations

Component	Category*						Total
	1	2	3	4	5	6	
OSD/JS	13	7	0	4	23	0	47
Dept Army	31	63	0	0	0	0	94
Dept Navy	51	4	0	42	25	0	122
Dept Air Force	23	67	0	0	3	0	93
DCAA	0	0	0	0	0	0	0
DFAS	0	0	0	0	0	0	0
DIA	0	0	0	0	0	0	0
DIS	0	0	0	0	0	0	0
DISA	0	0	0	0	0	0	0
DLA	1	1	0	1	0	1	4
DMA	0	0	0	0	0	0	0
DNA	0	3	0	1	0	0	4
NRO	0	3	0	0	0	0	3
NSA/CSS	0	21	0	0	0	0	21
OIG, DOD	4	5	0	0	0	0	9
<b>DOD Totals</b>	<b>123</b>	<b>174</b>	<b>0</b>	<b>48</b>	<b>51</b>	<b>1</b>	<b>397</b>

**\* Types of Categories**

- 1. Transferred Request**
  - 2. Lack of Records**
  - 3. Failure of Requester to Reasonably Describe Record**
  - 4. Other Failures by Requester to Comply with Published Rules and/or Directives**
  - 5. Request Withdrawn by Requester**
  - 6. Not an Agency Record**
- (see page 8 for description of each category)

## Item 6

### Appeal Denial Authorities by Participation

Name	Rank	Title	Number of Instances
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#### OSD/JS

Bernath, Clifford H.	Civ	Deputy Assistant to the Secretary of Defense (Public Affairs) (Operations)	8
McDonald, W. M.	Civ	Director, Freedom of Information and Security Review, Assistant to the Secretary of Defense (Public Affairs)	1
Taylor, Robert W.	Civ	Principal Deputy Assistant Secretary of Defense (Public Affairs)	25

#### DEPARTMENT OF THE ARMY

Gamboa, Anthony H.	Civ	Deputy General Counsel (Acquisition), Office of the Army General Counsel	3
Peck, Darrell L.	Civ	Deputy General Counsel (Military & Civil Affairs), Office of the Army General Counsel	66
Reres, Matt	Civ	Deputy General Counsel (Fiscal Law & Policy), Office of the Army General Counsel	3
Stockdale, Earl H.	Civ	Deputy General Counsel (Civil Works and Environment), Office of the Army General Counsel	3
Taylor, Thomas W.	Civ	Deputy General Counsel (Installations and Operations), Office of the Army General Counsel	112

#### DEPARTMENT OF THE NAVY

Albrecht, D. A.	Capt	Assistant Judge Advocate General (Civil Law)	209
Dombrowski, J. E.	Capt	Assistant Judge Advocate General (Operations)	41

Wilcox, Harvey J.	Civ	Deputy General Counsel (Logistics)	81
Wylie, P. C.	Capt	Deputy Assistant Judge Advocate General (General Litigation)	33

**DEPARTMENT OF THE AIR FORCE**

Davidson, William A.	Civ	Deputy Administrative Assistant to the Secretary of the Air Force	2
McNamara, Roger T.	Civ	Attorney Advisor to Assistant General Counsel, Office of the Secretary of the Air Force	13
Willson, Walter A.	Civ	Assistant General Counsel, Office of the Secretary of the Air Force	215

**DEFENSE CONTRACT AUDIT AGENCY**

Van Santen, John	Civ	Assistant Director, Resources	4
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**DEFENSE FINANCE AND ACCOUNTING SERVICE**

None

**DEFENSE INTELLIGENCE AGENCY**

Clift, Denis A.	Civ	Chief of Staff	39
Prombain, Louis A.	Civ	Acting Chief of Staff	1

**DEFENSE INVESTIGATIVE SERVICE**

Donnelly, John F.	Civ	Director	1
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**DEFENSE INFORMATION SYSTEMS AGENCY**

Short, Alonzo E., Jr.	LtGen	Director	2
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**DEFENSE LOGISTICS AGENCY**

Farrell, L. P., Jr.	MajGen	Deputy Director	15
Straw, Edward M.	VAdm	Director	4

**DEFENSE MAPPING AGENCY**

Obloy, Edward J.	Civ	General Counsel	1
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**DEFENSE NUCLEAR AGENCY**

Hagemann, Kenneth L.	MajGen	Director	2
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**NATIONAL RECONNAISSANCE OFFICE**

Hill, J. D.	Civ	Deputy Director	8
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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE**

Parsons, Donald L.	Civ	Executive Director	2
Prestel, Robert L.	Civ	Deputy Director	27

**OFFICE OF THE INSPECTOR GENERAL, DOD**

Lutsch, Nicholas T.	Civ	Assistant Inspector General of Administration and Information Management	30
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## Item 7

### Court Opinion and Actions Taken

#### OSD/JS

**The Washington Post Company v. DoD**, C.A. No. 84-3400, U.S.D.C. D.C., November 7, 1984. Plaintiff sought all documents relating to the aborted Iranian hostage rescue attempt during the last days of the Carter Administration. During litigation, segregable documents were selectively released, and others remained classified. A Stipulation of Dismissal with prejudice was signed by both parties on September 22, 1993.

**Edward W. Spannaus v. DoD**, C.A. No. 92-2435, U.S.D.C. D.C., October 27, 1992. Plaintiff sued for adequacy of search of documents involving six individuals and eleven organizations associated with the La Ruche movement. Defendant produced three documents, the majority of which were released, with the exception of names of FBI agents and DoD military personnel providing logistical support to the FBI. The names were withheld under Exemption 7 (C). On September 13, 1993, the Court ruled in favor of defendant for adequacy of search, and for the correct application of Exemption 7 (C). Case is now on appeal.

