DEPARTMENT OF DEFENSE

FREEDOM OF INFORMATION ACT PROGRAM

CY 1990

REPORT TO CONGRESS

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

CY 1990 FREEDOM OF INFORMATION ACT ANNUAL REPORT

SUMMARY

A total of 118,532 public requests for records under the Freedom of Information Act (FOIA) were processed during 1990 by the Department of Defense. This, compared with an average annual case load of 78,152 for the years 1977-1989, the reporting period since the act was amended, is roughly 52% above average.

The Department of Defense initially denied 9,737 out of 118,532 requests on the basis of FOIA exemptions. Of those initially denied requests, 10% were for classified information; 10% for internal rules and practices; 4% for statutory exemption; 11% for proprietary data; 20% for deliberative material; 23% for privacy information; and 22% for law enforcement investigations. An additional 27,670 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 980 appeals of denied requests, 55 of which were fully granted, 191 partially granted, and 544 denied.

The total DoD operating costs associated with these requests were $21,361,244.38. The average cost of processing a single case during 1990 was approximately $180. Fee collections for records provided to the public amounted to $1,450,693.27.

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

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Department of Defense
Reporting Agencies
Under the Freedom of Information Act

Agency Abbreviation	Agency	Agency Head
OSD/JS	Office of the Secretary of Defense (Including the Joint Staff)	Hon Richard B. Cheney
Dept Army	Secretary of the Army	Hon Michael P. W. Stone
Dept Navy	Secretary of the Navy	Hon H. Lawrence Garrett, III
Dept Air Force	Secretary of the Air Force	Hon Donald B. Rice
DCA	Defense Communications Agency	LTG Thurman D. Rodgers, USA
DCAA	Defence Contract Audit Agency	Mr. William H. Reed
DIA	Defense Intelligence Agency	LTG Harry E. Soyster, USA
DIS	Defense Investigative Service	Mr. John F. Donnelly
DLA	Defense Logistics Agency	LGen Charles McCausland, USAF
DMA	Defense Mapping Agency	MGen 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	Hon Susan Crawford

Department of Defense
FOI Appeal and Program Officials

Agency Abbreviation	Appellate Authority	Agency Program Head
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
DCA	LTG Thurman D. Rodgers, USA, Director	Mrs. Susan Chadick, General Counsel
DCAA	Mr. John H. van Santen, Asst Director, Resources	Mr. Dave Henshall, Management Analyst
DIA	Mr. Dennis Nagy, Executive Director	Mr. Robert C. Hardzog, Chief, FOIA Office
DIS	Mr. John F. Donnelly, Director	Mr. Dale L. Hartig, Chief, Information/Public Affairs
DLA	LGen Charles McCausland, USAF, Director	COL Gary C. Tucker, USA, Staff Director, Administration
DMA	Mr. Edward Obloy, General Counsel	Mr. David L. Black, Director, Public Affairs
DNA	MG Gerald G. Watson, USA, Director	LTC Jay A. Craig, USA, Public Affairs Officer

Agency Abbreviation	Appellate Authority	Agency Program Head
NSA/CSS	Mr. Robert L. Prestel, Deputy Director	Dr. Richard W. Gronet, Director of Policy
OIG, DOD	Mr. Steven Whitlock, Appelate Authority	Mr. David C. Stewart, Assistant Director, Investigative Support Directorate

Item 1

Initial Determinations

Component	Total Requests	Granted in Full	Denied in Part	Denied in Full	Other	Total Actions*
OSD/JS	2,952	834	189	373	1,638	3,034
DEPT ARMY	43,323	32,574	2,448	677	8,646	44,345
DEPT NAVY	34,500	25,540	1,736	427	7,666	35,369
DEPT AF	24,831	14,614	1,918	823	7,476	24,831
DCA	192	134	4	2	52	192
DCAA	289	135	17	13	124	289
DIA	860	279	270	67	244	860
DIS	330	235	20	15	60	330
DLA	10,104	8,932	188	29	1,429	10,578
DMA	152	98	10	3	41	152
DNA	171	86	35	4	46	171
NSA/CSS	461	45	214	36	166	461
OIG, DOD	367	66	48	171	82	367
DoD Totals	118,532	83,572	7,097	2,640	27,670	120,979

*** 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	279	24	32	69	194	78	16	0	0	692
DEPT ARMY	430	620	6	331	844	1379	608	0	0	4,218
DEPT NAVY	144	230	40	253	518	898	1133	0	0	3,216
DEPT AIR FORCE	156	314	54	609	927	715	988	0	0	3,763
DCA	1	0	0	5	2	2	0	0	0	10
DCAA	0	2	1	1	21	4	1	0	0	30
DIA	247	111	20	19	10	22	6	0	0	435
DIS	1	17	0	4	8	12	19	0	0	61
DLA	2	6	1	151	45	13	14	0	0	232
DMA	1	0	0	2	9	1	0	0	0	13
DNA	17	2	15	14	4	8	0	0	0	60
NSA/CSS	98	19	325	24	13	43	5	0	0	527
OIG, DOD	6	71	5	16	99	41	196	0	0	434
DoD Totals	1382	1416	499	1498	2694	3216	2986	0	0	13,691
Percent of Total	10%	10%	4%	11%	20%	23%	22%	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/ JS	ARMY	NAVY	AF	DCAA	DIA	DLA	DNA	NSA/ CSS	OIG DOD	
10 USC 128	2		2	1				2			7
10 USC 130	2	2	14	22			1	5	1		47
10 USC 618e		2		3							5
10 USC 1102		1	9	9							19
18 USC 798	4		2						56		62
21 USC 1175			1								1
26 USC 6103	1										1
35 USC 122		1									1
41 USC 423			1	14							15
42 USC 2160	1										1
42 USC 2161-2165	4			2							6
42 USC 2162	7		5	3				8			23
42 USC 4528			1								1
50 USC 402 Note, Section 6, Public Law 86-36	3								207		210
50 USC 403(d)(3)	4		5			20			61		90
50 USC 403(g)	2										2
IG Act of 1978 as amended by Public Law 95-4524	2										2
Federal Rules of Criminal Procedure, Rule 6(e)					1					5	6
Agency Totals	32	6	40	54	1	20	1	15	325	5	499

Item 2(c)

Other Reasons Cited on Initial Determinations

Component	Category*						Total
	1	2	3	4	5	6	
OSD/JS	729	423	45	62	237	0	1,496
DEPT ARMY	3,709	2,348	346	789	840	622	8,654
DEPT NAVY	2,501	3,058	342	710	871	228	7,710
DEPT AIR FORCE	1,765	2,902	322	950	792	745	7,476
DCA	17	26	1	0	3	8	55
DCAA	17	8	6	3	86	4	124
DIA	14	190	9	18	0	13	244
DIS	12	1	0	18	0	29	60
DLA	339	460	81	157	286	106	1,429
DMA	18	11	1	1	7	3	41
DNA	4	22	0	3	15	2	46
NSA/CSS	47	83	5	50	18	10	213
OIG, DOD	29	19	1	16	8	9	82
DoD Totals	9,201	9,551	1,159	2,777	3,163	1,779	27,630

***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
OSD/JS			
Tucker, Alvin	Civ	Deputy Comptroller, Management Systems, DoD Comptroller	2
Putnam, Carl L.	Civ	Special Assistant to the Comptroller, DoD Comptroller	1
Kendall, Cynthia	Civ	Deputy Comptroller, Information Resources Management, DoD Comptroller	1
Cooke, D.O.	Civ	Director, Administration and Management	11
Berteau, David J.	Civ	Principal Deputy Assistant Secretary, Assistant Secretary of Defense, Production & Logistics	3
O'Donnell, William	Col	Executive Assistant, Assistant Secretary of Defense, Command, Control, Communications, & Intelligence	3
Pope, Barbara S.	Civ	Deputy Assistant Secretary, Family, Support, Education and Safety, Assistant Secretary of Defense, Force Management & Personnel	1
Newhall, David	Civ	Acting Assistant Secretary of Defense, Health Affairs	3
Gray, Anthony W.	Civ	Deputy Director, Inter-American Region, Assistant Secretary of Defense, International Security Affairs	5
Ford, Carl W.	Civ	Principal Deputy Assistant Secretary of Defense, International Security Affairs	3
Ropka, Lawrence	Civ	Principal Deputy Assistant Secretary of Defense, International Security Affairs	1

