

# **DEPARTMENT OF DEFENSE**



## **FREEDOM OF INFORMATION ACT PROGRAM *CY 1991***

**REPORT TO CONGRESS**

**PREPARED BY:**

**OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE  
(PUBLIC AFFAIRS)**

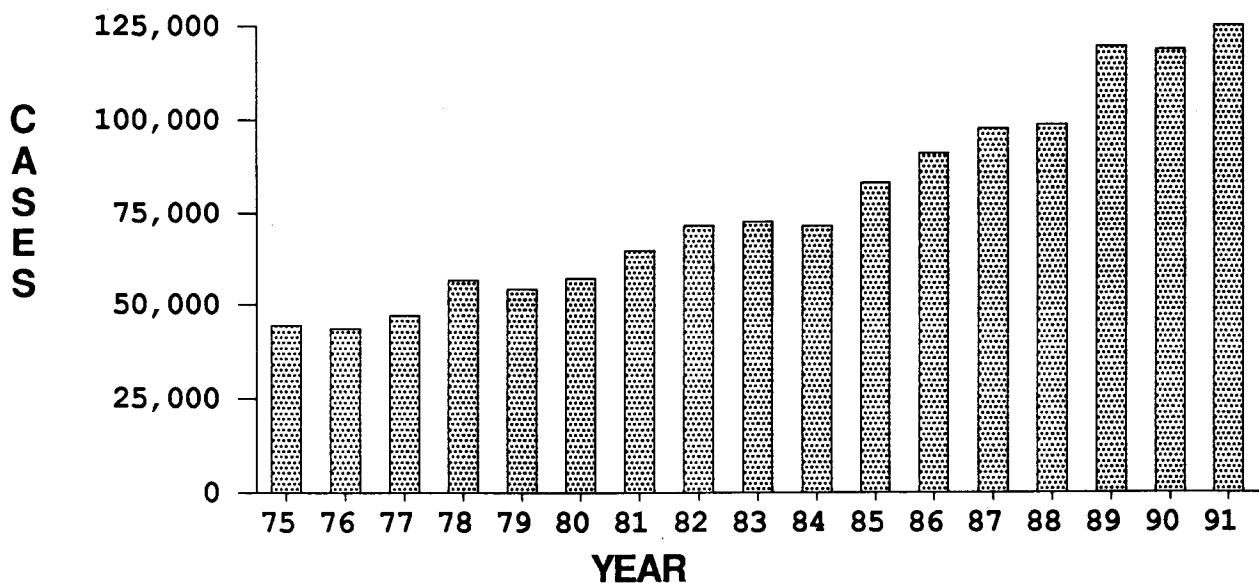
**DIRECTORATE FOR FREEDOM OF INFORMATION  
AND SECURITY REVIEW**

## CY 1991 FREEDOM OF INFORMATION ACT ANNUAL REPORT

### SUMMARY

A total of 129,437 public requests for records under the Freedom of Information Act (FOIA) were processed during 1991 by the Department of Defense. As shown below, this continues the upward trend in number of cases processed since the inception of the report in 1975.

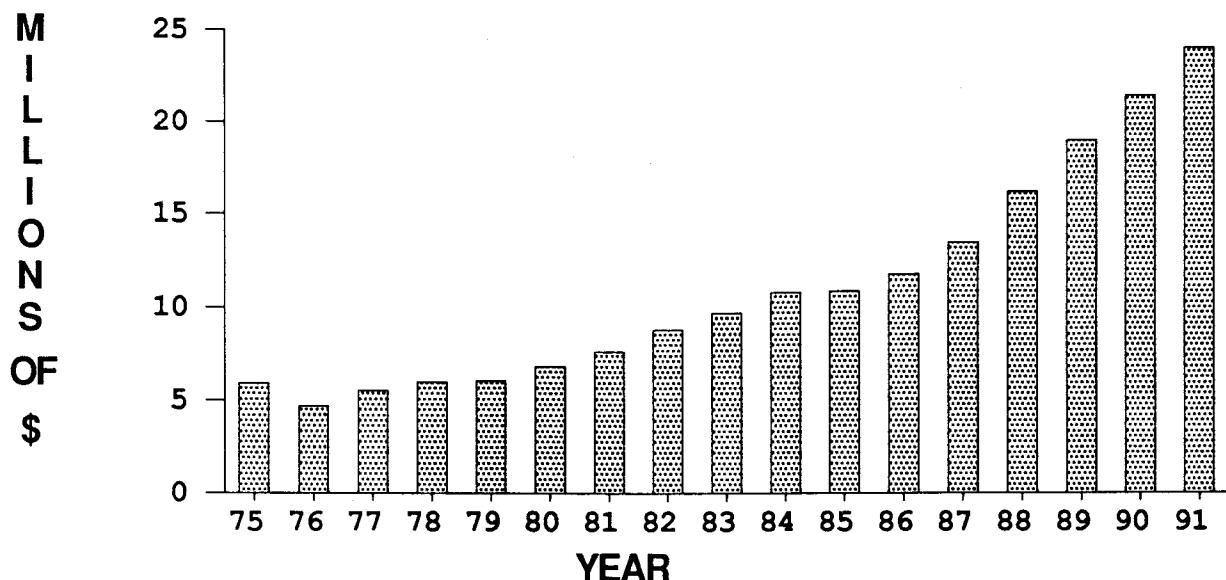
### DOD FOIA REQUESTS PROCESSED



The Department of Defense fully denied 7,709 and partially denied 1,993 out of 129,437 requests on the basis of FOIA exemptions. Of those exemptions, 12% were for classified information; 11% for internal rules and practices; 3% for statutory exemptions; 11% for proprietary data; 19% for deliberative material; 21% for privacy information; and 23% for law enforcement investigations. An additional 28,503 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 800 appeals of denied requests, 46 of which were granted, 143 partially denied, and 442 fully denied.

The total DoD operating cost associated with the 1991 requests was \$23,962,169.67. The average cost of processing a single case during 1991 was approximately \$185. Fee collections for records provided to the public amounted to \$1,593,410.78. Total program costs since inception of the report are reflected below.

## **DOD FOI PROGRAM COSTS**



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

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

<b>Agency Abbreviation</b>	<b>Agency</b>	<b>Agency Head</b>
OSD/JS	Office of the Secretary of Defense (Including the Joint Staff)	Hon Richard B. Cheney
Dept Army	Secretary of the Army	Hon Michael P. W. Stone
Dept Navy	Secretary of the Navy	Hon H. Lawrence Garrett, III
Dept Air Force	Secretary of the Air Force	Hon Donald B. Rice
DCAA	Defense Contract Audit Agency	Mr. William H. Reed
DFAS	Defense Finance and Accounting Service	Mr. Albert V. Conte
DIA	Defense Intelligence Agency	Lt Gen James R. Clapper, USAF
DIS	Defense Investigative Service	Mr. John F. Donnelly
DISA	Defense Information Systems Agency	LTG Alonzo E. Short, Jr., USA
DLA	Defense Logistics Agency	Lt Gen Charles McCausland, USAF
DMA	Defense Mapping Agency	Maj Gen William K. James, USAF
DNA	Defense Nuclear Agency	MG Gerald G. Watson, USA
NSA/CSS	National Security Agency/Central Security Service	VADM William O. Studeman, USN
OIG, DOD	Office of the Inspector General, Department of Defense	Mr. Derek J. Vander Schaaf

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

<b>Agency Abbreviation</b>	<b>Appellate Authority</b>	<b>Agency Program Head</b>
OSD/JS	Hon Pete Williams, Assistant Secretary of Defense (Public Affairs)	Mr. William M. McDonald, Director, Freedom of Information and Security Review
Dept Army	Hon William J. Haynes, II, General Counsel	Mrs. E. M. Miley, Chief, Information Branch, Freedom of Information & Privacy Act Div, HQUSAISC-P (ASQNS-OP-F)
Dept Navy	RADM E. D. Stumbaugh, USN, Judge Advocate General/Hon Craig S. King, General Counsel of the Navy	Mrs. Gwendolyn R. Aitken, PA/FOIA Branch, Office of the Chief of Naval Operations
Dept Air Force	Mr. Robert J. McCormick, Admin Asst to the Secretary of the Air Force	Mrs. Anne Turner, Air Force Access Programs Manager, Office of the Secretary of the Air Force
DCAA	Mr. John H. van Santen, Asst Director, Resources	Mr. Dave Henshall, Information and Privacy Advisor
DFAS	Mr. Albert V. Conte, Director	Mr. Carroll Dennis, Director, External Affairs and Management Support
DIA	Mr. A. Denis Clift, Chief of Staff	Mr. Robert P. Richardson, Chief, FOIA Branch
DIS	Mr. John F. Donnelly, Director	Mr. Dale L. Hartig, Chief, Information/Public Affairs
DISA	LTG Alonzo E. Short, Jr., USA, Director	Mrs. Susan Chadick, General Counsel
DLA	Lt Gen Charles McCausland, USAF, Director	COL Gary C. Tucker, USA, Staff Director, Administration
DMA	Mr. Edward Obloy, General Counsel	Mr. David L. Black, Director, Public Affairs

<b>Agency Abbreviation</b>	<b>Appellate Authority</b>	<b>Agency Program Head</b>
DNA	MG Gerald G. Watson, USA, Director	LTC Jay A. Craig, USA, Public Affairs Officer
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, Assistant Director, FOIA and Privacy Act Division

**Item 1**  
**Initial Determinations**

Component	Total Requests	Granted in Full	Denied in Part	Denied in Full	Other	Total Actions*
OSD/JS	3,121	1,007	425	109	1,734	3,275
DEPT ARMY	44,964	35,028	2,045	788	8,085	45,946
DEPT NAVY	34,223	22,559	2,298	381	9,098	34,336
DEPT AF	24,631	15,824	1,902	491	6,833	25,050
DCAA	249	107	15	4	123	249
DFAS	1,180	887	7	8	280	1,182
DIA	1,024	208	367	46	403	1,024
DIS	258	145	28	6	79	258
DISA	399	342	5	1	26	374
DLA	18,149	16,892	204	27	1,404	18,527
DMA	128	76	9	0	50	135
DNA	153	86	29	2	54	171
NSA/CSS	632	50	235	64	283	632
OIG, DOD	326	69	140	66	51	326
<b>DoD Totals</b>	<b>129,437</b>	<b>93,280</b>	<b>7,709</b>	<b>1,993</b>	<b>28,503</b>	<b>131,485</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	281	42	23	78	149	69	5	0	0	647
DEPT ARMY	439	528	8	515	970	1261	845	0	0	4,566
DEPT NAVY	181	392	68	203	538	695	1096	0	0	3,173
DEPT AIR FORCE	205	244	76	596	830	657	1010	0	0	3,618
DCAA	1	0	0	7	5	3	3	0	0	19
DFAS	0	1	0	0	1	13	0	0	0	15
DIA	373	251	10	4	13	33	9	0	0	693
DIS	1	5	0	5	5	19	19	0	0	54
DISA	0	0	0	6	1	0	0	0	0	7
DLA	1	2	2	137	54	41	8	0	0	245
DMA	0	0	1	4	1	4	0	0	0	10
DNA	9	0	8	10	4	10	1	0	0	42
NSA/CSS	129	24	236	8	13	37	12	0	0	459
OIG, DOD	0	58	6	10	90	24	161	0	0	349
DoD Totals	1620	1547	438	1583	2674	2866	3169	0	0	13,897
Percent of Total	12%	11%	3%	11%	19%	21%	23%	0%	0%	100%

\* Totals 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/		NSA/ OIG								
	JS	ARMY	NAVY	AF	DIA	DLA	DMA	DNA	CSS	DOD	
10 USC 128	2	1	32					2			37
10 USC 130	1	4	8	18							31
10 USC 618e				14							14
10 USC 1102		2	4	12							18
10 USC 2796(b) (1)						1					1
18 USC 798			1					90			91
41 USC 423	5			26		2					33
42 USC 2161-2168	9		18	4			6				37
50 USC 402 Note, Section 6, Public Law 86-36			1	2			222				225
50 USC 403(d) (3) Federal Rules of Criminal Proce- dure, Rule 6(e)	1		4		10			82			97
Sec 38(e) of the Arms Export Con- trol Act (22 USC 2778(e))		4							6		6
Sec 822, Natl Def Auth Act, FY 90 & 91 (P.L. 101-189; 103 Stat 1352,1503)			1								1
<b>Agency Totals</b>	<b>22</b>	<b>8</b>	<b>68</b>	<b>76</b>	<b>10</b>	<b>2</b>	<b>1</b>	<b>8</b>	<b>394</b>	<b>6</b>	<b>595</b>