**Waynard Worsham v. Richard B. Cheney, et al.**, C.A. No. 91-0557, U.S.D.C. D.C., March 14, 1991. Plaintiff sought records on himself. By Declaration June 25, 1991, it was reiterated that query into the Defense Clearance and Investigative Index revealed no components of DoD having any records on plaintiff. On August 28, 1991, plaintiff's motion for a preliminary injunction enjoining defendants from destroying information pertaining to him was denied and defendant's motion for summary judgment and dismissal was granted.

**James D. Harper v. Department of Justice and Department of the Army, et al.**, C.A. No. 92-462, U.S.D.C. OR, April 17, 1992. Plaintiff is a convicted espionage agent and is currently incarcerated. Plaintiff requested a copy of the Damage Assessment Report outlining DoD's damage assessment for all the classified documents seized by the FBI in Harper's arrest. The report was released in redacted form, with classified information withheld under Exemption 1. Defendant submitted declarations supporting its claim for withholding classified information. Defendant's declarations were accepted, and the suit was dismissed August 10, 1993.

**James D. Harper v. Department of Justice and Department of the Army, et al.**, C.A. No. 92-670, U.S.D.C. OR, June 1992. Plaintiff is a convicted espionage agent, currently incarcerated. Plaintiff sought two DoD classified reports. One report was 1400 pages, and 90 percent classified. Defendant submitted a declaration advising it would cost in excess of \$23,000 to complete and would take approximately two years. The second report (451 pages) was released in redacted form, with classified information withheld under Exemption 1. Defendant submitted a declaration supporting the withheld information as classified. The court accepted both declarations, and the suit was dismissed on August 10, 1993.

**Edwin Montes v. William Barr, Acting Attorney General of the U.S., et al.**, C.A. No. 7472, U.S.D.C. NY, November 4, 1991. Plaintiff filed suit with several Federal agencies, one of which was the Office of the Secretary of Defense, and the Defense Security Assistance Agency. Plaintiff sought records on himself. Two separate searches for records responsive to plaintiff's FOIA request resulted in no records being located. Case dismissed without prejudice on October 22, 1992.

**Bay Area Lawyer Alliance for Nuclear Arms Control v. Department of State, et al.**, C.A. No. 89-1843, U.S.D.C.N.D. CA, June 4, 1993. The plaintiff, Bay Area Lawyers' Alliance for Nuclear Arms Control submitted a Freedom of Information Act (FOIA) request to the Department of State (DOS) for information about negotiations and other efforts to achieve the discontinuance of nuclear test explosions and for report evaluating United States compliance with its treaty obligations. Two Department of Defense (DoD) documents were located and referred by Department of State (DOS) for release determination. The documents were exempt as classified and deliberative in nature, and were successfully defended by DoD. Summary judgment granted in favor of DoD, June 7, 1993.

#### **DEPARTMENT OF THE ARMY**

**Major Charles Harry v. Department of the Army**, C.A. No. 92, U.S.D.C. D.C., July 15, 1992. Plaintiff, an active duty officer, sought release of a commander's inquiry under the Freedom of Information Act (FOIA). The commander's inquiry was requested by an officer who was given an adverse officer efficiency report (OER) by the plaintiff. Plaintiff requested a copy of the commander's inquiry to assist him in appealing his own adverse OER. The U.S. Army Personnel Command withheld most of the commander's inquiry under Exemption 5 and Exemption 6 of the FOIA. After conducting an in-camera review of the 57 page document, the court in a very favorably worded opinion upheld the Army's withholding of the redacted portions of the inquiry.

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

**AT&T v. Department of the Navy**, C.A. No. 92-2152, U.S.D.C. D.C., September 21, 1992. Case involved information generated under an MCI contract for the Navy Exchange Service Command consisting of monthly public phone total revenue reports for 1991 for each Navy and Marine installation. Information was withheld under Exemption 4. On February 12, 1993, the parties filed a Stipulation of Dismissal with prejudice.

**Boeing Company v. Department of the Navy**, C.A. No. C93-0838-D, U.S.D.C.W.D. WA, June 22, 1993. Case involved Naval Air Systems Command (PMA-240) Activity Reports by manager of Navy's on-site team at Boeing pertaining to the P-3 Update IV Program. On August 10, 1993, the court granted plaintiff's Motion for Summary Judgment and ordered release of unredacted copies of all activity reports.

**Joseph A. Camardo, Jr. v. Department of the Navy**, C.A. No. 92-CV-935, U.S.D.C.N.D. NY, July 21, 1992. Case involved two causes of action: (1) Plaintiff made request to the



Naval Sea Systems Command (NAVSEA) for Novamarine America, Inc. contract materials on March 11, 1992, in connection with a GAO protest by Nautical International against award to Novamarine on the grounds that the contract violates foreign shipyard construction prohibition; violates preference for domestic commodities; is unfair competition; contractor sells defective boats; and contractor is in breach of an exclusive representation agreement. On June 5, 1992, NAVSEA refused to expedite the request which it is processing under its Open America Procedures. (2) Plaintiff made request to the Defense Logistics Agency (DLA) on May 6, 1992. DLA was contacting submitters and had not responded to plaintiff. On March 30, 1993, Court denied the Government's motion to dismiss or in the alternative for Summary Judgment, concluded that the Navy was exercising due diligence, but the backlog of similar FOIA requests did not constitute exceptional circumstances. Thus, the Court ordered the Navy to complete its response to the request within six months of the date of the order and to report to the court every two months. The Court was notified that processing was completed on September 27, 1993. Plaintiff has failed to pay fees in excess of \$3,000 for processing of 4,573 responsive pages of documents. Partial releases were made, but Navy is declining to release all responsive documents or an index to withheld material until payment is made. Navy has submitted written arguments to the Court in support of this position.