Sharkey, William, Jr.	Civ	Director, Program Support, Assistant Secretary of Defense, Productions & Logistics	3
Dominguez, Michael	Civ	Executive Assistant, Assistant Secretary of Defense, Program Analysis & Evaluation	2
Byron, Michael J.	BGen	Director, Inter-American Region, Assistant Secretary of Defense, International Security Affairs	4
Marshall, Andrew W.	Civ	Director, Net Assessment	1
Epstein, David F.	Civ	Deputy Director, Net Assessment	1
Bryen, Stephen D.	Civ	Deputy Under Secretary of Defense, Trade Security Policy	1
Johnson, D. S.	Civ	Director, European Policy, Assistant Secretary of Defense, International Security Policy	1
Crouch, J. D.	Civ	Principal Deputy Assistant Secretary of Defense, International Security Policy	1
Schulte, Gregory L.	Civ	Director, Strategic Forces Policy, Assistant Secretary of Defense, International Security Policy	1
Joseph, Robert G.	Civ	Deputy Assistant Secretary, Nuclear Forces and Arms Control Policy, Assistant Secretary of Defense, International Security Policy	2
Rudd, Glenn A.	Civ	Deputy Director, Defense Security Assistance Agency	12
Dubreuil, John E.	Civ	Director, Office of Industrial Base Assessment, Assistant Secretary of Defense, Production & Logistics	3
Wright, William A.	CDR	Military Assistant, Assistant Secretary of Defense, Production & Logistics	40

Wright, Timothy W.	RADM	Director, East Asia and Pacific Region, Assistant Secretary of Defense, International Security Affairs	2
Gaffney, Frank	Civ	Deputy Assistant Secretary, Nuclear Forces and Arms Control Policy, Assistant Secretary of Defense, International Security Policy	1
Perle, Richard	Civ	Assistant Secretary of Defense, International Security Policy	1
Spector, Eleanor	Civ	Deputy Assistant Secretary, Procurement, Assistant Secretary of Defense, Production & Logistics	1
McDonald, W. M.	Civ	Director, Freedom of Information and Security Review, Assistant Secretary of Defense, Public Affairs	25
Woods, Roy S., Jr.	Civ	Chief, Congressional Actions and Internal Reports, Directorate of Acquisition Policy & Programs Integration	7
Van Son, Paul	Civ	Assistant Director, Foreign Military Rights Affairs, Assistant Secretary of Defense, International Security Policy	1
Shapiro, Edward J.	Civ	Assistant General Counsel, Legal Counsel, General Counsel	1
Fields, Craig I.	Civ	Director, Defense Advanced Research Projects Agency	2
Ludlow-MacMurray, Susan	Civ	Senior Attorney, General Counsel	1
Trosch, H. Dennis	Civ	Assistant General Counsel, Logistics, General Counsel	3
Gilliat, Robert L.	Civ	Assistant General Counsel, Personnel & Health Policy, General Counsel	1
Register, Ronnie H.	Civ	Deputy Director for Management, Defense Advanced Research Projects Agency	29

Farr, Craig A.	Civ	Staff Assistant, Director, Defense Research and Engineering	4
Kern, Vincent D.	Civ	Director, Africa Region, Assistant Secretary of Defense, International Security Affairs	1
Rodgers, Richard L.	CDR	Deputy, Executive Secretariat of the Department of Defense	1
Lemon, James F.	Col	Deputy, Executive Secretariat of the Department of Defense	1
Bosley, Dale E.	CDR	Deputy, Executive Secretariat of the Department of Defense	1
Appleton, R. E.	Col	Deputy, Executive Secretariat of the Department of Defense	1
Reay, James H.	Civ	Director, Supply Management Policy, Assistant Secretary of Defense, Production & Logistics	7
Brown, James	Civ	Director, Directorate for Industrial Security Clearance Review	1
Hansen, D. B.	Col	Director, Base Closure and Utilization, Assistant Secretary of Defense, Production & Logistics	5
Vesser, Dale A.	Civ	Deputy Assistant Secretary of Defense, Requirements & Policy	1
Deegan, G. A.	MajGen	Vice Director, Joint Staff	43
Crist, George	BGen	Vice Director, Joint Staff	2
White, Maurice	Civ	Staff Attorney, General Counsel	1
Goetze, Richard, Jr.	MGen	Vice Director, Joint Staff	19
Hosmer, Bradley C.	MGen	Vice Director, Joint Staff	9
Fites, Jeanne B.	Civ	Principal Director, Resource Management and Support, Assistant Secretary of Defense, Force Management & Personnel	4
Donnell, Joseph S., III	RADM	Acting Vice Director, Joint Staff	1

Anderson, Maynard C.	Civ	Assistant Deputy Under Secretary of Defense, Counterintelligence and Security	6
Daniel, Ted	Civ	Director, Directorate for Management, Assistant Secretary of Defense, Public Affairs	3
Ledesma, Richard	Civ	Director, Weapons Systems Assessments, Director, Defense Research and Engineering	1
Ello, John V.	Civ	Executive Director, Defense Science Board	1
Janssen, Daniel F.	Civ	Assistant Director Management Oversight, Strategic Defense Initiative Operations	18
Vinson, Deborah	Civ	Director, Management Operations, Strategic Defense Initiative Organization	5
Ryan, Lois	Civ	Deputy Director, Management Operations, Strategic Defense Initiative Organization	3
Miller, Franklin C.	Civ	Deputy Assistant Secretary, Nuclear Forces and Arms Control Policy, Assistant Secretary of Defense, International Security Policy	2
Graham, Douglas	Civ	Deputy Assistant Secretary, Strategic Defense Space & Verification Policy, Assistant Secretary of Defense, International Security Policy	3
Ioffredo, Michael L.	Civ	Deputy Assistant Secretary, Strategic Programs, Assistant Secretary of Defense, Program Analysis & Evaluation	1
Coll, Alberto	Civ	Deputy Assistant Secretary, Policy & Requirements, Assistant Secretary of Defense, Special Operations/Low Intensity Conflict	1
Wigg, David G.	Civ	Deputy Assistant Secretary of Defense, Policy Analysis	1
Maresca, John J.	Civ	Deputy Assistant Secretary, European & NATO Policy, Assistant Secretary of Defense, International Security Policy	2

Halgus, Joseph	Civ	Assistant Director, European Policy, Assistant Secretary of Defense, International Security Policy	1
Kelly, James A.	Civ	Deputy Assistant Secretary of Defense, International Affairs	1
Fajans, Arthur	Civ	Director, Security Plans and Programs, Deputy Under Secretary of Defense for Security Policy	2
Ward, Katherine	LtCol	Deputy Director, African Region, Assistant Secretary of Defense, International Security Affairs	1
Chase, E. J.	COL	Executive Assistant, Assistant Secretary of Defense, Atomic Energy	3
McDevitt, M. A.	RADM	Director, East Asia and Pacific Region, Assistant Secretary of Defense, International Security Affairs	1
Smith, Frederick C.	Civ	Director, Near East and South Asian Region, Assistant Secretary of Defense, International Security Affairs	6
Jackson, Karl D.	Civ	Deputy Assistant Secretary, East Asia and Pacific Affairs, Assistant Secretary of Defense, International Security Affairs	1
Sokolski, Henry D.	Civ	Deputy for Non-Proliferation Policy, Assistant Secretary of Defense, International Security Affairs	1
Kahn, William	Civ	Director, Theater Nuclear Forces Policy, Assistant Secretary of Defense, International Security Policy	3
Caulfield, M. P.	BG	Deputy Assistant Secretary of Defense, International Affairs	1
Gottschalk, Geneese	Civ	Executive Assistant, Operational Test & Evaluation	4
Kline, John P.	Col	Military Assistant, Director Defense Research and Engineering	10