**Item 2(c)**

**Other Reasons Cited on Initial Determinations**

Component	Category*						Total
	1	2	3	4	5	6	
OSD/JS	817	471	58	47	331	14	1,738
DEPT ARMY	3,316	2,354	308	780	842	606	8,206
DEPT NAVY	4,368	2,445	357	850	906	283	9,209
DEPT AIR FORCE	1,484	2,346	370	1,306	559	768	6,833
DCAA	31	10	7	0	75	0	123
DFAS	34	214	28	1	2	5	284
DIA	6	387	3	1	6	0	403
DIS	4	0	0	28	0	47	79
DISA	11	10	1	0	5	2	29
DLA	226	530	146	196	239	67	1,404
DMA	28	17	1	0	7	0	53
DNA	11	23	1	3	12	4	54
NSA/CSS	139	113	15	117	37	12	433
OIG, DOD	13	27	2	5	2	2	51
<b>DoD Totals</b>	<b>10,488</b>	<b>8,947</b>	<b>1,297</b>	<b>3,334</b>	<b>3,023</b>	<b>1,810  </b>	<b>28,899</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>OSD/JS</b>			
Akins, Carl	Civ	Deputy Director, Office of Civilian Health & Medical Program of the Uniformed Services	10
Alderman, Craig	Civ	Deputy Under Secretary of Defense for Security Policy	5
Alexander, Robert M.	LtGen	Deputy Assistant Secretary of Defense (Military Manpower & Personnel Policy, Assistant Secretary of Defense (Force Management & Personnel)	1
Allen, Teddy G.	LTG	Director, Defense Security Assistance Agency	2
Anderson, Maynard C.	Civ	Assistant Deputy Under Secretary of Defense for Security Policy	1
Appleton, R. E.	Col	Deputy, Executive Secretariat of the Department of Defense	1
Bader, G. W.	Civ	Principal Director, European & NATO Policy, Assistant Secretary of Defense (International Security Policy)	1
Baker, Robert W.	COL	Military Assistant, Director, Defense Research and Engineering	7
Basel, J. M.	Col	Executive Assistant to Deputy, United States Pacific Command	1
Begert, William J.	Col	Chief of Staff, United States Transportation Command	1
Bernath, Clifford H.	Civ	Director, Directorate for Management, Assistant Secretary of Defense (Public Affairs)	4

Bracken, Edward R.	MajGen	Chief of Staff, Air Force Logistics Command	1
Brown, Charles W.	LTG	Director, Defense Security Assistance Agency	1
Burke, Jerome J.	CAPT	Executive Assistant, Assistant Secretary of Defense (Command, Control, Communications & Intelligence)	8
Campbell, D. M.	Col	Executive Officer, Defense Security Assistance Agency	1
Caudill, L. L.	Civ	Administrative Officer, Defense Security Assistance Agency	1
Chase, E. J.	COL	Executive Assistant, Assistant to the Secretary of Defense (Atomic Energy)	17
Coll, Alberto	Civ	Principal Deputy Assistant Secretary of Defense (Special Operations & Low Intensity Conflict)	1
Concannon, James P.	Col	Director, Manpower, Personnel and Administration, United States Southern Command	18
Cooke, D.O.	Civ	Director, Administration and Management	13
Covais, R. T.	Col	Military Assistant, Assistant Secretary of Defense (International Security Affairs)	3
Crouch, Jack D., II	Civ	Principal Deputy Assistant Secretary of Defense (International Security Policy)	11
Daniel, Ted	Civ	Director, Directorate for Management, Assistant Secretary of Defense (Public Affairs)	2
Deegan, G. A.	MajGen	Vice Director, Joint Staff	52
DeMinico, Joseph T.	Col	Deputy Chief of Staff, United States Central Command	2
Dominguez, Raymond	Civ	Deputy Assistant Secretary (Forces & Resources), Assistant Secretary of Defense (Special Operations & Low-Intensity Conflict)	2

Donnell, Joseph S., III	RADM	Acting Vice Director, Joint Staff	1
Dubia, John A.	BG	Executive Secretary of the Department of Defense	1
Duncan, Robert C.	Civ	Director, Operational Test & Evaluation	1
Dunn, Michael W.	LTC	Deputy Director, Manpower, Personnel and Administration, United States Southern Command	2
Eggers, Thomas E.	MajGen	Deputy Commander in Chief/Chief of Staff, United States Special Operations Command	1
Ellis, James R.	MG	Deputy Commander in Chief/Chief of Staff, United States Central Command	8
Fajans, Arthur	Civ	Director, Security Plans and Programs, Deputy Under Secretary of Defense for Security Policy	2
Felder, Jerry W.	Col	Deputy Chief of Staff, United States Space Command	1
Fields, Craig I.	Civ	Director, Defense Advanced Research Projects Agency	2
Fitzgibbon, G. M.	Civ	Director, Proliferation Controls & Countermeasures, Assistant Secretary of Defense (International Security Affairs)	4
Ford, Carl W.	Civ	Principal Deputy Assistant Secretary of Defense (International Security Affairs)	7
Gaskins, Philip W.	COL	Chief of Staff, National Defense University	1
Gee, George N.	RADM	Commander, Joint Task Force Four	1
Getchell, George L.	Col	Chief of Staff, United States Central Air Force	2
Gnehm, Edward W.	Civ	Deputy Assistant Secretary (Near East and South Asian Affairs), Assistant Secretary of Defense (International Security Affairs)	1
Goetze, Richard, Jr.	MajGen	Vice Director, Joint Staff	1

Graham, Douglas	Civ	Deputy Assistant Secretary (Strategic Defense Space & Verification Policy), Assistant Secretary of Defense (International Security Policy)	3
Hadley, Stephen J.	Civ	Assistant Secretary of Defense (International Security Policy)	1
Hansen, D. B.	Col	Director, Base Closure and Utilization, Assistant Secretary of Defense (Production & Logistics)	2
Hardy, Robert S., Jr.	BG	Director for Manpower, Personnel and Security, United States European Command	16
Hawkins, Charles A.	Civ	Principal Deputy for Intelligence, Assistant Secretary of Defense (Command, Control, Communications & Intelligence)	2
Howe, Richard	Civ	Director, Theatre and Tactical Command, Control and Communications, Assistant Secretary of Defense (Command, Control, Communications & Intelligence)	1
Janssen, Daniel F.	Civ	Assistant Director Management Oversight, Strategic Defense Initiative Organization	34
Johnson, D. S.	Civ	Director, European Policy, Assistant Secretary of Defense (International Security Policy)	4
Johnston, Robert B.	MajGen	Deputy Commander in Chief/Chief of Staff, United States Central Command	3
Jones, Donald W.	LTG	Deputy Assistant Secretary of Defense (Military Manpower & Personnel Policy), Assistant Secretary of Defense (Force Management & Personnel)	3
Kahn, William	Civ	Director, Theater Nuclear Forces Policy, Assistant Secretary of Defense (International Security Policy)	1
Kendall, Cynthia	Civ	Deputy Assistant Secretary of Defense (Information Systems), Assistant Secretary of Defense (Command, Control, Communications & Intelligence)	1

Kern, Vincent D.	Civ	Director, Africa Region, Assistant Secretary of Defense (International Security Affairs)	2
Kinnaman, Kenneth	Civ	Vice President for Operations, Uniformed Services University of the Health Sciences	1
Kline, John P.	Col	Military Assistant, Director, Defense Research and Engineering	3
Koller, D. G.	Col	Joint Secretary, United States Pacific Command	3
Kundahl, George G.	Civ	Principal Deputy Assistant Secretary of Defense (Reserve Affairs)	3
Lanier, Jack O.	Civ	Principal Deputy Assistant Secretary of Defense (Health Affairs)	2
Lee, Michael G.	LtCol	Deputy, Executive Secretariat of the Department of Defense	4
Libby, I. Lewis	Civ	Principal Deputy Under Secretary of Defense (Strategy and Resources)	1
Locher, James R., III	Civ	Assistant Secretary of Defense (Special Operations & Low-Intensity Conflict)	1
Magruder, L. W., III	COL	Executive Assistant to Deputy, United States Pacific Command	10
Maresca, John J.	Civ	Deputy Assistant Secretary (European & NATO Policy), Assistant Secretary of Defense (International Security Policy)	1
Marshall, Andrew W.	Civ	Director, Net Assessment	1
McDevitt, M. A.	RADM	Director, East Asia and Pacific Region, Assistant Secretary of Defense (International Security Affairs)	5
McDonald, W. M.	Civ	Director, Freedom of Information and Security Review, Assistant Secretary of Defense (Public Affairs)	18
McDuffee, Frank W.	Col	Deputy Commander, Joint Task Force Four	2
McNeill, John H.	Civ	Assistant General Counsel (International & Intelligence), General Counsel	1

Meyer, Mary J.	CDR	Chief of Administration, United States Transportation Command	1
Moore, Burton R.	MajGen	Deputy Commander in Chief/Chief of Staff, United States Central Command	2
Morrison, James W.	Civ	Director, Soviet and East European Affairs, Principal Deputy Under Secretary of Defense (Strategy and Resources)	1
Needham, T. H.	BG	Commander, Joint Casualty Resolution Center, United States Pacific Command	1
Neiderlehner, Leonard	Civ	Deputy General Counsel	1
Normand, Anthony H.	COL	Chief of Staff, United States Army Special Operations Command	3
Olsen, Thomas R.	MajGen	Vice Commander, United States Central Air Force	11
Ostovich, Rudolph, III	MG	Vice Director, Joint Staff	4
Parry, Scott	CAPT	Deputy Director of Defense Procurement	17
Pease, Kendall	CAPT	Public Affairs Officer, United States Atlantic Fleet	10
Putnam, William L.	CAPT	Executive Assistant to the DoD Comptroller	1
Quinn, Thomas P.	Civ	Deputy Assistant Secretary of Defense (Strategic and Tactical Command, Control and Communications), Assistant Secretary of Defense (Command, Control, Communications & Intelligence)	2
Ra'anan, Michael	Civ	General Counsel, On-Site Inspection Agency	2
Rangel, Hector M.	COL	Deputy Director, Directorate for Management, Assistant Secretary of Defense (Public Affairs)	1
Register, Ronnie H.	Civ	Deputy Director for Management, Defense Advanced Research Projects Agency	46
Rodgers, Richard L.	CDR	Deputy, Executive Secretariat of the Department of Defense	2

Rostow, Victor	Civ	Principal Director, Deputy Assistant Secretary (Conventional Forces & Arms Control Policy), Assistant Secretary of Defense (International Security Policy)	1
Rowen, Henry S.	Civ	Assistant Secretary of Defense (International Security Affairs)	1
Rudd, Glenn A.	Civ	Deputy Director, Defense Security Assistance Agency	16
Rudman, William	Civ	Deputy Under Secretary of Defense (Trade Security Policy)	7
Scheflen, Kenneth C.	Civ	Director, Defense Manpower Data Center, Assistant Secretary of Defense (Force Management & Personnel)	8
Schlossberg, George R.	Civ	Attorney-Advisor, General Counsel	1
Seaquist, Larry	CAPT	Assistant to Principal Deputy Under Secretary of Defense (Strategy & Resources)	1
Sharkey, William, Jr.	Civ	Director, Program Support, Assistant Secretary of Defense (Production & Logistics)	17
Smith, Frederick C.	Civ	Director, Near East and South Asian Region, Assistant Secretary of Defense (International Security Affairs)	6
Smith, Mason E.	Col	Deputy Chief of Staff, United States Space Command	3
Snyder, Donald	MajGen	Deputy Commander in Chief/Chief of Staff, United States Special Operations Command	2
Spector, Eleanor	Civ	Deputy Assistant Secretary P(rocurement), Assistant Secretary of Defense (Production & Logistics)	2
Stanford, John H.	MG	Acting Deputy Commander in Chief, United States Transportation Command	1
Sterlacci, Michael A.	Civ	Assistant General Counsel (Legal), General Counsel	1