**Digital Systems Group, Inc. v. Department of the Navy**, C.A. No. 92-6047, U.S.D.C.E.D. PA, October 20, 1992. Case filed by Robert G. Fryling of Saul, Ewing, Remick & Saul, Philadelphia, PA, concerning the Integrated Financial Management Information System (IFMIS) which originated at the Naval Air Warfare Center, Aircraft Division, Warminster, PA (NAWC, Warminster). On December 2, 1992, the Court dismissed the action without prejudice.

**General Dynamics v. Department of the Navy**, C.A. Nos. 93-0305, 93-0309, 93-0333, 93-0341, 93-0359, U.S.D.C. D.C. Five cases pertain to the A-12 program. (1) Case 93-0305: The Naval Air Systems Command (NAVAIR) withheld an April 13, 1989, Attorney-Client memorandum from Donna Dooley providing review panel comments on a solicitation for Fleet Electronic Warfare Support Group Replacement Aircraft. The denial was upheld by the appellate authority on December 23, 1992. This action was dismissed without prejudice and with each party bearing its own costs and attorney fees on May 12, 1993, by a Stipulation of Dismissal. (2) Case 93-0309: October 1991 request for 12 items of documents pertaining to 1989-1991 A-12 documents (including DoD information). NAVAIR did not provide a substantive response. On March 17, 1993, NAVAIR withheld two responsive documents under Exemptions 1 and 5, and advised that DoD would respond for documents under their cognizance. This action was dismissed without prejudice and with each party bearing its own costs and attorney fees on May 24, 1993, by a Stipulation of Dismissal. (3) Case 93-0333: November 1993 request for 12 items of A-12 budgetary information. NAVAIR did not provide a substantive response. This action was dismissed without prejudice and with each party bearing its own costs and attorney fees on August 20, 1993, by a Stipulation of Dismissal. (4) Case 93-0341: February 1991 request for two items of documents pertaining to A-12 cost-at-completion projection studies. NAVAIR did not provide a substantive response. This action was dismissed without prejudice and with each party bearing its own costs and attorney fees on June 25, 1993, by a Stipulation of Dismissal. (5) Case 93-0359: December 2, 1991, request to the Office of Management and Budget which was referred to Navy on January 7, 1992, for two items of documents pertaining to FY 91 and FY 92 budget requests for the A-12 program. NAVAIR did not

provide a substantive response. This action was dismissed without prejudice and with each party bearing its own costs and attorney fees on June 16, 1993, by a Stipulation of Dismissal.

**Christine Leonardich v. Department of the Navy**, C.A. No. C-93-0167, U.S.D.C.N.D. CA, January 14, 1993. Civil rights action case alleging unlawful sex discrimination with four causes of action and a fifth cause of action under the Freedom of Information Act for failure to provide to Plaintiff a copy of an investigative report by the Criminal Intelligence Division which bears on her civil rights complaint. A status hearing was held on April 12, 1993. The Navy filed a Motion for a Stay and to bifurcate the FOIA action. The FOIA appeal by Mr. Jaffe (Attorney for Ms. Leonardich) was denied by the Deputy General Counsel (Logistics) on September 21, 1993, under Exemptions 5 and 6.

**Sullivan v. Department of the Navy**, C.A. No. 87-0305-B, U.S.D.C.N.D. ME. Plaintiff sought production of documents relating to her father's disappearance in a small Government plane over South America/Cuba in 1963. Navy had only one document, a one-page letter mentioning the father's alleged partner. Navy released it, without partner's name, based upon Exemption 6. Navy was joined in the suit, filed against nine Federal agencies, to compel release of this name. AUSA filed an answer May 7, 1988. AUSA filed Motion for Summary Judgment on December 2, 1991. FBI and CIA are only real parties. Judge granted Summary Judgment in favor of all defendants; Plaintiff appealed to CIA. On May 26, 1993, First Circuit Court of Appeals affirmed grant of Summary Judgment.

**Henry R. Goode v. Department of the Navy**, C.A. No. 92-1098, U.S.D.C.S.D. AL, January 1993. Suit filed concerning FOIA request in December 1988 seeking information concerning the existence or non-existence in WWII of U.S. Naval Recruiting Station, Atlanta, and its Officer in Charge, a LT Parrott. Request was bifurcated: information pertaining to Recruiting Station was referred to Navy Recruiting Command. Information regarding LT Parrott was referred to Bureau of Naval Personnel. Recruiting Command, in turn, forwarded to Naval Historical Center, which advised plaintiff that no records available; Bureau of Naval Personnel apparently did not respond. In June 1993, judge held claim was mooted by release of information and granted Motion to Dismiss.

**Fulton Building Company Inc. v. Department of the Navy**, C.A. No. 92-1533, U.S.D.C. NJ. Plaintiff sought JAG Manual investigation. Response was not made within 10 days so plaintiff sued, after which Investigations Division/IDA responded. Judge dismissed case May 5, 1993.

### **DEPARTMENT OF THE AIR FORCE**

**Sherry Ann Sullivan v. Department of the Air Force, et al.**, C.A. No. 87-0305-B, U.S.D.C. ME. Plaintiff sought records on her father who disappeared while flying an aircraft to Central America in 1963. The National Personnel Records Center (NPRC) in St. Louis maintains the responsive Air Force records, and it released to her all Air Force records on her father after she filed suit. Summary judgment was granted to all defendants in 1992, and the U.S. Circuit Court of Appeals, 1st Circuit affirmed the District Court decision on May 26, 1993.