Schachter, Leon	Civ	Director, Directorate for Industrial Security Clearance Review	23
Stringer, J. K., Jr	Col	Executive Assistant, DoD Comptroller	1
Scheflen, Kenneth C.	Civ	Director, Defense Manpower Data Center, Assistant Secretary of Defense, Force Management & Personnel	1
Sanchez, Nestor	Civ	Deputy Assistant Secretary, Inter-American Affairs, Assistant Secretary of Defense, International Security Affairs	1
Wermuth, Michael	Civ	Deputy Assistant Secretary, Drug Enforcement Policy, DoD Coordinator for Drug Enforcement Policy and Support	1
Jajko, Walter	Civ	Director, Special Advisory Staff, Deputy Under Secretary of Defense for Security Policy	3
McNicol, David L.	Civ	Deputy Assistant Secretary, Resource Analysis, Assistant Secretary of Defense, Program Analysis & Evaluation	1
Libby, I. Lewis	Civ	Principal Deputy Under Secretary of Defense, Strategy and Resources	1
Alderman, Craig	Civ	Deputy Under Secretary of Defense for Security Policy	1
Kinnamon, Kenneth	Civ	Vice President for Operations, Uniformed Services University of the Health Sciences	2
Rudman, William	Civ	Deputy Under Secretary of Defense, Trade Security Policy	1
Muckerman, Joseph, II	Civ	Director, Emergency Planning, Deputy Under Secretary of Defense for Security Policy	1
Butcher, Paul D.	VADM	Deputy Commander in Chief, United States Transportation Command	2
Dunn, Michael W.	LTC	Deputy Director, J-1, United States Southern Command	3

Kemp, Terry G.	Civ	Attorney, Advisor (International), United States Southern Command	1
Stallworth, Adrienne C.	Civ	Information Specialist, United States Southern Command	11
Lane, Richard J.	COL	Acting Director, J-1, United States Pacific Command	2
Magruder, Lawson	COL	Executive Assistant to the Deputy, United States Pacific Command/Chief of Staff	3
Lutz, Joseph C.	MG	Chief of Staff, United States Special Operations Command	2
Hodge, Clifford	Col	Chief of Staff, United States Air Force Special Operations Command	4
Quincannon, Joseph	CAPT	Acting Commander, Naval Special Warfare Command	1
Felder, Jerry W.	Col	Deputy Chief of Staff, United States Space Command	5
Hanley, Paul W.	CAPT	Public Affairs Officer, United States Atlantic Command	3
Pease, Kendell	CAPT	Public Affairs Officer, United States Atlantic Command	6
Barrett, Thomas P.	BG	Director for Personnel and Administration, United States European Command	15
Hardy, Robert S., Jr.	BG	Director for Manpower, Personnel and Security, United States European Command	4
Akins, Carl	Civ	Deputy Director, Office of Civilian Health and Medical Program of the Uniformed Services	18
Stremple, John L.	Civ	Director, Department of Defense Dependent Schools	10
Lagomarsino, Bartley	Civ	Deputy Director, Department of Defense Dependent Schools	9

DEPARTMENT OF THE ARMY

Hamilton, Milton H.		Administrative Assistant, Office of the Secretary of the Army	29
Hurst, Nicholas R.	BG	Director of Contracting, Office of the Assistant Secretary of the Army (Research and Acquisition)	1
Cromartie, Eugene R.	MG	Commanding General, United States Army Criminal Investigation Command	415
Berry, Peter T.	BG	Commanding General, United States Army Criminal Investigation Command	45
Walsh, Robert J., Jr.	Civ	Chief, Freedom of Information/Privacy Office, United States Army Intelligence and Security Command	968
Makarewicz, Theodore	COL	Chief, Contracting Division, Principal Assistant Responsible for Contracting, United States Army Forces Command	37
Guinan, William J.	Civ	Counsel, United States Army Audit Agency	36
Petrilli, Frank J., Jr.	COL	Director, Administrative Operations Support Directorate, United States Army Information Systems Command-Pentagon	124
Dickman, Verling P.	COL	General Counsel, Army and Air Force Exchange Service	13
Anderson, Paul B.	LTC	Acting Chief, Administrative Law Division, Office of the Judge Advocate General	5
Bruger, James A.	COL	Chief, International Affairs Division, Office of the Judge Advocate General	1
Major, William J., Jr	COL	Chief of Staff, United States Army Community and Family Support Center	6
Cundick, Ronald P.	COL	Chief Trial Attorney, Office of the Judge Advocate General	1
DeFord, Maurice H.	COL	Acting Commander, United States Army Legal Services Agency, Office of the Judge Advocate General	2

Gilligan, Francis A.	COL	Chief, Criminal Law Division, Office of the Judge Advocate General	3
Gravelle, Adrian J.	COL	Acting Commander, United States Army Legal Services Agency, Office of the Judge Advocate General	1
Hanson, Donald H.	LTC	Chief, Army Legal Assistance, Office of the Judge Advocate General	2
Lane, Jack F.	COL	Commander, United States Army Claim Service, Office of the Judge Advocate General	10
Leeling, Gerald J.	COL	Acting Chief, Administrative Law Division, Office of the Judge Advocate General	2
Lehman, William J.	COL	Chief, Administrative Law Division, Office of the Judge Advocate General	41
Smith, Stephen D.	LTC	Deputy, Criminal Law Division, Office of the Judge Advocate General	1
Lemax, J.	LTC	Principal Assistant Responsible for Contracting, United States Army Health Services Command	2
Korte, Edward J.	Civ	Office of the Command Counsel, United States Military Academy	2
Jeffcoat, Clyde E.	Civ	Deputy Assistant Secretary of the Army for Finance and Accounting	16
Reimer, Dennis J.	LTG	Deputy Chief of Staff for Operations and Plans	24
Sullivan, Gordon R.	LTG	Deputy Chief of Staff for Operations and Plans	12
Duffie, R. Dennis	COL	Chief of Staff, United States Total Army Personnel Command	96
Sparacino, Ronald A.	LTC	Deputy Chief of Staff for Personnel and Logistics, United States Total Army Personnel Command	12

Behler, Gene R.	COL	Deputy Chief of Staff for Plans and Analysis, United States Total Army Personnel Command	10
Wise, Franklin R.	COL	Chief of Staff, United States Army Personnel Command	22
Gailbraith, Joseph E.	Civ	Director, Civilian Personnel Management Directorate, United States Total Army Personnel Command	26
Helm, Shelia	Civ	Deputy Director, Civilian Personnel Management Directorate, United States Total Army Personnel Command	73
McNeely, Joe B.	Civ	Chief, Field Operations Division, Civilian Personnel Management Directorate, United States Total Army Personnel Command	24
Doctor, Henry, Jr.	LTG	The Inspector General of the Army	33
Boylan, Peter J.	MG	Acting Inspector General	25
Allen, Teddy G.	MG	Acting Inspector General	25
Corns, Johnnie H.	LTG	The Inspector General of the Army	25
Brashears, Bobbie F.	MG	Acting Inspector General	25
Hennies, C. A.	BG	Commanding General, United States Army Safety Center	2
Pongonis, James A.	COL	Deputy Commander, United States Army Safety Center	173
Baines, E. Dardan	Civ	Chief, Office of Administrative Services, National Guard Bureau	34
Tugwell, Tyler	COL	Director, Personnel and Administration, United States Army Military Entrance Processing Command	1
Benson, William E.	Civ	Deputy Acquisition Director, United States Army Training and Doctrine Command	16

Downhour, O. Wayne	COL	Principal Assistant Responsible for Contracting, United States Army Training and Doctrine Command	14
Cathcart, C. Mark	LTC	Director, Requirements and Acquisition Management Directorate, United States Army Training and Doctrine Command	1
Levanson, Joel S.	COL	Principal Assistant Responsible for Contracting, United States Army Europe and 7th Army	7
Maliniak, John A.	Civ	Principal Assistant Responsible for Contracting, United States Army Information Systems Command	7
Douglas, Alfred D.	Civ	Principal Assistant Responsible for Contracting, United States Army Information Systems Command	6
Kilmartin, Thomas M.	BG	Commander, United States Army Reserve Personnel Center	99
Ward, William F.	MG	Chief, Army Reserve	9
Lanoue, Alcide M.	MG	Deputy Surgeon General	90
Bussey, Frederick N.	MG	Deputy Surgeon General	6
Blanck, Ronald R.	BG	Director, Professional Services, Offices of the Surgeon General	1
Stofft, William A.	BG	Director of Management, Office of the Chief of Staff, United States Army	3
Phillips, Zane	Civ	Principal Assistant Responsible for Contracting, United States Army Strategic Defense Command	3
Cohen, Martin R.	Civ	Assistant Chief Counsel for Litigation, United States Army Corps of Engineers	50
Bagley, Claude	Civ	Division Counsel, Lower Mississippi Valley, United States Army Corps of Engineers	10
Anderson, Bruce	Civ	Division Counsel, Missouri River, United States Army Corps of Engineers	3