Stremple, John L.	Civ	Director, Department of Defense Dependents Schools	5
Stringer, J. K., Jr	Col	Executive Assistant to the DoD Comptroller	3
Taylor, Robert W.	Civ	Principal Deputy Assistant Secretary of Defense (Public Affairs)	1
Trosch, H. Dennis	Civ	Assistant General Counsel (Logistics), General Counsel	5
Viccellio, Henry, Jr.	LtGen	Director, Joint Staff	1
Vinson, Deborah	Civ	Management Operations, Strategic Defense Initiative Organization	1
Yamanaka, Bill T.	LCDR	Deputy Chief, Public Affairs, On-Site Inspection Agency	2
White, Maurice	Civ	Staff Attorney, General Counsel	3
Wilson, Craig	Civ	Director, Intelligence Policy and Planning, Assistant Secretary of Defense (Command, Control, Communications & Intelligence)	1
Woods, James L.	Civ	Deputy Assistant Secretary (African Affairs), Assistant Secretary of Defense (International Security Affairs)	1
Woods, Roy S., Jr.	Civ	Chief, Congressional Actions and Internal Reports, Directorate of Acquisition Policy & Programs Integration	1
Wright, William A.	CDR	Military Assistant, Assistant Secretary of Defense (Production & Logistics)	2
Zimble, James A.	Civ	President, Uniformed Services University of the Health Sciences	3

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

Hamilton, Milton H.	Civ	Administrative Assistant, Office of the Secretary of the Army	28
Howerd, Robert T.	BG	Director, Operations and Support, Office of the Deputy Assistant Secretary of the Army for Budget	2

Corns, Johnnie H.	LTG	The Inspector General	102
Griffith, Ronald H.	LTG	The Inspector General	76
Boylan, Peter J.	MG	Acting The Inspector General	52
Brashears, Bobby F.	MG	Acting The Inspector General	31
Bean, Roger K.	MG	Acting The Inspector General	4
Allen, Teddy D.	MG	Acting The Inspector General	1
Guinan, William J.	Civ	Counsel, United States Army Audit Agency	39
Anderson, Paul B.	LTC	Acting Chief, Administrative Law Division, Office of the Judge Advocate General	11
Barnes, Joseph B.	COL	Chief, Administrative Law Division, Office of the Judge Advocate General	21
Cooper, Norman G.	COL	Chief, Criminal Law Division, Office of the Judge Advocate General	8
Corrigan, Dennis M.	COL	Chief, Personnel, Plans and Training Divi- sion, Office of the Judge Advocate General	2
Cundick, Ronald P.	COL	Chief, trial Attorney, Contract Appeals Division, Office of the Judge Advocate Gen- eral	1
Fowler, Joseph C., Jr.	COL	Commander, United States Army Claims Service, Office of the Judge Advocate General	10
Gilligan, Francis A.	COL	Chief, Criminal Law Division, Office of the Judge Advocate General	8
Hemingway, Charles W.	LTC	Chief, Labor and Employment Law Division, Office of the Judge Advocate General	1
Kirk, William C.	LTC	Acting Commander, United States Army Claim Service, Office of the Judge Advocate General	1
Lane, Jack F., Jr.	COL	Commander, United States Army Claim Ser- vice, Office of the Judge Advocate General	2

Lederer, Calvin, M.	LTC	Acting Chief, Personnel, Plans and Training Office, Office of the Judge Advocate General	1
Leeling, Gerald J.	COL	Acting Chief, Administrative Law Division, Office of the Judge Advocate General	14
Lehman, William J.	COL	Chief, Administrative Law Division, Office of the Judge Advocate General	17
Woodruff, William A.	LTC	Chief, Litigation Division, Office of the Judge Advocate General	2
Bussey, Frederick N.	MG	Deputy Surgeon General	151
Cohen, Martin	Civ	Assistant Chief Counsel for Litigation, Corps of Engineers	32
Bagley, Claude	Civ	Division Counsel-Lower Mississippi Valley District, Corps of Engineers	12
Anderson, Bruce	Civ	Division Counsel-Missouri River District, Corps of Engineers	16
Mahoney, Robert	Civ	Division Counsel-Missouri River District, Corps of Engineers	5
Klements, Newton	Civ	Division Counsel-North Atlantic District, Corps of Engineers	1
DiGiovani, Joseph	Civ	Division Counsel-New England District, Corps of Engineers	3
Soloman, Sandy	Civ	Division Counsel-North Central District, Corps of Engineers	13
Reinke, Cecil	Civ	Division Counsel-North Pacific District, Corps of Engineers	3
Page, Reba	Civ	Division Counsel-Ohio River District, Corps of Engineers	1
Pettinato, Bert	Civ	Division Counsel-Pacific Ocean District, Corps of Engineers	8
Lingenfelter, Stephen	Civ	Division Counsel-South Atlantic District, Corps of Engineers	14

Vela, Hector	Civ	Division Counsel-Southwestern District, Corps of Engineers	4
Frenette, Richard	Civ	Counsel-Humphreys Engineer Center District, Corps of Engineers	11
Shapiro, Alan	Civ	Division Counsel-South Pacific District, Corps of Engineers	9
Baughman, Norman B.	Civ	Division Counsel-Huntsville District, Corps of Engineers	2
Thomason, M. D., III	Civ	Division Counsel-Transatlantic District, Corps of Engineers	2
Lovelady, William, Jr.	Civ	Laboratory Counsel-Waterways Experiment Station District, Corps of Engineers	1
Woodard, William D.	Civ	Laboratory Counsel-Construction Engineering Research District, Corps of Engineers	7
Ward, William F.	MG	Chief, Army Reserve	3
Sandler, Roger W.	MG	Chief, Army Reserve	3
Kilmartin, Thomas J.	BG	Commander, United States Army Reserve Personnel Center	130
Baines, E. Darden	Civ	Chief, Administrative Services, National Guard Bureau	24
Michael, Danny R.	COL	Information Management Officer, Office of the Deputy Chief of Staff for Personnel	9
Ross, Jimmy D.	LTG	Deputy Chief of Staff for Logistics	1
Fox, Alexander J.	COL	Director, Command, Control, Communications and Computers, United States Army Forces Command	1
Makarewicz, T. W.	COL	Principal Assistant Responsible for Contracting, United States Army Forces Command	42
Bruns, Thomas E.	COL	Principal Assistant Responsible for Contracting, United States Army Forces Command	30

Gaines, Toni M.	Civ	Acting Principal Assistant Responsible for Contracting, United States Army Forces Command	15
Major, William J., Jr.	COL	Chief of Staff, United States Army Community and Family Support Center	4
Berry, Peter T.	MG	Commander, United States Army Criminal Investigation Command	493
Lamy, Joel R.	LTC	Commander, United States Army Health Services Command Acquisition Activity	7
Speakman, Hank	Civ	Principal Assistant Responsible for Contracting, United States Army Information Systems Command	5
Walsh, Robert J., Jr.	Civ	Chief, Freedom of Information/Privacy, United States Army Intelligence and Security Command	554
Petrilli, F. J., Jr.	COL	Director, Administrative Operations Support, United States Army Information Systems Command-Pentagon	83
Korte, Edward J.	Civ	Command Counsel, United States Army Materiel Command	40
Kullman, Thomas M.	COL	Staff Judge Advocate, United States Army Materiel Command	231
Phillips, Zane	Civ	Principal Assistant Responsible for Contracting, United States Army Strategic Defense Command	1
Downhour, O. Wayne	COL	Principal Assistant Responsible for Contracting, United States Army Training and Doctrine Command	17
Reimer, Dennis J.	LTG	Deputy Chief of Staff for Operations and Plans	18
Hennies, C. A.	BG	Commander, United States Army Safety Center	4
Pongonis, James A.	COL	Deputy Commander, United States Army Safety Center	115

Stolarcek, William G.	COL	Deputy Commander, United States Army Safety Center	58
Gore, Willie L.	COL	Deputy Chief of Staff for Logistics, Military Traffic Management Command	2
Helmcamp, Dewey E.	COL	General Counsel, Army and Air Force Exchange Service	14
Wise, Franklin F.	COL	Chief of Staff, United States Total Army Personnel Command	54
Faber, Morris R.	COL	Acting Chief of Staff, United States Total Army Personnel Command	1
Bealer, Gene R.	COL	Acting Chief of Staff, United States Total Army Personnel Command	2
Galbraith, Joseph E.	Civ	Director, Civilian Personnel Management, United States Total Army Personnel Command	3
Hiltz, James E.	Civ	Chief, Field Operations Division, United States Total Army Personnel Command	70
Keith, Lois K.	Civ	Acting Chief, Field Operations Division, United States Total Army Personnel Command	25
Griner, Remer W.	Civ	Acting Chief, Field Operations Division, United States Total Army Personnel Command	11
Borland, David	Civ	Director, United States Army Information Systems Selection and Acquisition Agency	6
Hilmes, Jerome B.	LTG	Director, Command, Control, Communications, and Computers	2
Stofft, William A.	BG	Director of Management, Office of the Chief of Staff of the Army	1
Hart, William L.	COL	Commandant, United States Disciplinary Barracks	3
Smith, James D.	MG	Director, Operations, Readiness, Mobilization, Office of the Deputy Chief of Staff for Operations and Plans	3

Delrossa, Louis	MG	Director, Space and Special Weapons, Office of the Deputy Chief of Staff for Operations and Plans	7
Granrud, Jerome H.	MG	Assistant Deputy Chief of Staff for Operations and Plans	3
Levanson, Joel S.	COL	Principal Assistant Responsible for Contracting, United States Army Europe/7th Army	7
Schwepppe, John E.	LTC	Principal Assistant Responsible for Contracting, United States Army South	2

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

Camack, E. G.	Civ	Director, Procurement Policy, Office of the Assistant Secretary of the Navy (Research, Development, & Acquisition)	4
Mansager, D. L.	CAPT	Deputy Assistant Judge Advocate General (International Law)	1
Greiveldinger, G. R.	CAPT	Deputy Assistant Judge Advocate General (International Law)	1
Finch, M. D.	CAPT	Deputy Assistant Judge Advocate General, Claims and Tort Litigation	4
Hannas, M. D.	Civ	Acting Deputy Assistant Judge Advocate General, Claims and Tort Litigation	9
Dombrowski, J. E.	CAPT	Deputy Assistant Judge Advocate General, Management and Plans	2
Vogel, R. L.	Col	Assistant Judge Advocate General (Military Justice)	16
Rossi, R. R.	CAPT	Deputy Assistant Judge Advocate General, Admiralty	8
Stutzel, R. H.	Maj	Director, Administrative Support Division, Navy and Marine Corps Appellate Review Activity	7

Kahn, T. K.	CAPT	Principal Deputy Assistant Judge Advocate General, Military Justice	1
Borro, R. J.	CDR	Acting Deputy Assistant Judge Advocate General, General Litigation	1
Villemez, C. J.	CDR	Deputy Assistant Judge Advocate General, Civil Affairs	1
Guy, D. A.	CAPT	Deputy Assistant Judge Advocate General, Administrative Law	2
Roberts, G. B.	LtCol	Head, FOIA/Privacy Branch (Administrative Law)	1
Vogel, R. L.	Col	Acting Judge Advocate General, Military Law	59
Hewson, W. C.	CDR	Deputy Assistant Judge Advocate General, Investigations	159
Jackson, A.	LCDR	Acting Deputy Assistant Judge Advocate General, Investigations	62
McCleary, J. R.	CAPT	Deputy Chief of Legislative Affairs	1
Chang, M. E.	RADM	Inspector General	1
Davis, G. W.	RADM	Inspector General	27
Kotzen, P. F.	Civ	Deputy Inspector General	39
Shaffer, R. L.	Civ	Auditor General of the Navy	1
Saalfeld, F. E.	Civ	Director, Office of Naval Research	1
Walsh, R. M.	RADM	Assistant Vice Chief of Naval Operations (OP-09B)	13
Wileen, G. C.	CAPT	Acting Assistant Vice Chief of Naval Operations (OP-09B)	4
Straw, E. M.	RADM	Director, Supply Programs and Policy Division (OP-41)	4
Sareeram, R. R.	RADM	Director, Supply Programs and Policy Division (OP-41)	3

Bozzelli, P. A.	CAPT	Deputy Director, Strategy, Plans, Policy and Operations Division (OP-60)	14
Coady, P. J.	RADM	Director, Politico-Military Policy and Current Plans (OP-61)	4
Plott, B. M.	CAPT	Acting Director, Politico-Military Policy and Current Plans (OP-61)	2
Tindel, R. L.	RADM	Director, Strategic and Theatre Nuclear Warfare Division (OP-65)	2
Reardon, K. J.	CAPT	Deputy Director, Strategic and Theatre Nuclear Warfare Division (OP-65)	4
Itkin, R. I.	CAPT	Deputy Director, Strategic and Theatre Nuclear Warfare Division (OP-65)	3
Allen, R. C.	RADM	Assistant Deputy Chief of Naval Operations (Naval Warfare) (OP-07)	2
Jordan, W. E.	RADM	Director, Anti-Submarine Warfare Division (OP-71)	1
Sheafer, E. D.	RADM	Director of Naval Intelligence (OP-092)	2
Bentz, J. R.	CAPT	Executive Assistant, Director of Naval Intelligence (OP-092)	10
Hagen, D. F.	VADM	Surgeon General of the Navy (OP-093)	4
Zimble, J. A.	VADM	Surgeon General of the Navy (OP-093)	6
Guilbault, R. G.	RADM	Deputy Director, Space and Electronic Warfare (OP-094B)	1
Stone, T. E.	RADM	Director, Naval Communications Information Systems Division (OP-941)	1
Enterline, E. R.	CAPT	Director, Navy Space Systems Division (OP-943)	1
Corcoran, J. L. K.	CAPT	Acting Director, Navy Space Systems Division (OP-943)	1
Allard, D. C.	Civ	Director of Naval History	1