**SMS Data Products Group, Inc. v. Department of the Air Force**, C.A. No. 88-0481, U.S.D.C. D.C. Plaintiff sought records on a contract awarded to Zenith Data Systems by the Air Force Computer Acquisition Center, Hanscom AFB, MA. Plaintiff filed suit before the appeal process was completed. In March 1989, partial summary judgment was granted to defendant on technical scores, which were withheld under Exemption 5, and to plaintiff on "company proprietary information" withheld under Exemption 4. In May 1989, the court granted the Air Force motion for reconsideration and ordered that the Exemption 4 material need not be released.

**D. Kemenash & Associates, Inc. v. Secretary of the Air Force, et al.**, C.A. No. 88-2835, U.S.D.C. NJ. Plaintiff sought documents concerning a base housing renovation contract awarded to plaintiff, the previous contract awarded to another contractor; and performance ratings and other personnel information on four Air Force employees. Plaintiff filed suit before receiving the response to the FOIA request, which was made the day suit was filed. Some records were released and others withheld under Exemptions 5 and 6. The parties stipulated to dismissal of individual defendants in November 1988 and to dismissal of the entire action with prejudice on September 23, 1992.

**General Dynamics Corp. Space Systems Division v. Department of the Air Force**, C.A. No. 88-3272, U.S.D.C. D.C. Plaintiff filed this reverse FOIA suit to prevent the Air Force from releasing option pricing information requested by McDonnell Douglas Astronautics Company. Summary judgment was granted to defendant in March 1992 and plaintiff appealed. Before the U.S. Circuit Court of Appeals, District of Columbia Circuit could hear the appeal, McDonnell Douglas withdrew its FOIA request for the records in August 1993. The Circuit Court then remanded the case to the District Court to be dismissed as moot.

**Thomas L. Rush v. National Institutes of Health and Department of the Air Force**, C.A. No. 589-CV-0269, U.S.D.C.N.D. OH. Plaintiff sought from NIH certain AIDS information and from the Air Force his own AF 201 file and all attachments; all Air Force records with his name or social security number; and any record of his alleged forced exposure to a poison tear gas in 1961 during basic training at Lackland AFB, TX. Plaintiff alleges he is an Air Force veteran and totally disabled due to the alleged exposure to poison tear gas. Summary judgment was granted to defendants in March 1992; plaintiff's request for reconsideration was denied in April 1992; and the U.S. Circuit Court of Appeals, 6th Circuit, dismissed the case in March 1993 for want of prosecution after plaintiff failed to pay filing fees.

**William M. Lips v. Secretary of the Air Force**, C.A. No. 89-0830-HHG, U.S.D.C. D.C. Plaintiff is a prisoner at Ft. Leavenworth who sought all information in the Air Force's possession used by the Air Force Clemency and Parole Board in its adverse decision on his parole in October 1988. In October 1990, the court ordered the defendant to give plaintiff copies of his medical records, and in April 1991, the court granted summary judgment to defendant, finding it had released all responsive records. In July 1991, the court denied plaintiff's motion for reconsideration and rehearing *en banc*. Plaintiff appealed and the U.S. Circuit Court of Appeals, District of Columbia Circuit dismissed the case for mootness on May 24, 1993.

**Charles R. Hansen v. Department of the Air Force**, C.A. No. 91-0099-LFO, U.S.D.C. D.C. Plaintiff sought several volumes of an Air Force history entitled "A History of the Air Force Atomic Energy Program, 1943-1953." Plaintiff made his initial FOIA request in 1980 and parts of the history were released, but the rest required a declassification review. In 1988, plaintiff appealed because he had heard nothing in 8 years; in 1990 the appeal was denied under Exemption 1, for classified parts, and Exemption 5, for the remainder because the Air Force considered the history to be only a draft. Plaintiff appealed those specific denials and that appeal was denied in May 1990. In April 1992, summary judgment was granted to plaintiff on the Exemption 5 material, because the Court found the history not to be a draft. The Air Force conducted a declassification review and released the unclassified part of the history in November 1992. In early 1993, the case was dismissed with prejudice with a stipulation for payment of \$34,500 to plaintiff in attorney's fees and cost.

**Gary Stanley v. DoD and Department of the Air Force**, C.A. No. 91-4054-JLF, U.S.D.C.S.D. IL. Plaintiff sought records on management, procedures, and policies from USAF hospitals, with a focus on material used to support hospital accreditation. The court considered 5 test counts out of 594 and dismissed the case with prejudice pursuant to the parties' stipulation on February 19, 1993.

**Leading Edge Services, Inc. v. Secretary of the Air Force**, C.A. No. 91-505-CIV-J-20, U.S.D.C.M.D. FL. Plaintiff sought information on the military family housing maintenance contract at Seymour Johnson AFB, SC. Plaintiff was the successful offeror on this contract, but then sold its right to another company, which objected to releasing the information plaintiff sought. After defendant filed its summary judgment motion in January 1993, plaintiff agreed to a stipulation of dismissal, which was granted February 18, 1993.

**Willie M. Lee, Jr. v Department of the Air Force of the Judge Advocate General**, C.A. No. CV-92-2069, U.S.D.C.C.D. CA. Plaintiff sought the HQ USAF/JAJM Article 69(b) UCMJ review prepared in his special court-martial when he was a TSgt. Defendant released the review and the case was dismissed on May 27, 1992. Plaintiff's motion for reconsideration was denied on July 8, 1992.

**John Cummings v. DoD**, C.A. No. 91-1736, U.S.D.C. D.C. Plaintiff sought Vietnam era aerial reconnaissance photos of specified coordinates in Southeast Asia. Plaintiff amended his complaint to include the USAF in January 1992. After limited discovery, the court dismissed the suit with prejudice on plaintiff's motion on November 17, 1992.