Klements, Newton	Civ	Division Counsel, North Atlantic , United States Corps of Engineers	8
DiGiovani, Joseph	Civ	Acting Division Counsel, New England, United States Army Corps of Engineers	12
Solomon, Sandy	Civ	Division Counsel, North Central, United States Army Corps of Engineers	6
Reinke, Cecil	Civ	Division Counsel, North Pacific, United States Army Corps of Engineers	18
Page, Reba	Civ	Division Counsel, Ohio River, United States Army Corps of Engineers	9
Pettinato, Berg	Civ	Division Counsel, Pacific Ocean, United States Army Corps of Engineers	14
Lingenfelter, Stephen	Civ	Division Counsel, South Atlantic, United States Army Corps of Engineers	2
Vela, Hector	Civ	Division Counsel, Southwestern United States Army Corps of Engineers	11
Kurke, Kathy	Civ	Assistant Chief Counsel for Research and Development, Humphreys Engineer Center Support Activity	23
Shapiro, Alan	Civ	Division Counsel, South Pacific, United States Army Corps of Engineers	8
Frenette, Richard	Civ	Counsel, Humprheys Engineer Center, United States Army Corps of Engineers	20
Mahoney, Robert	Civ	Division Counsel, Europe United States Army Corps of Engineers	11
Baughman, Norman B.	Civ	Division Counsel, Huntsville United States Army Corps of Engineers	5
Miller, Kathleen M.	LTC	Principal Assistant Responsible for Contracting, United States Army South	1
Schweppe, John E.	LTC	Principal Assistant Responsible for Contracting, United States Army South	1

Ross, Jimmy D.	LTG	Deputy Chief of Staff for Logistics Office of the Deputy Chief of Staff for Logistics, United States	13
Hilmes, Jerome B.	LTG	Director, Offices of the Director of Information Systems for Command, Control, Communications and Computers	1
Borland, David	Civ	Director, United States Army Information Systems Selection and Acquisition Agency	34
Harms, John K.	CPT	Deputy Staff Judge Advocate, United States Army Military Traffic Management Command	6
Gore, Willie L.	COL	Deputy Chief of Staff for Logistics, United States Army Military Traffic Management Command	1
Mugno, Scott A.	CPT	Deputy Staff Judge Advocate, United States Army Military Traffic Management Command	4
Elgnawey, Yvonne	Civ	Deputy Chief of Staff for Personal Property, United States Army Military Traffic Management Command	1
Korte, Edward J.	Civ	Command Counsel, United States Army Materiel Command	164
Michael, Danny R.	COL	Deputy Information Management Officer, Office of the Deputy Chief of Staff for Personnel	2
Smith, James D.	MG	Director, Operations, Readiness and Mobilization, Office of the Deputy Chief of Staff for Operations and Plans	3
Mallory, Glynn C.	MG	Director, Operations, Readiness and Mobilization, Office of the Deputy Chief of Staff for Operations and Plans	4
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

DEPARTMENT OF THE NAVY

Cammack, E. G.	Civ	Director, Procurement Policy, Office of the Assistant Secretary of the Navy (Research, Development and Acquisition)	1
Hanley, P.W.	CAPT	Public Affairs Officer, United States Atlantic Fleet	6
Pease, K.	CAPT	Public Affairs Officer, United States Atlantic Fleet	7
Rose, S. A.	CDR	Force Judge Advocate, Naval Air Force, United States Atlantic Fleet	2
Bacon, R. F.	VADM	Commander, Submarine Force, United States Atlantic Fleet	1
Chiles, H. G.	VADM	Commander, Submarine Force, United States Atlantic Fleet	1
Ellis, W.G.	CAPT	Chief of Staff, Submarine Force, United States Atlantic Fleet	13
Jordan, J. F.	CAPT	Acting Chief of Staff, Submarine Force, United States Atlantic Fleet	3
Lautenbachter, C. C.	CAPT	Deputy Chief of Staff for Management/Inspector General, United States Pacific Fleet	2
Bennett, D. M.	RADM	Deputy Chief of Staff for Operations/Plans, United States Pacific Fleet	2
Bull, L. F.	RADM	Deputy Chief of Staff for Operations/Plans, United States Pacific Fleet	2
Selfridge, H. E.	CAPT	Deputy and Chief of Staff, Naval Surface Force, United States Pacific Fleet	9
Sussilleaux, J. F.	CAPT	Deputy and Chief of Staff, Naval Surface Force, United States Pacific Fleet	1

Perkins, J. B., III	CAPT	Deputy and Chief of Staff, Naval Surface Force, United States Pacific Fleet	1
Kelly, J. P.	CAPT	Commander, Training Command, United States Pacific Fleet	1
Larson, D. C.	CAPT	Force Judge Advocate, Naval Air Force, United States Pacific Fleet	3
Reynolds, A.A.	CDR	Force Judge Advocate, Naval Air Pacific	4
Misiaszek, P.E.	CAPT	Fleet Judge Advocate, United States Naval Forces, Europe	6
Duff, B. L.	CAPT	Acting Chief of Staff, United States Naval Forces, Europe	1
Dowgwilla, F. M.	CAPT	Commander, United States Naval Forces, Japan	3
Mercer, T. A.	RADM	Commander, United States Naval Forces, Philippines	1
Atwell, M. A.	CAPT	Chief of Staff, United States Naval Forces, Philippines	1
Olsen, D. H.	CAPT	Chief of Staff, United States Naval Forces, Philippines	1
Villemez, C. J.	CDR	Staff Judge Advocate, United States Naval Forces, Marianas	1
Wong, H. K.	CAPT	Commander, United States Naval Activities, Spain	1
Kalleres, M. P.	VADM	Commander Second Fleet	1
Hewson, W. C.	CDR	Deputy Assistant Judge Advocate General	96
McBride, R. M.	Col	Deputy Assistant Judge Advocate General	97
Kahn, T. K.	CAPT	Acting Assistant Judge Advocate General (Military Justice)	1
Geer, J. J., Jr.	CAPT	Acting Assistant Judge Advocate General (Military Justice)	1

Mitchell, C. H.	Col	Assistant Judge Advocate General (Military Justice)	282
Vogel, L.	Col	Assistant Judge Advocate General (Military Justice)	77
Shaffer, R. L.	Civ	Auditor General of the Navy	5
Testa, R. F.	CAPT	Acting Chief, Office of Legislative Affairs	1
Walsh, R. M.	RADM	Assistant Vice Chief of Naval Operations	8
Jones, R. C.	CAPT	Assistant Vice Chief of Naval Operations	3
Schmidt, C.	Civ	Deputy Director, Naval Nuclear Propulsion (OP-00NB)	6
Curtis, G. H., III	RADM	Acting Deputy, Logistics (OP-04B)	1
Straw, E. M.	RADM	Director, Material Division (OP-41)	1
O'Connell, B. J.	CAPT	Assistant Planning/Real Estate (OP-44E)	1
Lange, J. R.	RADM	Director, Ships Maintenance/Modernization (OP-43)	2
Buffington, J.	RADM	Director, Shore Activities (OP-44)	1
Rogers, D. N.	RADM	Deputy Assistant Chief Naval Operations, Air Warfare (OP005B)	2
Coady, P. J.	RADM	Director, Politico-Military Policy and Current Plans Division (OP-61)	23
Tindal, R. L.	RADM	Director, Strategic and Theater Nuclear Warfare Division (OP-65)	1
Itkin, R. I.	CAPT	Deputy Director, Office of Naval Warfare (OP-07)	1
McGrail, C. R., Jr.	RADM	Assistant Deputy Chief of Naval Operations, Naval Warfare (OP-07)	4
Oliver, D. R.	RADM	Director, General Planning and Programming Division (OP-80)	1
Brooks, T. A.	RADM	Director of Naval Intelligence (OP-092)	2

Stone, T. E.	RADM	Director, Naval Communications/Information Systems Division (OP-941)	1
Kordalski, R. E.	CAPT	Director, Command and Control and Electronics Warfare Systems Division (OP-942)	1
Hauck, F. H.	CAPT	Director, Navy Space Systems Division (OP-943)	1
Davis, W. J., Jr.	RADM	Commandant, Naval District Washington	4
Malley, K. C.	RADM	Director, Strategic Systems Programs	10
Peters, R. K.	Civ	Director, Office of Civilian Personnel Management	1
Catenaccio, F. T.	Civ	Director, Office of Civilian Personnel Management	1
Marname, J. P.	CAPT	Dean of Administration, Naval War College	1
Disher, J. S.	VADM	Chief of Naval Education and Training	1
Conner, E. D.	RADM	Vice Chief of Naval Education and Training	8
Barnes, F. J.	CAPT	Commander, Naval Education and Training Center, Newport	6
Luke, J. D.	CAPT	Commander, Naval Education and Training Center, Newport	5
Hinson, T. P.	CAPT	Deputy Chief of Naval Technical Training	1
Jakubiak, T. F.	CDR	Staff Judge Advocate, Chief of Naval Air Training	10
Wilmot, L. C.	RADM	Commander, Naval Training Center, Orlando	1
Knutson, R. A.	CAPT	Commander, Naval Training Center, San Diego	1
Peters, R. K.	CAPT	Acting Commander, Naval Training Center, San Diego	1