Pease, K.	CAPT	Public Affairs Officer, United States Atlantic Fleet	4
Ellis, W. G.	CAPT	Chief of Staff, Submarine Force, United States Atlantic Fleet	1
Hartman, R. H.	CAPT	Chief of Staff, Submarine Group 2	7
Mackin, J. J.	CAPT	Chief of Staff, Submarine Group 2	2
Meinicke, T. A.	RADM	Commander, Submarine Group 6	1
Baumstark, J. S.	CAPT	Acting Commander, Submarine Group 6	1
Gay, R. G.	CAPT	Chief of Staff, Submarine Group 10	4
Conway, F. M.	CAPT	Chief of Staff, Submarine Group 10	10
DeCicco, W. A.	CDR	Staff Judge Advocate, Naval Air Force, United States Atlantic Fleet	2
Uris, R. B.	CAPT	Staff Judge Advocate, Naval Surface Force, United States Atlantic Fleet	7
Williams, J. A.	CAPT	Staff Judge Advocate, Naval Surface Force, United States Atlantic Fleet	10
Tobin, B. E.	RADM	Commander, Naval Base, Norfolk	9
Bump, S. E.	RADM	Commander, Naval Base, Charleston	1
Olson, J. D.	RADM	Commander, Naval Base, Philadelphia	5
Flanagan, A. B.	CAPT	Chief of Staff, Naval Base, Philadelphia	1
Kalleres, M. P.	VADM	Commander, Second Fleet	2
Davis, W. J.	RADM	Commander, Carrier Group 6	2
Parcells, P. W.	RADM	Commander, Tactical Wings, United States Atlantic Fleet	1
Walker, J. S.	RADM	Commander, Helicopter Wings, United States Atlantic Fleet	3
Bull, L. F.	RADM	Deputy Commander in Chief, United States Pacific Fleet	6

Paulsen, T. D.	RADM	Deputy Chief of Staff (Operations), United States Pacific Fleet	2
Reynolds, A. A.	CAPT	Fleet Judge Advocate, Naval Air Force, Pacific	28
Bennett, D. M.	VADM	Commander Naval Surface Force, United States Pacific Fleet	1
Selfridge, H. E.	CAPT	Deputy Commander Naval Surface Force, United States Pacific Fleet	18
Halvorson, J. E.	CDR	Force Judge Advocate, Naval Submarine Force, United States Pacific Fleet	6
Dowgwilla, F. M.	CAPT	Chief of Staff, Naval Forces, Japan	11
Becker, F. J.	CDR	Fleet Judge Advocate, Third Fleet	1
Earner, W. A.	RADM	Commander, Naval Surface Group, Middle Pacific	1
Baird, D. W.	RADM	Commander, Anti-Submarine Warfare Wing, United States Pacific Fleet	4
Briggs, S. R.	RADM	Commander, Strike Fighter Wing, United States Pacific Fleet	10
Smith, B. J.	RADM	Commander, Strike Fight Wing, United States Pacific Fleet	7
Bremner, B. B.	RADM	Commander, Medium Attack Tactical Electronic Warfare Wing, United States Pacific Fleet	11
Pruher, J. W.	RADM	Commander, Carrier Group 1	1
Olson, P. R.	RADM	Commander, Cruiser Destroyer Group 1	2
Marsh, L. R.	RADM	Commander, Submarine Group 9	1
Middents, P. W.	CAPT	Acting Commander, Submarine Group 9	2
Beard, G. C.	CAPT	Acting Commander, Submarine Group 9	5
Quast, P. M.	RADM	Commander, Cruiser Destroyer Group 3	1
Coady, P. J.	RADM	Commander, Cruiser Destroyer Group 5	1

Tobin, P. E.	RADM	Commander, Naval Surface Group, Western Pacific	1
Epstein, H. S.	CDR	Staff Judge Advocate, Naval Base, San Diego	9
Bitoff, J. W.	RADM	Commander, Naval Base, San Francisco	6
Dodds, V. E.	CAPT	Chief of Staff, Naval Base, San Francisco	1
Ruck, M. W.	RADM	Commander, Logistics Group 1	10
Misiaszek, P. E.	CAPT	Fleet Judge Advocate, United States Naval Forces, Europe	3
Randall, T. E.	CAPT	Fleet Judge Advocate, United States Naval Forces, Europe	5
Glover, J. R.	CAPT	Commanding Officer, U. S. Naval Support Activity, Naples, Italy	1
Simms, R. G.	CAPT	Commander, Naval Activities Spain	2
Wong, H. K.	CAPT	Commander, Naval Activities Spain	1
Lichtman, D. M.	RADM	Commanding Officer, National Naval Medical Center	2
Cooper, C. J.	CDR	Judge Advocate, National Naval Medical Center	3
Rosen-Serafini, J.	LCDR	Judge Advocate, National Naval Medical Center	2
Malley, K. C.	RADM	Director, Strategic Systems Program	2
Mitchell, J. T.	RADM	Director, Strategic Systems Program	3
Wilmot, L. C.	RADM	Vice Chief, Chief of Naval Education and Training Activities	4
Conner, E. D.	RADM	Vice Chief, Chief of Naval Education and Training Activities	4
Jakubiak, T. F.	CDR	Staff Judge Advocate, Chief of Naval Technical Training	4

Oden, L. N.	RADM	Commander, Naval Training Center, Orlando	4
Luke, J. D.	CAPT	Commander, Naval Education and Training Command	109
Henebery, J. K.	CDR	Staff Judge Advocate, Bureau of Medicine and Surgery	1
Ailes, R. H.	RADM	Commander, Space and Naval Warfare Systems	9
Coyle, R. E.	CAPT	Staff Judge Advocate, Naval Air Systems Command	52
Risher, E. D.	LCDR	Staff Judge Advocate, Naval Air Systems Command	100
Berkely, R. C.	CAPT	Staff Judge Advocate, Naval Air Systems Command	12
Newman, W. E.	RADM	Commander, Pacific Missile Test Center	8
Vernallis, S. L.	CAPT	Acting Commander, Pacific Missile Test Center	2
Myers, S. C.	CAPT	Special Assistant for Security, Naval Security Group Command	11
Ritter, D. L.	Civ	Administrative Officer, Information Technology Acquisition Center, Naval Information Systems Management Center Activities	27
Sabbatini, J.	CAPT	Deputy Commander for Manpower and Organization, Naval Facilities Engineering Command Activities	3
Dames, T. A.	CAPT	Commanding Officer, Northern Division, Naval Facilities Engineering Command Activities	22
Gallen, R. M.	CAPT	Commanding Officer, Chesapeake Division, Naval Facilities Engineering Command Activities	10
Brown, R. E.	CAPT	Commanding Officer, Chesapeake Division, Naval Facilities Engineering Command Activities	6

Doebler, J. C.	RADM	Commander, Atlantic Division, Naval Facilities Engineering Command Activities	14
Rever, J. N.	CAPT	Vice Commander, Atlantic Division, Naval Facilities Engineering Command Activities	11
Runberg, B. L.	CAPT	Commanding Officer, Southern Division, Naval Facilities Engineering Command Activities	3
Moeller, R. L.	CAPT	Commander, Western Division, Naval Facilities Engineering Command Activities	7
Delker, J. L.	CAPT	Acting Commander, Western Division, Naval Facilities Engineering Command Activities	8
Allshouse, C. R.	CDR	Acting Commander, Western Division, Naval Facilities Engineering Command Activities	4
Heime, R. R.	CAPT	Commanding Officer, Engineering Field Activity Northwest , Naval Facilities Engineering Command Activities	15
Crane, T. C.	CAPT	Commanding Officer, Southwest Division, Naval Facilities Engineering Command Activities	2
Buffington, J. E.	RADM	Commander, Pacific Division, Naval Facilities Engineering Command Activities	9
Bersani, R. R.	CAPT	Acting Commander, Pacific Division, Naval Facilities Engineering Command Activities	2
Puncke, F.	CAPT	Acting Commander, Pacific Division, Naval Facilities Engineering Command Activities	1
Malley, K. C.	VADM	Commander, Naval Sea Systems Command	48
LeGrand, C. M.	CAPT	Legal Counsel, Bureau of Naval Personnel	84
Ramsay, K. P.	CDR	Staff Judge Advocate, Navy Recruiting Command Activities	4
Guinn, R. A.	LT	Assistant Staff Judge Advocate, Navy Recruiting Command Activities	2
Dolle, J.	CDR	Commanding Officer, Navy Recruiting District, Jacksonville	1

Eckelberger, J. E.	RADM	Commanding Officer, Aviation Supply Office, Naval Supply Systems Command Activities	2
Musgrave, A. W.	CAPT	Vice Commander, Navy Exchange Service Command	1
Fyfe, J. K.	CAPT	Vice Commander, Naval Exchange Service Command	1
LaValle, A. A.	CAPT	Executive Director, Naval Exchange Service Command	3
Jones, R. C.	RADM	Commandant, Naval District Washington	3
Fuller, R. C.	Civ	Inspector General, Naval Intelligence Command	10
Jones, W. C.	Civ	Acting Inspector General, Naval Intelligence Command	1
Runyon, J. C.	Civ	Inspector General, Naval Intelligence Command	2
Davis, E.	CAPT	Deputy Commander, Naval Computer and Telecommunications Command	5
Gabriel, C. A.	CAPT	Commander, Naval Imaging Command	5
Snyder, W. T.	CDR	Acting Commander, Naval Imaging Command	1
Koehr, J. E.	RADM	Commander, Naval Oceanography Command	2
Chandler, D. F.	RADM	Vice Commander, Military Sealift Command	2
Cantwell, L. J.	LCDR	Staff Judge Advocate, Naval Postgraduate School	5
Moriarty, J. A.	RADM	Commander, Strike-Fighter Wings, Atlantic	5
Eddington, D. E.	CAPT	Force Judge Advocate, Naval Reserve Force	9
Batwinis, J. E.	CAPT	Staff Judge Advocate, Naval Reserve Recruiting Command	17
Finney, J. H.	RADM	Commander, Naval Safety Center	60

Mooberry, W. J.	CAPT	Chief of Staff, Naval Safety Center	4
Peters, R. K.	Civ	Director, Office of Civilian Personnel Management	3
Catenaccio, F. T.	Civ	Director, Office of Civilian Personnel Management Northeast Region	1
Spofford, B. A.	CAPT	Assistant Chief of Staff Operations, United States Naval Academy	4
Jones, R. A.	CAPT	Executive Assistant, Naval Investigative Service Command	580
Lohman, C. M.	Col	Executive Assistant, Naval Investigative Service Command	268
Cook, T. P.	Maj	Staff Judge Advocate, Naval Investigative Service Command	158
Lannom, C. R.	Civ	Deputy Commander, Naval Investigative Service Command	68
Carter, R. L.	Col	Director, Manpower Management Information Systems Division, Headquarters, United States Marine Corps	78
Vitalie, J. S.	Civ	Deputy Director, Manpower Management Information Systems Division, Headquarters United States Maine Corps	7
Riggs, R. K.	Civ	Acting Deputy Chief of Staff, Installations and Logistics, Headquarters, United States Marine Corps	1
Scanlon, M. F.	Col	Executive Assistant, Deputy Chief of Staff, Installations and Logistics, United States Marine Corps	2
Reese, H.	Civ	Deputy for Support, Marine Corps Research Development and Acquisition Command, Washington, DC	2
Damon, D. E.	Col	Base Commander, Marine Corps Base, Camp Pendleton, CA	2
Stennick, J. F.	Col	Base Commander, Marine Corps Base, Camp Pendleton, CA	4

Hamilton, F. X.	MajGen	Commander, Marine Corps Logistics Base, Albany, GA	5
Davis, D. E.	Col	Commanding Officer, Marine Corps Logistics Base, Barstow, CA	4
Yoder, R. W.	Maj	Command Adjutant, Marine Corps Combat Development Command, Quantico, VA	17
Collins, D. W.	Civ	Assistant Chief of Staff, Manpower, Marine Corps Base, Camp Lejeune, NC	2