**Michael F. Blue, Capt. USAFR v. Department of the Air Force and Secretary of the Air Force**, C.A. No. 92-0517, U.S.D.C. AZ. Plaintiff is a pilot in the Air Force Reserve, who sought his own Article 138 complaint file, the report of investigation of an IG complaint he filed; a report of a security incident investigation in which he was the subject; and the report and documents arising from an inquiry into the 302d Tactical Fighter Squadron at Luke AFB, AZ. He filed suit before processing was complete on his FOIA requests. Records were withheld under Exemption 5, deliberative process, and Exemptions 6 and 7(C) to protect personal privacy. After partial releases, summary judgment was granted to defendants on May 1, 1993. Defendants were ordered to pay attorney's fees and cost of \$4,340.73

**Antuco, Inc. v. DoD, et al.**, C.A. No. 92-0957, U.S.D.C. D.C. Plaintiff sought records on Carlos Cardoen, Industrias Cardoen, Ltd and Swisso Charter Co., Inc. The suit was dismissed without prejudice on plaintiff's motion on July 31, 1992

**Anchorage Daily News v. Department of the Air Force**, C.A. No. A92-608 Civil, U.S.D.C. AK. Plaintiff sought records on any loss of medical privileges at Elmendorf AFB hospital by Dr. Burton Ake and on patient complaints against Dr. Ake. Dr. Ake was a former Air Force OB/GYN doctor who was convicted of sexual assaults on several female patients of his civilian medical practice after he left the Air Force. The plaintiff's FOIA appeal was denied, with a "no record" response to loss of privileges, and other records withheld under Exemptions 5 and 6. Defendant made a partial release of records in April 1993. A joint Stipulation of Dismissal was filed on October 29, 1993, based on paying plaintiff \$1,500 in attorney's fees.

**Elizabeth Robischon and McKenna & Cuneo v. Department of the Air Force**, C.A. No. 92-2259, U.S.D.C. D.C. Plaintiff sought records on the use of a Limitation of Government Obligation (LOGO) clause in the C-17 contract, and changes to that and other similar clauses in federal acquisition regulations. Headquarters Air Force Systems Command made partial releases pursuant to the initial FOIA request and the appeal; recommendations, opinions, and legal opinions were withheld under Exemption 5. After a settlement conference, plaintiff agreed to Stipulate of Dismissal if the Air Force released four documents, including two legal opinions. The documents were released and the Stipulation for Dismissal with prejudice was approved on March 10, 1993.

**Karen L. Manos, Capt. USAF v. Department of the Air Force**, C.A. No. C92-3986 MIIP, U.S.D.C.N.D. CA. Plaintiff sought application packages for the 1992 Air Force JAG Department LL.M. selection board and statistics showing numbers of applicants and selectees by rank, sex, and race for 1986-1992. Plaintiff was an unsuccessful applicant for the 1992 LL.M. program and was seeking evidence to support an allegation of illegal discrimination in the selection process. The requested statistics and her own application were released in October 1992, but the other application packages were withheld under Exemption 6 because they contain applicants' personnel files and other personal information. In March 1993, the court granted partial summary judgment to plaintiff, and ordered the application packages released to plaintiff, with the names, addresses, and social security numbers of the applicants and other persons redacted. The US Court of Appeals, 9th Circuit denied defendant's request for a stay pending appeal, and the Solicitor General's office did not seek a stay from the Supreme Court. The redacted packages were released, and on August 13, 1993, the District Court denied plaintiff's application for attorney's fees (because she was pro se) but granted her costs.

**Cooling & Herbers, PC v. USAF**, C.A. No. 93-0204-CV-W-6, U.S.D.C.W.D. MO. Plaintiff sought the air traffic control audio tape of contact between the tower at Edwards AFB, CA and a Navy aircraft that crashed at Edwards in May 1992. The tape was initially withheld under Exemption 7 because the accident investigation was ongoing, but was released after the investigation was completed. The parties Stipulated to a Dismissal with prejudice on April 22, 1993.

**Willard W. Mann v. Department of the Air Force, Secretary of the Air Force, Air Force Clemency and Parole Board**, C.A. No. 93-2104-KHV, U.S.D.C. KS. Plaintiff is a prisoner at Ft. Leavenworth who was court-martialed in 1985, when he was a SSgt, and sentenced to 25 years confinement for indecent acts and sodomy with his daughter. He sought the Air Force Clemency and Parole Board (AFCPB) October 1990 decision on his clemency request and all background records the board used in that decision. His initial Privacy Act request for the records was processed under both the FOIA and PA, and some records were released, and other withheld under both FOIA and PA. On July 8, 1993, the court dismissed SECAF and AFCPB as defendants; dismissed plaintiff's FOIA claims for failure to exhaust administrative remedies; and granted summary judgment to the Air Force on record withheld under the Privacy Act.

**Eric W. Bulfinch, Major, USAF v. Secretary of the Air Force**, C.A. No. 93-407-A, U.S.D.C.E.D. VA. Plaintiff sought personnel records and promotion folders of other Majors in 23d Air Force who met the May 1989, Lieutenant Colonel selection board. The Air Force Military Personnel Center denied his FOIA request under Exemptions 2, 5, and 6. He appealed in September 1991, and suggested a way to segregate the information to protect personal privacy. The Air Force Military Personnel Center told him the cost of conducting the search would be over \$3,600, suggested an alternate method of search, and asked plaintiff how he wanted them to proceed. He never replied but filed suit instead. After the Air Force Military Personnel Center made a partial release, the suit was dismissed pursuant to joint stipulation on October 19, 1993.