Henriksen, G. G.	Civ	Special Assistant for Security, Naval Security Group	6
Myers, S. C.	CAPT	Special Assistant for Security, Naval Security Group	1
Saalfeld, F. E.	Civ	Director, Office of Naval Research	5
Runyon, J. C.	Civ	Freedom of Information Act Coordinator, Naval Intelligence Command	19
Spofford, B. A.	CAPT	Deputy for Operations, United States Naval Academy	5
Legrand, C. M.	CAPT	Legal Counsel, Naval Military Personnel Command	151
Hosken, E. W.	CAPT	Legal Counsel, Naval Air Systems Command	13
Berkley, R. C.	CAPT	Staff Judge Advocate, Naval Air Systems Command	168
Strohsahl, G. H.	RADM	Commander, Pacific Missile Test Center	6
Vernallis, S. L.	CAPT	Acting Commander, Pacific Missile Test Center	1
Finney, J. H.	RADM	Commander, Naval Safety Center	31
Norton, L. F.	CAPT	Commander, Naval Safety Center	39
Mooberry, W. J.	CAPT	Chief of Staff, Naval Safety Center	7
Cantrell, W. H.	RADM	Vice Commander, Naval Sea Systems Command	8
MacKinnon, M.	RADM	Vice Commander, Naval Sea Systems Command	12
Miller, J. E.	RADM	Vice Commander, Naval Sea Systems Command	1
Frye, J. K.	CAPT	Vice Commander, Navy Resale and Services Support Office	3
Jones, R. A.	CAPT	Executive Assistant, Naval Investigative Service Command	113

Lannom, C. R.	Civ	Deputy Commander, Naval Investigative Service Command	46
Powers, R. J.	Civ	Acting Director, Naval Investigative Service	6
Ursey, D.	Civ	Acting Director, Naval Investigative Service	1
Houley, W. P.	RADM	Commander, Submarine Group 2, Naval Submarine Base, Groton, CT	7
Oliver, D. R., Jr.	RADM	Commander, Submarine Group 5	1
Kaup, K. L.	RADM	Commander, Submarine Group 5	2
Conway, F. M., III	CAPT	Chief of Staff, Submarine Group 10	5
Fernandez, W. J.	CAPT	Acting Chief of Staff, Submarine Group 10	1
Partington, J. W.	RADM	Commander, Strike-Fighter Wings, Atlantic	4
Moriarty, J. A.	RADM	Commander, Strike-Fighter Wings, Atlantic	2
Molinengo, H. R.	LCDR	Staff Judge Advocate, Patrol Wings Atlantic	8
Bitoff, J. W.	RADM	Commander, Logistics Group 1	1
Braden, R. F.	CAPT	Chief of Staff, Fighter Airborne Early Warning Wing, United States Pacific Fleet	3
Unruh, J. L.	RADM	Commander, Carrier Group One	1
Mercer, T. A.	RADM	Commander, Carrier Group Seven	1
Lewis, F. L.	RADM	Commander, Tactical Wings, Atlantic	2
Jesberg, R. H.	RADM	Commander, Helicopter Wings, Atlantic	2
Walker, J. S.	RADM	Commander, Helicopter Wings, Atlantic	1
Latendresse, T. B.	CAPT	Acting Commander, Cruiser-Destroyer Group 3	1
Lynch, T. C.	RADM	Commander, Cruise-Destroyer Group 12	1
King, R. G.	CDR	Staff Judge Advocate, Light Attack Wing, United States Pacific Fleet	7

Bump, S. E.	RADM	Commander, Naval Base, Charleston	3
Carlsen, K. L.	RADM	Commander, Naval Base, Norfolk	5
Adams, J. W.	RADM	Commander, Naval Base, San Diego	4
Brackx, O. M.	CAPT	Acting Commander, Naval Base, San Diego	1
Epstein, H. S.	CDR	Staff Judge Advocate, Naval Base, San Diego	2
Ives, Jon R.	RADM	Commander, Pacific Division, Naval Facilities Engineering Command	20
Buffington, J. E.	RADM	Commander, Pacific Division, Naval Facilities Engineering Command	1
Bersani, R. R.	CAPT	Acting Commander, Pacific Division, Naval Facilities Engineering Command	2
Rohrback, R. M.	CAPT	Commander, Western Division, Naval Facilities Engineering Command	2
Smith, L. M.	CAPT	Vice Commander, Western Division, Naval Facilities Engineering Command	12
Delker, J. L.	CAPT	Vice Commander, Western Division, Naval Facilities Engineering Command	5
Morris, D. G.	CDR	Acting Commander, Western Division, Naval Facilities Engineering Command	2
Allshouse, C. R.	CDR	Acting Commander, Western Division, Naval Facilities Engineering Command	1
Runberg, B. L.	CAPT	Commanding Officer, Southern Division Naval Facilities Engineering Command	3
Heine, R. F.	CAPT	Commanding Officer, Engineering Field Activity, Northwest	6
Saunders, P. D.	CDR	Acting Commanding Officer, Engineering Field Activity, Northwest	2
Kiesling, R. F.	CDR	Executive Officer, Navy Public Works Center, San Diego	6

Crane, T. C.	CAPT	Commanding Officer, Public Works Center, San Francisco Bay	1
DiGeorge, F. P.	CDR	Executive Officer, Public Works Center, San Francisco Bay	1
Koehr, J. E.	RADM	Commander, Naval Oceanography Command	3
Ailes, R. H.	RADM	Commander, Space and Naval Warfare Systems Command	2
Weaver, J. C.	RADM	Commander, Space and Naval Warfare Systems Command	4
Holloway, L. J.	RADM	Vice Commander, Space and Naval Warfare Systems Command	3
Coomes, W. A.	Col	Deputy Commander for Plans, Policy and Security Programs, Naval Investigative Service Command	428
O'Hara, J. A.	Civ	Acting Deputy Commander for Plans, Policy and Security Programs, Naval Investigative Service Command	54
Jacobson, D. L.	Civ	Acting Deputy Commander for Plans, Policy and Security Programs, Naval Investigative Service Command	5
Winglass, R. J.	LtGen	Deputy Chief of Staff, Installations and Logistics, Headquarters, Marine Corps	11
Carson, W. G.	MajGen	Deputy Chief of Staff , Installations and Logistics, Headquarters, Marine Corps	21
Studds, W. A.	MajGen	Director, Intelligence Division, Headquarters, Marine Corps	1
Carter, R. L.	Col	Director, Manpower Management Information Systems Division, Headquarters, Marine Corps	61
Vitalie, J. S.	Civ	Deputy Director, Manpower Management Information	3

Cassity, J. E.	MajGen	Commanding General, Marine Corps Logistics Base, Albany, GA	3
Hamilton, F. X.	MajGen	Commanding General, Marine Corps Logistics Base, Albany, GA	1
Brickley, J. P.	BGen	Commanding General, Marine Corps Logistics Base, Albany, GA	5
Grinalds, J. S. M	MajGen	Commanding General, Marine Corps Recruit Depot, Western Recruiting Region	7
Shuter, D. V.	BGen	Commander, Marine Corps Air Bases, West	1
Underwood, J. E.	Col	Commander, Marine Corps Air Bases, West	3
Lucas, W. J.	Col	Staff Judge Advocate, Marine Corps Air Bases, West	3
Huckaby, R. H.	BGen	Commanding General, Marine Corps Base, Camp Pendleton, CA	1
Neil, M. I.	BGen	Commanding General, Marine Corps Base, Camp Pendleton, CA	1
Mahady, F. J., Jr.	Col	Base Commander, Marine Corps Base, Camp Pendleton, CA	1
Damon, D. E.	Col	Chief of Staff, Marine Corps Base Camp, Camp Butler	2
Yoder, R. W.	Maj	Command Adjutant, Marine Corps Combat Development Command, Quantico, VA	2
Collins, D. W.	Civ	Assistant Chief of Staff Manpower, Marine Corps Base, Camp Lejuene, NC	12
Duncan J. K.	Civ	Management Assistant Officer, Cherry Point, NC	6
Bayer, R. A., Jr.	Civ	Management Assistant Officer, Cherry Point, NC	2