#### DEPARTMENT OF THE AIR FORCE

Ackerman, Edward	LtCol	Acting Director of Information Management, Headquarters, Military Airlift Command	6
Ahearn, Joseph	MajGen	The Civil Engineer, Headquarters, United States Air Force	1
Allen, J. R.	BrigGen	Vice Commander, Oklahoma City Air Logistics Center, Headquarters, Air Force Logistics Command	1
Almquist, Tommy	Col	Director, Reports and Analysis, Air Force Safety Agency	9
Andersen, Ty J.	LtCol	Director of Information Management, Headquarters, Tactical Air Command	32
Anderson, Eddie L.	Col	Director of Information Management, Headquarters, Military Airlift Command	58
Anderson, Wayne	LtCol	Acting Director of Information Management, Headquarters, Tactical Air Command	4
Baines, E. Darden	Civ	Chief, Office of Administrative Services, National Guard Bureau	35
Baker, Norman R.	Col	Chief of Staff, Headquarters, Pacific Air Forces	50
Beddingfield, Jerry	Col	Acting Chief of Staff, Headquarters, Electronic Security Command	2

Behr, Stephen E.	Maj	Acting Director of Information Management, Headquarters, Military Airlift Command	3
Bennett, Stephen	LtCol	Director, Distance Support Services, Headquarters, Air Force Intelligence Support Agency	5
Birkner, John H.	Col	Vice Commander, Headquarters, Air Force Intelligence Agency	14
Boles, Billy	LtGen	Deputy Chief of Staff, Personnel, Headquarters, United States Air Force	3
Bracken, E. R.	MajGen	Chief of Staff, Headquarters, Air Force Logistics Command	10
Buethe, Robert A.	MajGen	Deputy Surgeon General, Headquarters United States Air Force	4
Chambers, James	Gen	Commander, 17AF, Headquarters, United States Air Forces in Europe	3
Clapper, James R.	MajGen	Assistant Chief of Staff, Intelligence, Headquarters, United States Air Force	5
Cooper, J. G.	Civ	Assistant Secretary of the Air Force (Manpower, Reserve Affairs, Installations and Environment), Office, Secretary of the Air Force	3
Creller, Bruce O.	Col	Chief of Staff, Headquarters, Air Force Military Personnel Center	79
Cropper, Thomas L.	LtCol	Acting Chief of Staff, Human Systems Division, Headquarters, Air Force Systems Command	2
Cunningham, A. J.	LtCol	Acting Staff Judge Advocate, Headquarters, Strategic Air Command	
Davidson, Alexander	MajGen	Commander, Headquarters, Air Force Inspection and Safety Center	2
Davis, James C.	LtCol	Deputy Chief of Staff/Mission Support, Headquarters, Air Force Office of Special Investigations	16

Davis, Phillip R.	Col	Acting Chief of Staff, Headquarters, Air Force Reserve	2
Debellevue, Charles	Col	Chief of Staff, Headquarters, Air Force Systems Command	5
Diekman, Jack L.	Col	Director of Information Management, Headquarters, Tactical Air Command	88
Dillingham, Larry D.	MajGen	Assistant Deputy Chief of Staff, Personnel, Headquarters, United States Air Force	6
Dula, Brett M	BrigGen	Deputy Director, Office of Legislative Liaison, Office, Secretary of the Air Force	1
East, Belinda A.	Maj	Director of Information Management, Headquarters, Air University	19
Eberhart, Ralph E.	BrigGen	Director, Office of Legislative Liaison, Office, Secretary of the Air Force	3
Ellis, Larry G.	Col	Chief of Staff, Air Force Flight Test Center, Headquarters, Air Force Systems Command	3
Fairchild, Deborah	Maj	Acting Director of Information Management, Headquarters, Military Airlift Command	1
Fairbrother, C.	Col	Commander, 696 Inspector General, Headquarters, Air Force Intelligence Command	4
Ferris, Joseph D.	Col	Vice Commander, 17AF, Headquarters, United States Air Forces in Europe	18
Fister, Bruce L.	MajGen	Commander, Headquarters, Air Force Special Operations Command	2
Flynn, Mary F.	LtCol	Acting Director of Information Management, Headquarters, Military Airlift Command	29
Frampton, James H.	Col	Acting Staff Judge Advocate, Headquarters, Strategic Air Command	74
Fry, Cecil W.	Civ	Director, Information Release Division, Headquarters, Air Force Office of Special Investigations	535

Fry, Howard J., Jr.	Col	Vice Commander, 16AF, Headquarters, United States Air Forces in Europe	19
Furusho, Marvin T.	Col	Deputy for Security and Investigative Programs, Office, Secretary of the Air Force	5
Gereg, Samuel W.	LtCol	Acting Chief of Staff, Air Force Development Test Center, Headquarters, Air Force Systems Command	12
Gillis, R. F.	MajGen	Commander, Warner Robins Air Logistics Center, Air Force Logistics Command	3
Gordon, Darwin	Col	Chief of Staff, Human Systems Division, Headquarters, Air Force Systems Command	7
Hammond, T. A.	LtGen	Vice Commander, Air Force Logistics Command	4
Hanes, Richard M.	Col	Vice Commander, Headquarters, Air Force Civil Engineering Activity	1
Harris, M. J.	BrigGen	Vice Commander, Oklahoma City Air Logistics Center, Air Force Logistics Command	62
Hartung-Schuster, Eckbert M.	Col	Chief of Staff, Headquarters, Air Force Inspection and Safety Center	42
Harvey, George C.	Col	Vice Commander, Air Force District of Washington	40
Hawley, Richard E.	LtGen	Deputy Chief of Staff, Plans and Programs, Headquarters, United States Air Force	4
Heinke, Wayne R.	Col	Director of Information Management, Headquarters, Air Force Space Command	79
Hodge, Clifford A.	Col	Chief of Staff, Headquarters, Air Force Special Operations Command	3
Hopson, Everett G.	Civ	Chief, General Law Division, Office of the Judge Advocate General, Headquarters, United States Air Force	24
Hovall, C. Ronald	Civ	Principal Deputy, Assistant Secretary of the Air Force (Financial Management & Comptroller), Office, Secretary of the Air Force	1

Idrogo, S.	Civ	Executive Assistant, San Antonio Air Logistics Center, Air Force Logistics Command	31
Irving, George	Col	Chief of Staff, Human Systems Division, Headquarters, Air Force Systems Command	6
Iverson, Ronald W.	BrigGen	Vice Commander, Headquarters, Air Force Military Personnel Center	1
Jaeger, James A.	Col	Commander, Headquarters, Air Force Technical Applications Center	2
Jones, Roger A.	BrigGen	Staff Judge Advocate, Headquarters, Strategic Air Command	62
Judd, Thayne H.	Col	Acting Chief of Staff, United States Air Force Academy	4
Klich, Michael A.	LtCol	Acting Director of Information Management, Headquarters, Air Force Space Command	37
Krebs, Richard A.	Col	Vice Commander, Air Force Technical Applications Center	2
Lauher, John	Col	Vice Commander, 17AF, United States Air Forces in Europe	11
Layman, Lester C., Jr.	Civ	Director of Information Management, Headquarters, Headquarters, Air Force Systems Command	7
Lewis, D.	Civ	Executive Assistant, Oklahoma City Air Logistics Center, Air Force Logistics Command	1
Link, Charles D.	MajGen	Commander, 3AF, Headquarters, United States Air Forces in Europe	2
Ludwig, Robert H.	LtGen	Deputy Chief of Staff, Command, Control, Communications, and Computers, Headquarters, United States Air Force	1
Madsen, David W.	LtCol	Acting Staff Judge Advocate, Headquarters, Strategic Air Command	1

McFalls, John O., III	Col	Deputy Director, Office of Legislative Liaison, Office, Secretary of the Air Force	3
McNamara, Roger T.	Civ	Attorney Advisor, Office of the Assistant General Counsel, Office, Secretary of the Air Force	1
McGinty, Michael D.	BrigGen	Vice Commander, Headquarters, Air Force Military Personnel Center	4
Meseserli, Glenn E.	Col	Chief of Staff, Air Force Development Test Center, Headquarters, Air Force Systems Command	54
Milam, David W.	Col	Chief of Staff, Aeronautical Systems Division, Headquarters, Air Force Systems Command	41
Miller, Brian D.	LtCol	Director of Information Management, Headquarters, Air Force Communications Command	74
Miller, Judy A.	Civ	Principal Deputy Assistant Secretary of the Air Force (Manpower, Reserve Affairs, Installations and Environment), Office, Secretary of the Air Force	4
Mock, James W., III	Col	Chief of Staff, Headquarters, Electronic Security Command	21
Monsour, Lawrence F.	Col	Director of Information Management, Headquarters, Air Training Command	70
Moorman, William A.	Col	Acting Staff Judge Advocate, Headquarters, Strategic Air Command	17
Morrison, William B.	Col	Deputy Inspector General, Office, Secretary of the Air Force	2
Nibbelin, Denis R.	Col	Director of Information Management, Headquarters, Air Force Systems Command	8
Oakes, Howard J.	Col	Chief of Staff, Electronic Systems Division, Headquarters, Air Force Systems Command	31
Olschner, C. E.	Col	Vice Commander, 16AF, Headquarters, United States Air Forces in Europe	16

O'Brien, William E.	Col	Chief of Staff, Space Systems Division, Headquarters, Air Force Systems Command	38
O'Lear, Richard J.	MajGen	Assistant Chief of Staff, Intelligence, Headquarters, United States Air Force	3
O'Neal, S. A.	Civ	Executive Assistant, Sacramento Air Logistics Center, Air Force Logistics Command	20
Palau, J.	Civ	Executive Assistant, Sacramento Air Logistics Center, Air Force Logistics Command	4
Parker, Charles W.	Col	Commander, Air Force Safety Agency	27
Pavich, M. D.	MajGen	Commander, Sacramento Air Logistics Center, Air Force Logistics Command	2
Peterson, Richard A.	Civ	Acting Chief, General Law Division, Office of the Judge Advocate General, Headquarters, United States Air Force	3
Peura, Edwin A.	Col	Chief of Staff, Space Systems Division, Headquarters, Air Force Systems Command	3
Profitt, Glen A., II	BrigGen	Commander, 17AF, Headquarters United States Air Forces in Europe	6
Pugh, L. G.	Civ	Executive Assistant, Warner Robins Air Logistics Center, Headquarters, Air Force Logistics Command	59
Rak, Daniel S.	Civ	Deputy Assistant Secretary (Acquisition), Office, Secretary of the Air Force	9
Ramsey, Joseph C., Jr.	Col	Commander, Headquarters, Air Reserve Personnel Center	1
Ramsey, Stephen F.	Civ	Chief of Staff, Headquarters, Air Reserve Personnel Center	9
Rhoden, Harold H.	BrigGen	Deputy Inspector General, Office, Secretary of the Air Force	56
Riddick, Richard R.	Col	Commander, 3AF, Headquarters, United States Air Forces in Europe	14
Robertson, H. E.	BrigGen	Director, Public Affairs, Office, Secretary of the Air Force	1

Rosenmeier, Harvey	Civ	Chief of Staff, Headquarters, Air Force Reserve	20
Roth, Kenneth E.	Col	Assistant Chief of Staff, Headquarters, United States Air Forces in Europe	6
Sanders, James G.	MajGen	Deputy Surgeon General, Headquarters, United States Air Force	17
Searock, C. J.	LtGen	Vice Commander, Headquarters, Air Force Logistics Command	1
Sheetz, Roy D.	Col	Commander, Air Force Morale, Welfare and Recreation Center	1
Snell, Linwood H.	Col	Assistant Chief of Staff, Headquarters, United States Air Forces in Europe	46
Speirs, J. K.	BrigGen	Commander, Oklahoma City Air Logistics Center, Air Force Logistics Command	16
Steele, Stephen B.	Col	Assistant Chief of Staff, Headquarters, United States Air Forces in Europe	1
Thompson, Barry L.	Col	Acting Deputy Inspector General, Office, Secretary of the Air Force	9
Thompson, D. W.	MajGen	Chief of Staff, Headquarters, Air Force Logistics Command	2
Townsley, Emory, Jr.	LtCol	Acting Staff Judge Advocate, Headquarters, Strategic Air Command	7
Traczyk, Jeffrey S.	Maj	Acting Director of Information Management, Headquarters, Air Force Space Command	3
Waddill, Donald E.	Col	Vice Commander, 17AF, Headquarters, United States Air Forces in Europe	1
Weaver, Richard L.	Col	Deputy for Security and Investigative Programs, Office, Secretary of the Air Force	13
White, Eugene J., Jr.	Civ	Assistant Deputy Assistant Secretary for Space, Plans and Policy, Office, Secretary of the Air Force	1