### **DEFENSE INVESTIGATIVE SERVICE**

**The Nation Magazine and Max Holland v. Department of State, Central Intelligence Agency, Department of Justice, and DoD**, C.A. No. 92-23-3, U.S.D.C. D.C. Plaintiff filed suit because Federal defendants declined to release files pertaining to H. Ross Perot. The Defense Investigative Service (DIS) is included in the list of Federal defendants as a component of the Department of Defense. The DIS withheld investigative files pertaining to Perot under Exemption 6 and 7(C). Defendants filed a Motion for Summary Judgment on February 5, 1993. The parties are awaiting the court's decision regarding this motion.

### **DEFENSE LOGISTICS AGENCY**

**TPS, Inc. v. DoD**, C.A. No. C-93-0119-SBA, U.S.D.C.N.D. CA, January 11, 1993. TPS seeks refund for alleged overcharges for records produced pursuant to FOIA requests. Case settled September 22, 1993.

### **NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE**

**John C. Gilmore v. National Security Agency**, C.A. No. C-92-3646, U.S.D.C.N.D. CA, September 4, 1992. Plaintiff alleged improperly withheld records and sought injunctive and declaratory relief for failure to process requests within statutory time limits. Court

upheld the Agency's withholding of records on the basis of Exemptions 1 and 3. When it was proven the records were previously disclosed and in the public domain, the Agency released the documents. Upon the Government's motion for summary judgment on February 12, 1993, the court dismissed the complaint for injunctive and declaratory relief. The court vacated the dismissal and reopened the case upon motion by the plaintiff.

**Computer Professional for Social Responsibility v. National Security Agency**, C.A. No. 93-1074, U.S.D.C. D.C., June 28, 1993. Action brought for untimely response to request for records relating to Clipper Chip technologies. The Open America motion filed in June 1993 to stay proceedings was granted by the court and the documents are being processed by NSA.

## Item 8

### FOIA Implementation Rules or Regulations

COMPONENT	DOCUMENT IDENTIFICATION	CFR REF.
OSD/JS	"DoD Freedom of Information Act (FOIA) Program"	32 CFR 286
Dept Army	"Release of Information and Records from Army Files"	32 CFR 518
Dept Navy	"Availability of Department of Navy Records and Publication of Department of the Navy Documents Affecting the Public"	32 CFR 701
Dept Air Force	"Air Force Freedom of Information Act Program"	32 CFR 806
DCAA	"Defense Contract Audit Agency (DCAA) Freedom of Information Act Program"	32 CFR 290, as amd by FR Vol 58, No. 228, 30 Nov 93
DIA	"Defense Intelligence Agency (DIA) Freedom of Information Act"	32 CFR 292
DIS	"Defense Investigative Service Freedom of Information Practices"	32 CFR 298b, as amd by FR, Vol 53, No. 185, 23 Sep 88 (pending revision)
DISA	"Defense Information Systems Agency/Office of the Manager, National Communications System (DISA/OMNCS) Freedom of Information Act Program"	32 CFR 287
DLA	"Defense Logistics Agency (DLA) Freedom of Information Act Program"	32 CFR 1285



DMA	"Defense Mapping Agency (DMA) Freedom of Information Act (FOIA) Program"	32 CFR 286i and 293, as amd by FR Vol 56, No. 111, 1 May 93
DNA	"Defense Nuclear Agency (DNA) Freedom of Information Act Program"	32 CFR 91 (pending revision)
NRO	Public Access to Records of the National Reconnaissance Office	32 CFR 296, as amd by FR Vol 58, No. 219, 16 Nov 93
NSA/CSS	"Public Access to Records"	32 CFR 299
OIG, DOD	"Office of the Inspector General Freedom of Information Act Program"	32 CFR 295

## **Item 9**

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

The fee schedule on pages 63 through 76, reprinted from Chapter VI, DoD Regulation 5400.7-R, October 1990, with Change 1, May 10, 1991, establishes standard costs collectable by Department of Defense Agencies.

\$1,450,343.85 was collected from the public for making records available during the year 1993 (see item 10(b), page 78 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 usable, 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 than 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 (af)), 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. Components may also charge search and review (in the case of commercial requesters) time 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 through 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).

3. "Representative of the news media" does not include private libraries, private repositories of Government records, or middlemen, such as information vendors or data brokers.

**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 (af)), 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 (ae)). 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	E9/GS8 and below	13.25
(Minimum Charge)		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 revealed.)

POW/MIA documents being placed in the Library of Congress, and the National Archives and Records Administration.

Human rights violations in El Salvador placed in the Library of Congress.

## Item 10(b)

### Calendar Year Costs and Fees Collected

Component	Annual Cost	Fees Collected
OSD/JS	\$2,710,044.81	\$37,995.83
Dept Army	\$9,116,512.98	\$324,451.90
Dept Navy	\$7,652,129.76	\$458,233.98
Dept Air Force	\$6,326,037.50	\$304,594.11
DCAA	\$177,270.20	\$7,101.10
DFAS	\$233,155.43	\$19,890.77
DIA	\$321,291.88	\$992.00
DIS	\$93,711.25	\$341.00
DISA	\$139,668.75	\$7,964.32
DLA	\$1,654,250.50	\$280,510.00
DMA	\$188,368.34	\$301.40
DNA	\$191,461.86	\$3,301.64
NRO	\$186,383.25	\$0.00
NSA/CSS	\$877,567.50	\$4,079.00
OIG, DOD	\$231,543.88	\$586.80
<b>DOD Totals</b>	<b>\$30,099,397.89</b>	<b>\$1,450,343.85</b>