DEPARTMENT OF THE AIR FORCE

Ackerman, Edward	LtCol	Acting Director of Information Management, Headquarters, Military Airlift Command	25
Adams, Jimmie V.	LGen	Deputy Chief of Staff, Plans and Operations, Headquarters, United States Air Forces	1
Allen, J. R.	BGen	Commander, Oklahoma City Air Logistics Center, Air Force Logistics Command	9
Andersen, Ty J.	LtCol	Director of Information Management, Headquarters, Tactical Air Command	44
Anderson, Eddie L.	Col	Director of Information Management, Headquarters, Military Airlift Command	85
Baines, E. Darden	Civ	Chief, Office of Administrative Services, National Guard Bureau	43
Baker, Norman R.	Col	Chief of Staff, Headquarters, Pacific Air Forces	25
Batten, Virgil F.	Col	Chief of Staff, Headquarters, Air Force Reserves	4
Bingham, Billy J.	BGen	Deputy Assistant Chief of Staff, Intelligence, Headquarters, United States Air Force	6
Birkner, John H.	Col	Deputy Commander for Resources, Headquarters, Air Force Intelligence Agency	22
Boesch, Gene	Civ	Acting Deputy for Security and Investigative Programs Office, Secretary of the Air Force	13
Boyd, Charles G.	MGen	Assistant Deputy Chief of Staff, Plans and Operations, Headquarters, United States Air Force	13
Bracken, E. R.	MGen	Chief of Staff, Headquarters, Air Force Logistics Command	8

Campbell, H. N.	MGen	Assistant Deputy Chief of Staff, Logistics and Engineering, Headquarters, United States Air Force	3
Cooper, J. G.	Civ	Assistant Secretary of the Air Force (Manpower, Reserve Affairs, Installations and Environment), Office, Secretary of the Air Force	2
Creller, Bruce O.	Col	Chief of Staff, Air Force Military Personnel Center	11
Culpepper, J. B.	Civ	Executive Assistant, Sacramento Air Logistics Center, Air Force Military Personnel Center	20
Davidson, Alexander	MGen	Commander, Headquarters, Air Force Inspection and Safety Center	3
Davidson, William A.	Civ	Deputy Administrative Assistant, Office, Secretary of the Air Force	2
Davies, John W.	Col	Commander, Air Force Computer Acquisitions Center, Air Force Communications Command	6
Daviess, Norman F.	LtCol	Acting Director of Information Management, Office, Secretary of the Air Force	1
Diekman, Jack L.	Col	Director of Information Management, Headquarters, Tactical Air Command	73
Dillingham, Larry D.	MGen	Assistant Deputy Chief of Staff, Personnel, Headquarters, United States Air Force	11
Donahue, William J.	Col	Deputy Assistant Chief of Staff, Systems for Command Control, Communications and Computers, Headquarters, United States Air Force	5
Douglass, W. M.	BGen	Vice Commander, Warner Robins Air Logistics Center, Air Force Logistics Command	2
Dula, Brett M	BGen	Deputy Director, Office of Legislative Liaison, Office, Secretary of the Air Force	4

Eaglet, Robert D.	MGen	Assistant Deputy, Office of the Assistant Secretary (Acquisition), Office, Secretary of the Air Force	2
East, Belinda A.	Maj	Director of Information Management, Headquarters, Air University	12
Ellis, Larry G.	Col	Chief of Staff, Air Force Flight Test Center, Air Force Systems Command	4
Fischer, Eugene H.	MGen	Assistant Deputy Chief of Staff, Programs and Resources , Headquarters, United States Air Force	3
Fox, Charles L.	Col	Chief of Staff, Headquarters, Pacific Air Forces	39
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	738
Furusho, Marvin T.	Col	Deputy for Security and Investigative Programs, Office, Secretary of the Air Force	8
Gardetto, Bernard A., Jr.	Civ	Deputy Assistant Comptroller, Headquarters, Air Force Accounting and Finance Center	3
Gereg, Samuel W.	LtCol	Acting Chief of Staff, Air Force Development Test Center, Air Force Systems Command	6
Gillis, R. F.	MGen	Commander, Warner Robins Air Logistics Center, Air Force Logistics Command	1
Greenberg, Harvey	LtCol	Acting Staff Judge Advocate, Headquarters, Strategic Air Command	12
Griffith, J. C.	BGen	Vice Commander, Ogden Air Logistics Center, Air Force Logistics Command	3

Hallsworth, Frederick	Col	Director of Information Management, Headquarters, Air Training Command	59
Hammond, T. A.	MGen	Commander, Sacramento Air Logistics Center, Air Force Logistics Command	3
Harris, M.	BGen	Vice Commander, Oklahoma City Air Logistics Center, Air Force Logistics Command	2
Harrison, George B.	MGen	Assistant Chief of Staff, Studies and Analysis, Headquarters, United States Air Force	1
Hartung-Schuster, Eckbert M.	Col	Chief of Staff, Headquarters, Air Force Inspection and Safety Center	198
Harvey, George C.	Col	Vice Commander, Air Force District of Washington	40
Haseltine, John E.	Col	Acting Deputy Inspector General, Office, Secretary of the Air Force	9
Heinke, Wayne R.	Col	Director of Information Management, Headquarters, Air Force Space Command	77
Hellier, Richard G.	Col	Acting Deputy Inspector General, Office, Secretary of the Air Force	1
Hellikson, Larry D.	Col	Chief of Staff, Air Force Contract Management Division, Air Force Systems Command	18
Hodge, Clifford A.	Col	Chief of Staff, Air Force Special Operations Command	2
Hopp, James W.	MGen	Acting Deputy Chief of Staff, Logistics and Engineering, Headquarters, United States Air Force	3
Hopson, Everett G.	Civ	Chief, General Law Division, Office of the Judge Advocate General, Headquarters, United States Air Force	8
Hudson, Ralph E.	LtCol	Deputy Chief of Staff, Information Management, Headquarters, Air Force Office of Special Investigations	14

Huebner, Carl R.	Civ	Acting Deputy Assistant Chief of Staff, Systems for Command, Control, Communications and Computers, Headquarters, United States Air Force	1
Idrogo, S.	Civ	Executive Assistant, San Antonio Air Logistics Center, Air Force Logistics Command	27
Iverson, Ronald W.	BGen	Vice Commander, Air Force Military Personnel Center	1
Jaynes, Jay J.	Col	Commander, Headquarters, Air Force Technical Applications Center	1
Jeske, James C.	LtCol	Director of Information Management, Headquarters, Air Force Communications Command	49
Johnson, Jeanne M.	LtCol	Deputy Director of Information Management, Headquarters, Air Force Training Command	6
Jones, Roger A.	BGen	Staff Judge Advocate, Headquarters, Strategic Air Command	138
Kishiyama, Arthur Y.	Col	Chief of Staff, Electronic Systems Division, Air Force Systems Command	22
Klich, Michael A.	LtCol	Acting Director of Information Management, Headquarters, Air Force Space Command	1
Koontz, W.	Col	Assistant Chief of Staff, Headquarters, Air Forces in Europe	9
Lahendro, Albert L.	Col	Acting Chief of Staff, Space Systems Division, Air Force Systems Command	24
Layman, Lester C., Jr.	Civ	Acting Director of Information Management, Headquarters, Air Force Systems Command	1
Lotzbire, Bruce J.	MGen	Chief of Staff, Headquarters, United States Air Forces in Europe	5