White, James	Col	Commander, Headquarters, Air Reserve Personnel Center	3
White, James B.	Col	Chief of Staff, Headquarters, Air Force Special Operations Command	5
Williams, Billy L.	Civ	Chief, Records Management Division, Directorate of Information Management, Headquarters, Air Training Command	26
Wilson, Walter A.	Civ	Assistant General Counsel, Civilian Personnel & Fiscal, Office, Secretary of the Air Force	1

#### **DEFENSE CONTRACT AUDIT AGENCY**

Valenzuela, Joel	Civ	Director, Central Region	1
Matter, Robert	Civ	Director, Northeastern Region	1
Bernarda, H. Della	Civ	Director, Eastern Region	1
Kraft, Jr., William	Civ	Director, Mid-Atlantic Region	1
Topf, Bernard	Civ	Director, Western Region	1
Emami, Sophie	Civ	Chief, Information Resources Management Branch	14

#### **DEFENSE FINANCE AND ACCOUNTING SERVICE**

Jeffcoat, Clyde E.	Civ	Director, Denver Center	8
Wilson, Michael E.	Civ	Director, Indianapolis Center	7

#### **DEFENSE INTELLIGENCE AGENCY**

Hardzog, Robert C.	Civ	Freedom of Information Officer	221
Timko, Michael	Civ	Acting Freedom of Information Officer	86
Richardson, Robert P.	Civ	Freedom of Information Officer	106

#### **DEFENSE INVESTIGATIVE SERVICE**

Hartig, Dale L.	Civ	Chief, Office of Information and Public Affairs	34
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## **DEFENSE INFORMATION SYSTEMS AGENCY**

Chadick, Susan	Civ	General Counsel	6
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## **DEFENSE LOGISTICS AGENCY**

Knapp, Thomas J.	Civ	Assistant Director	15
Aldermann, Lloyd	Civ	Assistant Staff Director	1
Lenius, Harlan J.	COL	Staff Director	7
Gordon, William V.	Civ	Executive Director	1
Hickman, Donald E.	RADM	Executive Director	1
Malone, Michael J.	Civ	Associate General Counsel	1
Miarecki, Edward A.	Civ	Associate General Counsel	1
Labounty, James W.	COL	Commander, Defense Distribution Region West	3
Baker, Thomas W.	COL	Commander, Defense Distribution Region East	12
Cashman, James F.	Col	Commander, Defense Contract Management District - Northwest	3
Kammer, Herman C.	MG	Commander, Defense Contract Management District - Mid-Atlantic	9
Grosse, Vinson G.	Col	Commander, Defense Contract Management District - South	19
Klick, Jean E.	BrigGen	Commander, Defense Contract Management District - West	7
Holland, Francis B.	COL	Commander, Defense Contract Management District - North Central	8
Tucker, Gary C.	COL	Commander, Defense Logistics Agency Administrative Support Center	15
Rawlings, David G.	CAPT	Commander, Defense Industrial Plant Equipment Center	1

Kobernus, George M.	Col	Commander, Defense Logistics Services Center	1
Agnor, Raymond M., Jr.	Col	Commander, Defense Reutilization and Marketing Services	2
Stewart, John N.	COL	Commander, Defense Reutilization and Marketing Services	1
Castleberry, John M.	COL	Chief of Staff, Defense Personnel Support Center	97
McCoy, Ray	BG	Commander,	20
Bondi, Peter A.	RADM	Commander, Defense General Supply Center	3
Hekman, J. G.	RADM	Commander, Defense General Supply Center	3

#### **DEFENSE MAPPING AGENCY**

Rose, Charles	Col	Chief of Staff	1
Sluis, James	Col	Chief of Staff	1
Bishop, Howard S., Jr.	Civ	Associate General Counsel, Defense Mapping Agency Aerospace Center	2
Deranger, Andrew H.	Civ	Associate General Counsel, Defense Mapping Agency Hydrographic/Topographic Center	4
Sande, Kermit A.	Civ	Associate General Counsel, Defense Mapping Agency Hydrographic/Topographic Center	1

#### **DEFENSE NUCLEAR AGENCY**

Ullrich, George W.	Civ	Deputy Director	31
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#### **NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE**

Gronet, Richard W.	Civ	Director of Policy, Office of Policy	243
Smith, Michael A.	Civ	Director of Policy, Office of Policy	56

#### **OFFICE OF THE INSPECTOR GENERAL, DOD**

Charters, Jane T.	Civ	Director, Investigative Support	57
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<b>Stewart, David C.</b>	<b>Civ</b>	<b>Assistant Director, Freedom of Information Act/Privacy Act Division</b>	<b>94</b>
<b>Dulacki, Nadine K.</b>	<b>Civ</b>	<b>Assistant Director, Freedom of Information Act/Privacy Act Division</b>	<b>56</b>

**Item 4**  
**Appeal Determinations**

Component	Total Requests	Granted		Denied		Other	Total Actions*
		in Full	in Part	in Full	in Part		
OSD/JS	74	11		12	5	58	86
DEPT ARMY	196	9		28	144	15	196
DEPT NAVY	270	16		63	115	76	270
DEPT AF	142	5		13	100	24	142
DCAA	1	1		0	0	0	1
DFAS	1	0		0	1	0	1
DIA	59	0		10	46	3	59
DIS	2	0		2	0	0	2
DISA	0	0		0	0	0	0
DLA	10	3		0	4	3	10
DMA	1	0		0	0	1	1
DNA	1	0		0	0	1	1
NSA/CSS	26	0		2	24	0	26
OIG, DOD	17	1		13	3	0	17
<b>DoD Totals</b>	<b>800</b>	<b>46</b>		<b>143</b>	<b>442</b>	<b>181</b>	<b>812</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	13	0	2	1	5	3	0	0	0	24
DEPT ARMY	17	23	6	20	89	80	46	0	0	281
DEPT NAVY	17	33	6	10	66	60	56	0	0	248
DEPT AIR FORCE	23	9	4	7	54	37	34	0	0	168
DCAA	0	0	0	0	0	0	0	0	0	0
DFAS	0	0	0	0	0	1	0	0	0	1
DIA	51	32	0	0	1	7	3	0	0	94
DIS	0	1	0	1	0	1	1	0	0	4
DISA	0	0	0	0	0	0	0	0	0	0
DLA	0	0	0	2	1	1	1	0	0	5
DMA	0	0	0	0	0	0	0	0	0	0
DNA	0	0	0	0	0	0	0	0	0	0
NSA/CSS	12	0	17	0	1	3	1	0	0	34
OIG, DOD	0	5	0	0	6	1	15	0	0	27
DoD Totals	133	103	35	41	223	194	157	0	0	886
Percent of Total	15%	12%	4%	5%	25%	22%	18%	0%	0%	100%

\* Totals 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	NSA/ CSS	
10 USC 130	2			1		3
10 USC 618e				2		2
10 USC 1102		5	2	1		8
18 USC 798				12		12
42 USC 2161-2168			4			4
50 USC 402				17		17
Note, Section 6, Public Law 86-36					1	
50 USC 403(d)(3)				12		12
Sec 822, Natl Def Auth Act, FY 90 &		1				1
91 (P.L. 101-189; 103 Stat 1352,1503)					1	
<b>Agency Totals</b>	<b>2</b>	<b>6</b>	<b>6</b>	<b>4</b>	<b>41</b>	<b>59</b>

### Item 5(c)

#### Other Reasons Cited on Appeal Determinations

Component	Category*						Total
	1	2	3	4	5	6	
OSD/JS	20	11	1	2	24	0	58
DEPT ARMY	0	13	0	1	1	0	15
DEPT NAVY	26	19	3	9	16	3	76
DEPT AIR FORCE	0	20	0	0	4	0	24
DCAA	0	0	0	0	0	0	0
DFAS	0	0	0	0	0	0	0
DIA	0	3	0	0	0	0	3
DIS	0	0	0	0	0	0	0
DISA	0	0	0	0	0	0	0
DLA	0	3	0	0	0	0	3
DMA	1	0	0	0	0	0	1
DNA	0	1	0	0	0	0	1
NSA/CSS	0	0	0	0	0	0	0
OIG, DOD	0	0	0	0	0	0	0
DoD Totals	47	70	4	12	45	3	181

#### \* Types of Categories

1. Transferred Appeal
  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 full description of "other reasons". )

## Item 6

### **Appeal Denial Authorities by Participation**

Name	Rank	Title	Number of Instances
<b>OSD/JS</b>			

Williams, Pete	Civ	Assistant Secretary of Defense (Public Affairs)	13
Taylor, Robert W.	Civ	Principal Deputy Assistant Secretary of Defense (Public Affairs)	4

### **DEPARTMENT OF THE ARMY**

Grayson, William E.	Civ	Principal Deputy General Counsel, Office of the Army General Counsel	59
Gamboa, Anthony H.	Civ	Deputy General Counsel (Acquisition), Office of the Army General Counsel	19
Peck, Darrell L.	Civ	Deputy General Counsel (Military & Civil Affairs), Office of the Army General Counsel	41
Reres, Matt	Civ	Deputy General Counsel (Fiscal Law & Policy), Office of the Army General Counsel	16
Taylor, Thomas W.	Civ	Deputy General Counsel (Installations & Operations), Office of the Army General Counsel	37

### **DEPARTMENT OF THE NAVY**

Beach, C. P.	Civ	Principal Deputy General Counsel	25
Wilcox, H. J.	Civ	Deputy General Counsel (Logistics)	25
McCoy, D. F.	CAPT	Assistant JAG (Civil Law)	123
Geer, J. J., Jr.	CAPT	Principal Deputy Assistant JAG (Operations & Management)	3

McBride, R. M. COL Acting Assistant JAG (General Law) 2

**DEPARTMENT OF THE AIR FORCE**

Davidson, William A. Civ Deputy Administrative Assistant to the Secretary of the Air Force 110

McCormick, Robert J. Civ Administrative Assistant to the Secretary of the Air Force 3

**DEFENSE FINANCE AND ACCOUNTING SERVICE**

Davidson, William A. Civ Deputy Administrative Assistant, Office of the Secretary of the Air Force 1

**DEFENSE INTELLIGENCE AGENCY**

Clift, A. Denis Civ Chief of Staff 28

Prombain, Louis Civ Acting Executive Director 2

Nagy, Dennis M. Civ Executive Director 29

**DEFENSE INVESTIGATIVE SERVICE**

Donnelly, John F. Civ Director 2

**DEFENSE LOGISTICS AGENCY**

McCausland, Charles Lt Gen Director 4

**NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE**

Prestel, Robert L. Civ Deputy Director 26

**OFFICE OF THE INSPECTOR GENERAL, DOD**

Silverstein, Morris B. Civ Assistant Inspector General for Criminal Investigation Policy & Oversight 5

Whitlock, Stephen A. Civ Director, Inspections Directorate 10

Lutsch, Nicholas T. Civ Assistant Inspector General for Administration & Information Management 2

## Item 7

### Court Opinions and Actions Taken

OSD/JS

None

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

**Carney v. CIA**, No. 88-0602-MRP, C.D. CA, 15 Feb 91. Plaintiff sought documents concerning the alleged capture, torture, and execution of her father (James F. Carney) by members of Honduran armed forces in September 1983. The government withheld the documents under FOIA exemption 1. On 15 February 1991, the district court adopted the findings of the Magistrate and granted the government's motion for summary judgment.

**Hudson v. Department of the Army**, No. 87-01114, D.C. Cir., 26 Feb 91. Plaintiff, an insurance agent, sought release of a computer tape with name, address, and other information about all active motor vehicle registrants in Europe. The Army withheld disclosure consistent with policy not to release unit addresses for personnel assigned to units that are sensitive, routinely deployable, or stationed overseas. On 26 February, the Court of Appeals, District of Columbia Circuit Court, affirmed the district court's reliance on FOIA exemption 6, to deny plaintiff's demand for the documents. The court accepted the Army's argument that release of the information would be a clearly unwarranted invasion of privacy because of the terrorism threat faced by overseas soldiers.

**Myles-Pirzada v. Department of the Army**, No. 91-1080, D.D.C., filed 13 May 91. FOIA suit arising out of plaintiff's request for redacted portions of a National Guard Bureau Inspector General's report about plaintiff's involuntary transfer to an inactive status. Plaintiff was a major in the District of Columbia National Guard. The Inspector General redacted the report based on FOIA exemption 5. During the litigation, the Army learned that the District of Columbia National Guard Inspector General read plaintiff portions of the withheld documents. The Army subsequently released those documents to plaintiff. The Army's motion for summary judgment for the remaining documents is pending.