**Item 10(b) (Cont'd)**

<b>COST OUTLINE</b>	<b>OSD/JS</b>	<b>Dept Army</b>	<b>Dept Navy</b>	<b>Dept Air Force</b>
<b>I. Personnel Costs</b>				
A. Estimated Manyears*	32.1	129.8	117.0	129.2
B. Manyear Costs	\$1,906,197.81	\$5,390,195.61	\$4,684,222.94	\$3,926,910.00
<b>C. Estimated Manhour Costs by Category (Fee Schedule Rates)**</b>				
(1) Search Time	\$36,541.71	\$269,132.69	\$259,597.71	\$153,741.00
(2) Review & Excising	\$49,955.91	\$430,311.78	\$166,112.81	\$181,367.00
(3) Coordination & Approval	\$25,106.75	\$198,560.84	\$173,249.63	\$177,762.00
(4) Correspondence/Form Preparation	\$21,582.70	\$184,645.41	\$158,690.42	\$119,503.00
(5) Other Activities	\$18,275.10	\$127,149.34	\$80,089.76	\$74,497.00
(6) Total [(1) thru (5)]	\$151,462.17	\$1,209,800.06	\$897,740.33	\$706,870.00
D. Overhead [25% of (B + C)]	\$514,415.00	\$1,649,998.92	\$1,380,490.82	\$1,158,445.00
E. Total [B thru D]	\$2,572,074.98	\$8,249,994.59	\$6,902,454.09	\$5,792,225.00
<b>II. Other Case Related Costs</b>				
A. Computer Search Time	\$15,530.05	\$123,069.51	\$279,763.81	\$43,317.00
B. Office Copy Reproduction	\$27,225.30	\$375,231.84	\$228,776.40	\$223,835.00
C. Microfiche Reproduction	\$383.55	\$8,778.01	\$36,815.50	\$5,133.00
D. Printed Records	\$481.97	\$4,922.01	\$4,026.94	\$7,690.00
E. Computer Copy	\$385.77	\$10,232.09	\$3,260.66	\$1,576.00
F. Audiovisual Materials	\$64.00	\$3,494.97	\$1,875.55	\$12,501.00
G. Other	\$787.23	\$150,112.68	\$22,528.88	\$132,998.00
H. Subtotal [A thru G]	\$44,857.87	\$675,841.11	\$577,047.74	\$427,050.00
I. Overhead [25% of H]	\$11,214.47	\$168,960.28	\$144,261.94	\$106,762.50
J. Total [H + I]	\$56,072.34	\$844,801.39	\$721,309.68	\$533,812.50
<b>III. Cost of Routine Requests Processed</b>				
	\$81,897.50	\$21,717.00	\$28,366.00	\$0.00
<b>IV. Total Costs [I thru III]</b>	\$2,710,044.81	\$9,116,512.98	\$7,652,129.76	\$6,326,037.50

\* Personnel assigned full-time or part-time FOI duties

\*\* Personnel other than I.B.

**Item 10(b) (Cont'd)**

<b>COST OUTLINE</b>	<b>DCAA</b>	<b>DFAS</b>	<b>DIA</b>	<b>DIS</b>
<b>I. Personnel Costs</b>	<b>2.2</b>	<b>4.9</b>	<b>4.0</b>	<b>1.7</b>
A. Estimated Manyears*				\$72,354.00
B. Manyear Costs	\$124,187.00	\$125,348.64	\$192,674.00	
C. Estimated Manhour Costs by Category (Fee Schedule Rates)**				
(1) Search Time	\$5,157.00	\$9,931.66	\$10,659.00	\$1,681.00
(2) Review & Excising	\$4,957.00	\$6,536.25	\$28,137.00	\$194.00
(3) Coordination & Approval	\$2,099.00	\$8,513.35	\$6,685.00	\$231.00
(4) Correspondence/Form Preparation	\$1,221.00	\$6,483.38	\$4,858.00	\$38.00
(5) Other Activities	\$97.50	\$14,098.00	\$1,699.00	\$0.00
(6) Total [(1) thru (5)]	\$13,531.50	\$45,562.64	\$52,038.00	\$2,144.00
D. Overhead [25% of (B + C)]	\$34,429.63	\$42,727.82	\$61,178.00	\$18,624.50
E. Total [B thru D]	\$172,148.13	\$213,639.10	\$305,890.00	\$93,122.50
<b>II. Other Case Related Costs</b>				
A. Computer Search Time	\$319.43	\$1,446.76	\$10,360.00	\$150.00
B. Office Copy Reproduction	\$3,728.23	\$5,051.80	\$1,694.00	\$321.00
C. Microfiche Reproduction	\$0.00	\$238.25	\$0.00	\$0.00
D. Printed Records	\$50.00	\$15.24	\$0.00	\$0.00
E. Computer Copy	\$0.00	\$272.01	\$0.00	\$0.00
F. Audiovisual Materials	\$0.00	\$18.00	\$267.50	\$0.00
G. Other	\$0.00			
H. Subtotal [A thru G]	\$4,097.66	\$2,147.00	\$0.00	\$0.00
I. Overhead [25% of H]	\$1,024.42	\$9,189.06	\$12,321.50	\$471.00
J. Total [H + I]	\$5,122.08	\$11,486.33	\$3,080.38	\$117.75
			\$15,401.88	\$588.75
<b>III. Cost of Routine Requests Processed</b>	\$0.00	\$8,030.00	\$0.00	\$0.00
<b>IV. Total Costs [I thru III]</b>	\$177,270.20	\$233,155.43	\$321,291.88	\$93,711.25

\* Personnel assigned full-time or part-time FOI duties

\*\* Personnel other than I.B.