McCoy, R. P.	LGen	Vice Commander, Headquarters, Air Force Logistics Command	4
McDonald, Ralph O.	Col	Chief of Staff, Headquarters, Air Force Accounting and Finance Center	8
McFalls, John O., III	Col	Deputy Director, Office of Legislative Liaison, Office, Secretary of the Air Force	1
Meseserli, Glenn E.	Col	Chief of Staff, Air Force Development Test Center, Air Force Systems Command	51
Metcalf, Charles D.	MGen	Commander, Headquarters, Air Force Accounting and Finance Center	1
Milam, David W.	Col	Chief of Staff, Aeronautical Systems Division, Air Force Systems Command	57
Miller, Brian D.	LtCol	Director of Information Management, Headquarters, Air Force Communications Command	38
Mock, James W., III	Col	Chief of Staff, Headquarters, Electronic Security Command	19
Monsour, Lawrence F.	Col	Director of Information Management, Headquarters, Air Training Command	23
Nibbelin, Denis R.	Col	Director of Information Management, Headquarters, Air Force Systems Command	7
Oakes, Howard J.	Col	Chief of Staff, Electronic Systems Division, Air Force Systems Command	29
O'Neal, S. A.	Civ	Executive Assistant, Sacramento Air Logistics Center, Air Force Logistics Command	3
Peterson, Richard A.	Civ	Acting Chief, General Law Division, Office of the Judge Advocate General, Headquarters, United States Air Force	2
Peura, Edwin A.	Col	Chief of Staff, Space Systems Division, Air Force Systems Command	32

Pugh, L. G.	Civ	Executive Assistant, Warner Robins Air Logistics Center, Headquarters, Air Force Logistics Command	34
Rak, Daniel S.	Civ	Deputy Assistant Secretary, Acquisition, Office, Secretary of the Air Force	17
Ramsey, Joseph C., Jr.	Col	Commander, Headquarters, Air Reserve Personnel Center	2
Ramsey, Stephen F.	Civ	Chief of Staff, Headquarters, United States Air Force Academy	16
Rhoden, Harold H.	BGen	Deputy Inspector General, Office, Secretary of the Air Force	55
Robinson, Peter D.	MGen	Commander, Air Force Operational Test and Evaluation Center	2
Rutherford, Robert L.	LGen	Deputy Chief of Staff, Programs and Resources, Headquarters, United States Air Force	1
Sanders, James G.	MGen	Deputy Surgeon General, Headquarters, United States Air Force	21
Sherman, Jay D.	Col	Vice Commander, Headquarters, Air Force Technical Applications Center	1
Shumway, Elwyn D.	Col	Chief of Staff, Air Force Military Personnel Center	36
Smith, R. D.	MGen	Commander, San Antonio Air Logistics Center, Air Force Logistics Command	1
Snell, Linwood H.	Col	Assistant Chief of Staff, Headquarters, United States Air Forces in Europe	75
Speirs, J. K.	BGen	Commander, Oklahoma City Air Logistics Center, Air Force Logistics Command	13
Stapleton, Joseph K.	MGen	Deputy Inspector General, Office, Secretary of the Air Force	56
Swarts, Robert F.	MGen	Commander, Headquarters, Air Force Commissary Service	2

Thompson, Barry L.	Col	Acting Deputy Inspector General, Office, Secretary of the Air Force	16
Thompson, D. W.	MGen	Chief of Staff, Headquarters, Air Force Logistics Command	14
Viccellio, Henry, Jr.	LGen	Deputy Chief of Staff, Logistics and Engineering, Headquarters, United States Air Force	1
Webster, Ernest R.	Col	Acting Chief of Staff, Headquarters, Air Force Reserves	2
Williams, Billy L.	Civ	Chief, Records Management Division, Directorate of Information Management, Headquarters, Air Training Command	22
Wood, J. D.	BGen	Vice Commander, San Antonio Air Logistics Center, Air Force Logistics Command	10
Zickert, M. M.	Col	Chief of Staff, Headquarters, Air Force Operational Test and Evaluation Center	2

DEFENSE CONTRACT AUDIT AGENCY

Valenzuela, Joel	Civ	Director, Central Region	8
Matter, Robert	Civ	Director, Northeastern Region	3
Bernarda, H. Della	Civ	Director, Eastern Region	2
Topf, Bernard	Civ	Director, Western Region	1
Emami, Sophie	Civ	Chief, Information Resources Management Branch	16

DEFENSE INTELLIGENCE AGENCY

Hardzog, Robert C.	Civ	Freedom of Information Officer	337

DEFENSE INVESTIGATIVE SERVICE

Hartig, Dale L.	Civ	Chief, Office of Information and Public Affairs	35

DEFENSE LOGISTICS AGENCY

Connelly, Richard J.	Civ	Comptroller	5
Knapp, Thomas J.	Civ	Assistant Director	6
Aldermann, Lloyd	Civ	Staff Director	1
Lenius, Harlan J.	COL	Staff Director	1
Gordon, William V.	Civ	Executive Director	2
Scott, Robert P.	Civ	Special Assistant, Defense Contract Management Center	4
Ressler, A.	Civ	Deputy Staff Director	2
Tucker, Gary C.	COL	Commander, Defense Logistics Agency Administrative Support Center	6
Perry, Crollyn	Civ	Associate General Counsel	1
Miarecki, Edward A.	Civ	Associate General Counsel	2
Creel, J. C.	COL	Commander, Defense Distribution Region - West	5
Cashman, James F.	Col	Commander, Defense Contract Management District - Northwest	7
Musgrave, A. W.	CAPT	Commander, Defense Contract Management District - Mid-Atlantic	10
Grosse, Vinson G.	Col	Commander, Defense Contract Management District - South	10
Thomson, John	BG	Commander, Defense Contracting Administration Services Region - New York	1
Miller, Kenneth	BGen	Commander, Defense Contracting Administration Services Region - West	5
Parson, Donald F.	CAPT	Commander, Defense Contracting Administration Services Region - St Louis	3
Holland, Francis B.	COL	Commander, Defense Contracting Administration Services Region - North Central	11

Hall, D.W.	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
Miller, James J.	Col	Acting Commander, Defense Construction Supply Center	2
Cusick, John M.	BG	Commander, Defense Personnel Support Center	71
Castleberry, John M.	COL	Chief of Staff, Defense Personnel Support Center	30
Walsh, D.	BGen	Commander, Defense Industrial Supply Center	7
Bondi, Peter A.	RADM	Commander, Defense General Supply Center	13
Reinkober, Thomas E.	Col	Commander, Defense Contract Administrative Services Region - International	8

DEFENSE MAPPING AGENCY

Smith, Stanley O.	BGen	Chief of Staff	4
Robinson, Bill E.	Civ	Director, Defense Mapping Technical Services Center	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	2
Sande, Kermit A.	Civ	Associate General Counsel, Defense Mapping Agency Hydrographic/Topographic Center	4

DEFENSE NUCLEAR AGENCY

Ullrich, George W.	Civ	Deputy Director	14

Scheidt, John C.	MGen	Acting Deputy Director	17
Bachkosky, John M.	Civ	Acting Deputy Director	5

NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE

Gronet, Richard W.	Civ	Director of Policy, Office of Policy	250

OFFICE OF THE INSPECTOR GENERAL, DOD

Stewart, David C.	Civ	Assistant Director, Freedom of Information/Privacy Act Division, Office of Assistant Inspector General for Investigations	219

Item 4

Appeal Determinations

Component	Total Requests	Granted in Full	Denied in Part	Denied in Full	Other	Total Actions*
OSD/JS	73	2	25	16	30	73
DEPT ARMY	208	14	18	158	18	208
DEPT NAVY	359	24	82	121	142	369
DEPT AF	209	5	25	179	0	209
DCA	0	0	0	0	0	0
DCAA	5	3	0	2	0	5
DIA	32	0	15	17	0	32
DIS	1	0	0	1	0	1
DLA	12	2	6	2	2	12
DMA	4	2	1	0	1	4
DNA	0	0	0	0	0	0
NSA/CSS	25	0	3	22	0	25
OIG, DOD	52	3	16	26	7	52
DoD Totals	980	55	191	544	200	990