**National Guard Association v. National Guard Bureau**, No. 91-0673, D.D.C., filed 1 Apr 91. Plaintiff requested roster or magnetic tape listing name, pay grade, home address or unit and installation of every officer in the Army and Air National Guard residing in the United States. Based on decision in **Schwaner v. Department of the Air Force**, the government released the requested information and plaintiff dismissed its lawsuit.

**Providence Journal Co. v. Department of the Army**, No. 91-0255, D. RI, 12 Dec 91. Plaintiffs, a newspaper and one of its reporters sue for release of redacted portions of Army Inspector General Report of Investigation into misconduct by senior officers in the Rhode Island National Guard. The Army filed a motion for summary judgment, arguing that it properly withheld the documents under FOIA exemptions 5, 6, and 7(C). Plaintiffs filed their own motion for summary judgment. On 12 Dec 91, the district court granted in part and denied in part the cross motions for summary judgment, ordering the Army to disclose most of the withheld documents. The Army will appeal.

**Scheer v. Stone**, No. CIV91-0150, D. ID, filed 24 Apr 91. FOIA lawsuit arising out of plaintiff's request for redacted parts of a Safety Accident Board Investigation into the crash of a UH-1H helicopter, which injured plaintiff and killed the remaining crewmen. The Army withheld the findings and recommendations of the safety board and the autopsies of the deceased crewmen based on FOIA exemptions 5 and 6. The Army filed for summary judgment in September 1991. Its motion is pending.

**Schok D/B/A Flowline Alaska v. Department of the Army**, No. F90-022, D. AK, filed 3 May 90. Plaintiff is a contractor who completed the conversion of a building at Fort Wainwright from quarters for hospital staff into hospital administration offices. Plaintiff requested numerous documents under the FOIA pertaining to the contract. The Army released all but two documents, a one-page document containing hand-written calculations and a two-page internal memo. These two documents related to government estimates for delays in the performance of the contract, and until plaintiff presented a properly certified contract claim, the contracting officer did not want to prematurely reveal his estimates and forfeit his bargaining position. Upon submission of a properly certified claim on 17 June 1991, the Army released the documents to plaintiff. The Army has now moved to dismiss the case as moot.

**Weinstock v. Department of the Army**, No. 91-1733, D.D.C., 12 Sep 91. FOIA suit arising out of plaintiff's request of 14 June 1991 for documents related to Army General Counsel opinion regarding incremental funding of fixed-price contracts. Plaintiff did not receive a timely response to his request and promptly filed suit. The Army sought an "Open America stay". The court dismissed the case without prejudice pending plaintiff's exhaustion of administrative remedies.

## DEPARTMENT OF THE NAVY

**Capitol Industries, Inc. v. Garrett**, CA No 91-320-N, U. S. District Court, ED VA, Norfolk Div. A reverse FOIA lawsuit was filed on 28 May 91 in response to an 8 May 91 decision by the Principal Deputy General Counsel granting an appeal by Steven Fellman, Esquire on behalf of the National Organization of Theatre Owners (NATO) to release portions of a Norfolk Naval Base concession contract with R. C. Theatres (Capitol Industries). The order of dismissal of 22 Aug 91 required the Office of General Counsel to reconsider the appeal. After reconsideration, the Deputy General Counsel (Logistics) partially denied the appeal on 27 Nov 91.

**Colonial Trading Corp. v. Department of the Navy**, D.C. CA No. 87-1406 GHR, Judge Revercomb. The Memorandum Decision and Order dated 5 Apr 90 granted Navy's Motion for Summary Judgment. The court held that Navy was entitled to rely upon exemption (b)(3) - 10 USC 130 and the Arms Export Control Act to withhold unclassified technical data. The court also rejected Plaintiff's arguments that 15 USC 637b requires release of MK-46 torpedo technical data since Plaintiff only builds spare parts for torpedoes, not entire torpedoes or that Plaintiff is an alternative responsible source under the Competition in Contracting Act. On 26 Oct 90, Plaintiff appealed the judgment of the court to the U. S. Court of Appeals for the District of Columbia. The Plaintiff withdrew its appeal on 19 Feb 91.

**Kirk Brothers Mechanical Contractors, Inc. v. Department of the Navy**, U. S. District Court, Eastern District of Pennsylvania, CA No. 90-0486, U. S. Court of Appeals, Third Circuit, 90-1564. The Northern Division, Naval Facilities Engineering Command had an injunctive and declaratory relief case filed on 23 Feb 90 on the theory of violation of the Administrative Procedures Act, 5 U. S. C. 701 et. seq. The suit also alleged violations of rights to free speech, and petitioned the courts for redress and due process under the 1st and 5th amendments of the U. S. Constitution. The motion filed on 19 Mar 90 requested the court to enjoin the Navy from withholding records requested under FOIA, to order immediate production of the documents, and to assess attorney's fees and costs as a result of untimely processing of a FOIA request for information relating to five contracts. On 12 Jun 90, a court order was issued dismissing Plaintiff's motion for sanctions. On 26 Jun 90, the court issued an order dismissing the case for lack of subject matter jurisdiction. On 24 Jul 90, Kirk Brothers filed a Notice of Appeal to the Third Circuit Court of Appeals. On 18 Jan 91, the Third Circuit Court of Appeals issued a judgment order affirming the lower court's decision.

**Project on Military Procurement v. Department of the Navy**, D.C. CA No. 88-2130, Judge Stanley Sporkin. Memorandum Opinion dated 10 Apr 89 granted Plaintiff's Motion for Summary Judgment resulting in granting Plaintiff's request for the fee waiver because "the information sought can contribute to the public understanding." The court order dated 7 May 91 awarded to Plaintiff its attorney's fees and expenses in an amount over \$10,000.

**Caryl A. Potter III, Esquire v. Department of the Navy**, CA No. 88-1850 GHR, Judge Revercomb. This was an Open America case. The case was dismissed on 12 Mar 91 after the Naval Sea Systems Command processed the four requests. The Stipulation of Dismissal was made without prejudice, with each party to bear its own costs and attorney's fees.

**Falzone v. Department of the Navy**, CA No. 85-3862, D.C. Circuit. Pro se Plaintiff sought list of all Marine officers transferring to Pensacola, Florida, from overseas or from deployable service units. Government Motion for Summary Judgment was granted on the grounds that the requested lists were exempt from release under exemption (b)(6) - personal privacy. Final district court decisions were entered on 21 Nov 86, but stayed as a result of Washington Post v. U. S. Department of State. Supplemental brief was filed on 23 Jul 90. Case was dismissed on 3 Jun 91 since the

plaintiff failed to respond to the court ordered briefing and never met deadlines and order to show cause.

**Jill E. Cragin v. U.S. Navy**, CA No. 90-0115P, D. ME. In 1969, Plaintiff's daughter suffered from meningitis and neurological impairment. Lawsuit was filed in 1985, but was deemed time-barred by the Federal Judge. A Tort Claim Litigation investigation in anticipation of litigation was performed. Plaintiff received most of the investigation under FOIA, except for Medical Quality Assurance reports and certain privacy matters documents. Release of information made on 30 Jul 90. Submission of declarations made on 1 Oct 90. Government Motion to Dismiss was granted due to mootness (i.e., Government release all requested documents). Case was dismissed on 14 Mar 91.

**Richard D'Aleo v. U.S. Navy**, CA No. 89-2347. D.D.C. Alleged former counterintelligence agent sought release of a non-disclosure agreement he says he executed with the Naval Investigative Service in 1983. FOIA/PA request was denied on 26 Aug 87. Plaintiff seeks release of records or declaratory relief, declaring that the non-disclosure agreement, if any, non-binding, and injunctive relief (enjoining enforcement or threatened enforcement of any non-disclosure agreement). In Mar 90, Plaintiff committed suicide. Plaintiff moved to substitute. Navy filed opposition on 20 Sep. 90. Dismissal granted on 15 Apr 91, as Plaintiff did not file appeal within allowed time.

**McDonnell v. United States**. CA No. 88-362(HET), D.N.J. Plaintiff requested documents from FBI relating to the sinking of the SS MORRO CASTLE in 1934. FBI referred the case to the Naval Military Personnel Command (NMPC). NMPC released some documents and referred the remainder of the case to the Naval Investigative Service Command (NISCOM). NISCOM redacted some information under exemptions (b)(7)(C) - personal privacy and (b)(7)(D) - confidential source. Plaintiff's appeal for redacted information was denied. Plaintiff later requested additional documents from NISCOM. None were available. Plaintiff filed suit for previously denied information and information he feels NISCOM should hold. Motion for Summary Judgment granted on 6 Sep 91.

## DEPARTMENT OF THE AIR FORCE

**Howard, David L. v. Secretary of the Air Force, et. al.**, USDC WD, TX Civ. No. SA-89-CA-1008. Plaintiff requested copies of all outdated Code of Federal Regulations (CFR). On 30 November 1990, defendants filed a motion to dismiss or in the alternative for summary judgment. Defendants state the requested materials (CFRs) are not agency records obtainable under the FOIA. On 11 December 1990, plaintiff (David L. Howard) filed an opposition and a cross-motion for summary judgment seeking injunctive relief based upon defendants' refusal to provide him with outdated copies of the CFRs. Both parties agreed to proceed before a magistrate. On 13 July 1991, plaintiff requested production of documents. On 7 August 1991, defendants requested that discovery be stayed pending decision on the motions for dismissal. Court denied defendants' motion to stay discovery. On 2 October 1991, defendants' motion to dismiss was granted.

## NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE

Frederick Bauer v. DoD, et al., Civ. No. Y-91-1182 D. MD, 3 May 91. In this case, the plaintiff sought a writ of mandamus from the District Court to compel NSA to process his request under the FOIA/PA for records on himself. NSA submitted a declaration which was filed with the court and on 7 Nov 91, the court found the petitioner's claim to be moot.

Brad Carter v. NSA and CIA, Civ. No. 91-3532-WDK(Kx) C. D. CA, 28 Jun 91. This lawsuit arose from the alleged failure of NSA and CIA to respond to plaintiff's requests under the FOIA/PA. Both defendants submitted sworn affidavits in support of a motion to dismiss and on 23 Oct 91, the court dismissed the case with prejudice.

Grove v. Central Intelligence Agency, et al., Civ. No. 89-0090-SSH D.D.C, Feb 89. A Philadelphia policeman sought disclosure of NSA records associated with a 1980 arrest he made in Philadelphia for possession of explosives. In 1991, the United States filed an NSA declaration that a search found no records and moved for summary judgment, which is still pending.

Ray Lindsey v. NSA, Civ. No. JFM-87-1564 D. MD, 4 Dec 87. Plaintiff filed suit seeking records on himself and various subjects, including the salvage of a Russian sub and the Glomar Explorer. The government was granted summary judgment by the district court in July 1991 and Lindsey filed a notice of appeal on 12 Aug 91.

## **Item 8**

### **FOIA Implementation Rules or Regulations**

COMPONENT	DOCUMENT IDENTIFICATION	CFR. REF.
OSD/JS	"DoD Freedom of Information Act (FOIA) Program"	32 CFR 286, as amd by FR Vol 55, No. 248, 26 Dec 90; and FR Vol 56, No. 89, 8 May 91
DEPT ARMY	"Release of Information and Records from Army Files"	32 CFR 518, as amd by FR Vol 56, No. 211, 31 Oct 91
DEPT NAVY	"Availability of Department of Navy Records and Publication of Department of the Navy Documents Affecting the Public"	32 CFR 701, as amd by FR Vol 56, No. 247, 24 Dec 91
DEPT AIR FORCE	"Air Force Freedom of Information Act Program"	32 CFR 806, as amd by FR Vol 48, No. 69, 8 Apr 83 (Pending Revision)
DCAA	"Defense Contract Audit Agency (DCAA) Freedom of Information Act Program"	32 CFR 290, as amd by FR Vol 56, No. 190, 1 Oct 91; and FR Vol 56, No. 216, 7 Nov 91
DIA	"Defense Intelligence Agency (DIA) Freedom of Information Act"	32 CFR 292, as amd by FR Vol 53, No. 128, 5 Jul 88, and FR Vol 56, No. 206, 24 Oct 91 (Pending Revision)

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COMPONENT	DOCUMENT IDENTIFICATION	CFR. REF.
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 Communications Agency (DCA) Freedom of Information Act Program"	32 CFR 287, as amd by FR Vol 55, No. 151, 6 Aug 90 (Pending Revision)
DLA	"Defense Logistics Agency (DLA) Freedom of Information Act Program"	32 CFR 1285, as amd by FR Vol 56, No. 242, 17 Dec 91
DMA	"Defense Mapping Agency (DMA) Freedom of Information Act (FOIA) Program"	32 CFR 286i and 293, as amd by FR Vol 56, No. 111, 10 Jun 91; and FR Vol 56, No. 227, 25 Nov 91
DNA	"Defense Nuclear Agency (DNA) Freedom of Information Act Program"	32 CFR 291, as amd by FR Vol 56, No. 46, 8 Mar 91 (Pending Revision)
NSA/CSS	"Public Access to Records"	32 CFR 299, as amd by FR Vol 56, No. 72, 15 Apr 91
OIG/DOD	"Office of the Inspector General Freedom of Information Act Program"	32 CFR 295, as amd by FR Vol 56, No. 190, 1 Oct 91

**Item 9**

**Fee Schedule and Fees Collected**

The fee schedule on pages 58 through 72, 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.