Item 10(b) (Cont'd)

COST OUTLINE	DISA	DLA	DMA	DNA
I. Personnel Costs	2.8	22.6	2.3	3.1
A. Estimated Manyears*				\$122,898.50
B. Manyear Costs	\$98,863.00	\$718,865.00	\$142,796.00	
C. Estimated Manhour Costs by Category (Fee Schedule Rates)**				
(1) Search Time	\$1,204.00	\$118,843.00	\$1,691.39	\$3,984.86
(2) Review & Excising	\$1,039.00	\$74,737.00	\$1,890.50	\$12,716.51
(3) Coordination & Approval	\$1,204.00	\$19,427.00	\$259.25	\$5,326.21
(4) Correspondence/Form Preparation	\$1,926.00	\$30,054.00	\$72.00	\$432.50
(5) Other Activities	\$80.00	\$47,294.00	\$43.50	\$6,044.41
(6) Total [(1) thru (5)]	\$5,453.00	\$290,355.00	\$3,956.64	\$28,504.49
D. Overhead [25% of (B + C)]	\$26,079.00	\$252,305.00	\$36,688.16	\$37,850.75
E. Total [B thru D]	\$130,395.00	\$1,261,525.00	\$183,440.80	\$189,253.74
II. Other Case Related Costs				
A. Computer Search Time	\$4,873.00	\$166,258.00	\$417.62	\$197.50
B. Office Copy Reproduction	\$2,508.00	\$45,540.00	\$886.16	\$1,560.29
C. Microfiche Reproduction	\$0.00	\$16,998.00	\$0.00	\$0.00
D. Printed Records	\$0.00	\$3,026.00	\$11.68	\$6.96
E. Computer Copy	\$38.00	\$69,814.00	\$51.57	\$1.75
F. Audiovisual Materials	\$0.00	\$0.00	\$0.00	\$0.00
G. Other	\$0.00	\$10,410.00	\$0.00	\$0.00
H. Subtotal [A thru G]	\$7,419.00	\$312,046.00	\$1,367.03	\$1,766.50
I. Overhead [25% of H]	\$1,854.75	\$78,011.50	\$341.76	\$441.63
J. Total [H + I]	\$9,273.75	\$390,057.50	\$1,708.79	\$2,208.13
III. Cost of Routine Requests Processed	\$0.00	\$2,668.00	\$3,218.75	\$0.00
IV. Total Costs [I thru III]	\$139,668.75	\$1,654,250.50	\$188,368.34	\$191,461.86

\* Personnel assigned full-time or part-time FOI duties

\*\* Personnel other than I.B.

Item 10(b) (Cont'd)

COST OUTLINE	NRO	NSA/CSS	OIG, DOD
<b>I. Personnel Costs</b>	<b>2.5</b>	<b>12.9</b>	<b>2.9</b>
A. Estimated Manyears*			\$171,134.00
B. Manyear Costs	\$141,064.00	\$619,728.00	
<b>C. Estimated Manhour Costs by Category (Fee Schedule Rates)**</b>			
(1) Search Time	\$2,756.50	\$39,691.00	\$1,048.15
(2) Review & Excising	\$3,991.10	\$27,245.00	\$4,469.70
(3) Coordination & Approval	\$0.00	\$0.00	\$3,160.55
(4) Correspondence/Form Preparation	\$0.00	\$1,393.00	\$774.00
(5) Other Activities	\$0.00	\$0.00	\$3,125.00
(6) Total [(1) thru (5)]	\$6,747.60	\$68,329.00	\$12,577.40
D. Overhead [25% of (B + C)]	\$36,952.90	\$172,014.25	\$45,927.85
E. Total [B thru D]	\$184,764.50	\$860,071.25	\$229,639.25
<b>II. Other Case Related Costs</b>			
A. Computer Search Time	\$20.00	\$9,003.00	\$256.55
B. Office Copy Reproduction	\$375.00	\$4,994.00	\$1,043.96
C. Microfiche Reproduction	\$0.00	\$0.00	\$0.00
D. Printed Records	\$0.00	\$0.00	\$48.76
E. Computer Copy	\$0.00	\$0.00	\$0.00
F. Audiovisual Materials	\$0.00	\$0.00	\$0.00
G. Other	\$900.00	\$0.00	\$174.43
H. Subtotal [A thru G]	\$1,295.00	\$13,997.00	\$1,523.70
I. Overhead [25% of H]	\$323.75	\$3,499.25	\$380.93
J. Total [H + I]	\$1,618.75	\$17,496.25	\$1,904.63
<b>III. Cost of Routine Requests Processed</b>			
	\$0.00	\$0.00	\$0.00
<b>IV. Total Costs [I thru III]</b>	<b>\$186,383.25</b>	<b>\$877,567.50</b>	<b>\$231,543.88</b>

\* Personnel assigned full-time or part-time FOI duties

\*\* Personnel other than I.B.

## Item 10(c)

### Time Limit Extensions

Component	I			II & III	Total
	Unusual Circumstances			Court	
	Location	Volume	Consultation	Involvement	
OSD/JS	1,435	31	105	1	1,572
Dept Army	89	153	110	1	353
Dept Navy	36	845	40	10	931
Dept Air Force	243	2,276	1,076	0	3,595
DCAA	0	1	3	1	5
DFAS	10	73	0	0	83
DIA	72	625	80	0	777
DIS	210	10	10	0	230
DISA	0	65	2	1	68
DLA	511	407	88	7	1,013
DMA	16	15	2	0	33
DNA	27	20	51	0	98
NRO	16	0	22	0	38
NSA/CSS	0	528	26	0	554
OIG, DOD	7	54	10	0	71
<b>DOD Totals</b>	<b>2,672</b>	<b>5,103</b>	<b>1,625</b>	<b>21</b>	<b>9,421</b>