\$1,593,410.78 was collected from the public for making records available during the year 1991 (see item 10(b), page 74 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 identifica-

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

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

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

#### 6-102 Fee Restrictions

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

this processing cost was equal to, or less than the cost to the Component for billing the requester and processing the fee collected, no charges would result.

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

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

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

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

#### **6-103 Fee Waivers**

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

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

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

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

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

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

(iii) The contribution to an understanding of the subject by the general public likely to result from disclosure. The key element in determining the applicability of this factor is whether disclosure will inform, or have the potential to inform the public, rather than simply the individual requester or small segment of interested persons. The identity of the requester is essential in this situation in order to determine whether such requester has the capability and intention to disseminate the information to the public. Mere assertions of plans to author a book, researching a particular subject, doing doctoral dissertation work, or indigency are insufficient without demonstrating the capacity to further disclose the information in a manner which will be informative to the general public. Requesters should be asked to describe their qualifications, the nature of their research, the purpose of the requested information, and their intended means of dissemination to the public.

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

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

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

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

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

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

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

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

#### **6-104 Fee Assessment**

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

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

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

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

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

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

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

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

Type	Grade	Hourly Rate (\$)
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

Type	Grade	Hourly Rate (\$)
Clerical (Minimum Charge)	E9/GS8 and below	13.25
		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 When key punched and verified, per card	.75 .85
(ii) Diazo duplicate negative, per card When key punched and verified, per card	.65 .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.)

None

**Item 10(b)**

**Calendar Year Costs and Fees Collected**

<b>Component</b>	<b>Annual Cost</b>	<b>Fees Collected</b>
OSD/JS	\$1,807,991.83	\$25,466.33
DEPT ARMY	\$8,053,932.56	\$405,086.17
DEPT NAVY	\$5,591,278.96	\$388,415.00
DEPT AIR FORCE	\$5,023,342.50	\$412,892.00
DCAA	\$188,196.79	\$3,913.40
DFAS	\$143,766.23	\$1,464.44
DIA	\$340,587.59	\$3,131.70
DIS	\$56,319.47	\$206.91
DISA	\$99,546.16	\$2,554.03
DLA	\$1,638,503.75	\$319,668.00
DMA	\$49,194.34	\$1,429.35
DNA	\$125,669.19	\$4,018.45
NSA/CSS	\$538,760.00	\$21,396.00
OIG, DOD	\$305,080.30	\$3,769.00
<b>DoD Totals</b>	<b>\$23,962,169.67</b>	<b>\$1,593,410.78</b>

**Item 10(b) (Cont'd)**  
**FOI Program Costs**

COST OUTLINE	OSD/JSC	DEPT ARMY	DEPT NAVY	DEPT AIR FORCE
<b>I. Personnel Costs</b>				
A. Estimated Manyears*	23.4	151.7	98.3	110.9
B. Manyear Costs	\$1,239,479.61	\$4,930,909.45	\$3,452,179.50	\$2,816,427.00
C. Estimated Manhour Costs by Category (Fee Schedule Rates) **				
(1) Search Time	\$30,858.83	\$310,442.86	\$245,230.35	\$184,416.00
(2) Review & Excising	\$53,006.40	\$263,558.58	\$161,256.45	\$239,717.00
(3) Coordination & Approval	\$32,453.55	\$171,046.15	\$133,155.05	\$191,981.00
(4) Correspondence/Form Preparation	\$13,176.60	\$174,822.20	\$104,758.20	\$118,767.00
(5) Other Activities	\$11,734.32	\$62,381.00	\$45,529.00	\$82,519.00
(6) Total [(1) thru (5)]	\$141,229.70	\$982,250.79	\$689,929.05	\$817,400.00
D. Overhead [(B + C) x 25%]	\$345,177.33	\$1,478,290.06	\$1,035,527.14	\$908,456.75
E. Total [B thru D]	\$1,725,886.64	\$7,391,450.30	\$5,177,635.69	\$4,542,283.75
<b>II. Other Case-Related Costs</b>				
A. Computer Search Time	\$10,472.38	\$138,622.65	\$47,968.50	\$48,237.00
B. Office Copy Reproduction	\$21,171.26	\$258,385.01	\$210,528.30	\$195,740.00
C. Microfiche Reproduction	\$145.68	\$18,170.25	\$8,177.00	\$4,120.00
D. Printed Records	\$696.78	\$7,712.48	\$3,346.32	\$5,851.00
E. Computer Copy	\$489.64	\$12,421.70	\$3,850.50	\$232.00
F. Audiovisual Materials	\$254.20	\$52,214.35	\$399.00	\$90.00
G. Other	\$26,876.61	\$42,459.37	\$39,845.00	\$130,577.00
H. Subtotal [A thru G]	\$60,106.55	\$529,985.81	\$314,114.62	\$384,847.00
I. Overhead [25% x H]	\$15,026.64	\$132,496.45	\$78,528.65	\$96,211.75
J. Total [H + I]	\$75,133.19	\$662,482.26	\$392,643.28	\$481,058.75
III. Cost of Routine Requests Processed	\$6,972.00		\$21,000.00	\$0.00
IV. Total Costs [I thru III]	\$1,807,991.83	\$8,053,932.56	\$5,591,278.96	\$5,023,342.50

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

\*\*Personnel other than I.B.

**Item 10(b) (Cont'd)**  
**FOI Program Costs**

COST OUTLINE	DCAA	DFAS	DIA	DIS	DISA
<b>I. Personnel Costs</b>					
A. Estimated Manyears*	4.5	3.2	4	0.9	2
B. Manyear Costs	\$143,594.00	\$86,213.30	\$184,323.00	\$44,194.00	\$74,450.00
C. Estimated Manhour Costs by Category (Fee Schedule Rates)**					
(1) Search Time	\$1,445.40	\$5,654.01	\$16,669.20	\$108.00	\$128.00
(2) Review & Excising	\$2,622.75	\$4,132.11	\$27,256.80	\$96.00	\$128.00
(3) Coordination & Approval	\$105.75	\$2,678.58	\$12,384.15	\$211.00	\$2,620.00
(4) Correspondance/Form Preparation	\$205.00	\$5,662.95	\$5,542.60	\$208.00	\$128.00
(5) Other Activities	\$306.40	\$8,812.10	\$267.00	\$0.00	\$0.00
(6) Total [(1) thru (5)]	\$4,685.30	\$26,939.75	\$62,119.75	\$623.00	\$3,004.00
D. Overhead [(B + C) x 25%]	\$37,069.82	\$28,288.26	\$61,610.69	\$11,204.25	\$19,363.50
E. Total [B thru D]	\$185,349.12	\$141,441.31	\$308,053.44	\$56,021.25	\$96,817.50
<b>II. Other Case-Related Costs</b>					
A. Computer Search Time	\$668.54	\$9.48	\$21,755.00	\$99.00	\$1,937.93
B. Office Copy Reproduction	\$1,488.64	\$1,188.20	\$3,052.35	\$0.00	\$0.00
C. Microfiche Reproduction	\$0.00	\$657.25	\$24.75	\$139.58	\$0.00
D. Printed Records	\$120.95	\$5.00	\$78.72	\$0.00	\$0.00
E. Computer Copy	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
F. Audiovisual Materials	\$0.00	\$0.00	\$599.00	\$0.00	\$0.00
G. Other	\$0.00	\$0.00	\$517.50	\$0.00	\$245.00
H. Subtotal [A thru G]	\$2,278.13	\$1,859.93	\$26,027.32	\$238.58	\$2,182.93
I. Overhead [25% x H]	\$569.53	\$464.98	\$6,506.83	\$59.65	\$545.73
J. Total [H + I]	\$2,847.66	\$2,324.91	\$32,534.15	\$298.23	\$2,728.66
<b>III. Cost of Routine Requests Processed</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>IV. Total Costs [I thru III]</b>	\$188,196.79	\$143,766.23	\$340,587.59	\$56,319.47	\$99,546.16

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

\*\*Personnel other than I.B.

**Item 10(b) (Cont'd)**  
**FOI Program Costs**

COST OUTLINE	DIA	DMA	DNA	NSA/CSS	OIG, DOD
<b>I. Personnel Costs</b>					
A. Estimated Manyears*	23.2	0.6	1.9	5.4	4.4
B. Manyear Costs	\$786,024.00	\$33,807.10	\$79,005.62	\$351,557.00	\$208,340.87
C. Estimated Manhour Costs by Category (Fee Schedule Rates) **					
(1) Search Time	\$78,938.00	\$1,127.60	\$2,398.25	\$32,726.00	\$2,539.16
(2) Review & Excising	\$56,800.00	\$1,246.90	\$8,819.08	\$34,697.00	\$16,878.84
(3) Coordination & Approval	\$17,934.00	\$735.50	\$4,490.25	\$0.00	\$5,259.65
(4) Correspondence/Form Preparation	\$28,546.00	\$288.00	\$913.00	\$1,506.00	\$621.45
(5) Other Activities	\$60,332.00	\$1,136.24	\$2,411.30	\$0.00	\$6,818.50
(6) Total [(1) thru (5)]	\$242,550.00	\$4,534.24	\$19,031.88	\$68,929.00	\$32,117.60
D. Overhead [(B + C) x 25%]	\$257,143.50	\$9,585.33	\$24,509.38	\$105,121.50	\$60,114.62
E. Total [B thru D]	\$1,285,717.50	\$47,926.67	\$122,546.87	\$525,607.50	\$300,573.09
<b>II. Other Case-Related Costs</b>					
A. Computer Search Time	\$154,293.00	\$46.75	\$33.52	\$4,781.00	\$175.40
B. Office Copy Reproduction	\$34,721.00	\$953.88	\$828.05	\$5,741.00	\$2,960.52
C. Microfiche Reproduction	\$54,040.00	\$0.00	\$0.00	\$0.00	\$0.00
D. Printed Records	\$2,625.00	\$10.00	\$0.28	\$0.00	\$53.70
E. Computer Copy	\$10,375.00	\$3.50	\$0.00	\$0.00	\$0.00
F. Audiovisual Materials	\$15.00	\$0.00	\$0.00	\$0.00	\$0.00
G. Other	\$25,104.00	\$0.00	\$1,636.00	\$0.00	\$416.15
H. Subtotal [A thru G]	\$281,173.00	\$1,014.13	\$2,497.85	\$10,522.00	\$3,605.77
I. Overhead [25% x H]	\$70,293.25	\$253.53	\$624.46	\$2,630.50	\$901.44
J. Total [H + I]	\$351,466.25	\$1,267.66	\$3,122.31	\$13,152.50	\$4,507.21
<b>III. Cost of Routine Requests Processed</b>					
	\$1,320.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>IV. Total Costs [I thru III]</b>					
	\$1,638,503.75	\$49,194.34	\$125,669.19	\$538,760.00	\$305,080.30

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

\*\*Personnel other than I.B.

### Item 10(c)

#### Time Limit Extensions

Component	I Unusual Circumstances			II & III		Total
	Location	Volume	Consultation	Court	Involvement	
OSD/JS	78	256	1367	0	0	1,701
DEPT ARMY	95	496	139	1	1	731
DEPT NAVY	41	523	78	0	0	642
DEPT AIR FORCE	3	985	264	0	0	1,252
DCAA	0	4	1	0	0	5
DFAS	1	23	1	0	0	25
DIA	35	549	58	0	0	642
DIS	193	0	65	0	0	258
DISA	2	4	8	1	1	15
DLA	401	283	70	2	2	756
DMA	2	3	3	0	0	8
DNA	16	29	37	0	0	82
NSA/CSS	0	500	25	0	0	525
OIG, DOD	3	51	4	0	0	58
DoD Totals	870	3,706	2,120	4	4	6,700