*** 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	25	1	2	2	18	6	3	0	0	57
DEPT ARMY	27	27	2	14	87	78	59	0	0	294
DEPT NAVY	21	35	5	74	98	59	9	0	0	301
DEPT AIR FORCE	15	14	11	35	103	52	88	0	0	318
DCA	0	0	0	0	0	0	0	0	0	0
DCAA	0	0	0	0	2	0	0	0	0	2
DIA	30	18	0	1	1	2	0	0	0	52
DIS	0	1	0	1	0	0	0	0	0	2
DLA	0	0	0	5	4	4	1	0	0	14
DMA	0	0	0	0	2	1	0	0	0	3
DNA	0	0	0	0	0	0	0	0	0	0
NSA/CSS	19	3	50	1	2	0	0	0	0	75
OIG, DOD	0	19	13	1	22	18	32	0	0	105
DoD Totals	137	118	83	134	339	220	192	0	0	1223
Percent of Total	11%	10%	7%	11%	28%	18%	16%	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	ARMY	NAVY	AIR FORCE	NSA/ CSS	OIG DOD	
10 USC 128			1	3			4
10 USC 130			2	5	1		8
10 USC 618e				2			2
10 USC 1102		1	1	1			3
18 USC 798					14		14
31 USC 3729(d)						1	1
35 USC 205		1					1
42 USC 2162(d)			1				1
50 USC 402 Note, Section 6, Public Law 86-36					21		21
50 USC 403(d)(3)	1				14		15
IG Act of 1978 as amended by Public Law 95-4524						12	12
Sec 822, Natl Def Auth Act, FY 90 & 91 (P.L. 101-189; 103 Stat 1352,1503)	1						1
Agency Totals	2	2	5	11	50	13	83

Item 5(c)

Other Reasons Cited on Appeal Determinations

Component	Category*						Total
	1	2	3	4	5	6	
OSD/JS	2	6	0	2	20	0	30
DEPT ARMY	5	0	0	5	8	0	18
DEPT NAVY	58	4	6	21	36	17	142
DEPT AIR FORCE	0	0	0	0	0	0	0
DCA	0	0	0	0	0	0	0
DCAA	0	0	0	0	0	0	0
DIA	0	0	0	0	0	0	0
DIS	0	0	0	0	0	0	0
DLA	0	2	0	0	0	0	2
DMA	0	1	0	0	0	0	1
DNA	0	0	0	0	0	0	0
NSA/CSS	0	0	0	0	0	0	0
OIG, DOD	1	0	0	2	4	0	7
DoD Totals	66	13	6	30	68	17	200

*** 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
OSD/JS			
Williams, Pete	Civ	Assistant Secretary of Defense (Public Affairs)	37
Taylor, Robert W.	Civ	Principal Deputy Assistant Secretary of Defense (Public Affairs)	4
DEPARTMENT OF THE ARMY			
Gamboa, Anthony H.	Civ	Deputy General Counsel for Acquisition, Office of the Army General Counsel	10
Peck, Darrell	Civ	Deputy General Counsel for Military & Civil Affairs, Office of the Army General Counsel	154
Reres, Matt	Civ	Special Assistant General Counsel for Fiscal Law, Office of the Army General Counsel	3
Taylor, Thomas W.	Civ	Deputy General Counsel for Installations and Operations, Office of the Army General Counsel	5
Dickman, Verlin P.	COL	General Counsel, Army & Air Force Exchange Service	3
Willcher, Ernest M.	Civ	Acting Deputy General Counsel for Military & Civil Affairs, Office of the Army General Counsel	1
DEPARTMENT OF THE NAVY			
King, C. S.	Civ	General Counsel	9
Beach, C. P.	Civ	Principal Deputy General Counsel	39
Geer, J. J., Jr.	CAPT	Assistant JAG (Civil Law)	57

McCoy, D. F.	CAPT	Assistant JAG (Civil Law)	65
Turner, P. C.	CAPT	Assistant JAG (Civil Law), Acting	17
McBride, R. M.	CAPT	Assistant JAG (Civil Law), Acting	16

DEPARTMENT OF THE AIR FORCE

Davidson, William A.	Civ	Deputy Administrative Assistant, Office of the Secretary of the Air Force	204

DEFENSE CONTRACT AUDIT AGENCY

van Santen, John	Civ	Assistant Director, Resources	5

DEFENSE INTELLIGENCE AGENCY

Nagy, D. M.	Civ	Executive Director	22
Prombain, L. A.	Civ	Acting Executive Director	6
Negus, G.	Civ	Executive Director	4

DEFENSE INVESTIGATIVE SERVICE

Donnelly, John F.	Civ	Director	1

DEFENSE LOGISTICS AGENCY

McCausland, Charles	LGen	Director	6
Henry, Charles R.	MG	Deputy Director (Acquisition Management)	2

DEFENSE MAPPING AGENCY

Obloy, Edward J.	Civ	General Counsel	1

NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE

Young, Gerald R.	Civ	Deputy Director	12
Devine, John P.	Civ	Deputy Director	2
Prestel, Robert L.	Civ	Deputy Director	11

OFFICE OF THE INSPECTOR GENERAL, DOD

Whitlock, Stephen A.	Civ	FOI Appellate Review Authority	41
Lutsch, Nicholas T.	Civ	Assistant Inspector General for Administration & Information Management	1

Item 7

Court Opinions and Actions Taken

OSD/JS

Willens (Siemer) vs DOD, et. al.,U.S.D.C. D.C. C.A. 88-1212. Plaintiff sought various documents relating to the Marianas Islands. Plaintiff dismissed action with prejudice on 6 June 1990.

BMY, Division of Harsco Corporation vs DoD, D.C. Middle District of PA C.A. 90-1329. Plaintiff sought release of Letter of Offer and Acceptance (LOA) between the government of Austria and the DoD for the manufacture, test, and delivery of 24 M109A2 howitzers. Case mooted in September 1990 upon discovery that the LOA had been released to BMY by U.S. government personnel in Austria.

DEPARTMENT OF THE ARMY

Fox vs Department of the Army, E.D. MI C.A. 89-CV-71757-DT. Plaintiff requested that the Army Corps of Engineers release all judgments or determinations, orders requiring payment of penalties or fines, and orders of dismissal or settlement agreements arising out of actions filed against any party alleged to have violated wetland protection laws and regulations. On 10 January 1990 the parties stipulated to the dismissal of the case without prejudice to plaintiff seeking attorney fees. Subsequently, the court held that plaintiff was not automatically entitled to attorney fees just because some of the requested documents were produced after plaintiff filed suit.

Journal-Gazette Company, Inc. vs U.S. Department of the Army, N.D. IN C.A. F 89-147. On 8 January 1990 the court granted plaintiff's motion for summary judgment in this challenge to our refusal to release a coroner's report, autopsy results, and other records concerning the death of pilot in an aircraft accident. The court held that the plaintiff's request met the underlying purpose of the FOIA to allow public scrutiny of government action and that the public interest in disclosure of the records outweighs the minimal privacy interests of the deceased's next of kin.

Mantooth vs Department of the Army, D.D.C. C.A. 88-3503. Plaintiff, a real estate broker, challenged the denial of his request for officer assignment instructions. On 12 October 1990, the parties stipulated that the case be dismissed without prejudice, with each side to bear its own costs and fees. This disposition followed the decision not to seek certiorari in Schwaner vs Department of the Air Force, 898 F. 2d 793 (D.C. Cir. 1990), which held that FOIA Exemption (b)(2) did not justify withholding a roster of names and duty addresses of enlisted personnel at Bolling Air Force Base. Thus, we will release the list of names and duty addresses sought in this case, excluding those personnel assigned to sensitive or routinely deployable units.

Normal F. Newton vs United States of America, et al., N.D. ND C.A. 90-CV-174. Plaintiff sought the release of a soldier's home address and a copy of an investigation conducted under AR 15-6. On 30 May 1990, the plaintiff voluntarily dismissed the complaint.

Carl Oglesby vs Department of the Army, et al., D.C. C.A. 89-5219. Plaintiff, an author, requested United States Army records on various Nazi underground organizations and operations. The District Court granted our motion for summary judgment and dismissed the complaint. On appeal, the court initially denied our motion for summary affirmance. On 4 December 1990, however, the court determined that plaintiff had failed to exhaust his administrative remedies. Accordingly, the court vacated the district court's judgment as it applied to the Army and remanded the case with instructions to dismiss the claims based on appellants' failure to exhaust his administrative remedies.

Waldron-Ramsey vs Department of the Army, D. NJ C.A. 89-2856. Plaintiff seeks the release of all telephone bills in 1985 for the 11th Special Forces Group Airborne, formerly located at Tappan, New York. Plaintiff claims that the records are necessary to prepare his defense in criminal proceedings. On 7 February 1990, the court granted our motion for summary judgment and dismissed the case, finding that we had already provided the plaintiff with the requested records. The court also held that the money damages are not available under FOIA. Plaintiff has noticed an appeal.

Gary Walker vs United States Department of the Army, D. CO C.A. 89-1556. Plaintiff, manager of Walker Ranches and as agent of his father who owns real property adjacent to Fort Carson and immediately down-stream of Teller Reservoir, sought access to certain documents concerning Teller Reservoir. The subject documents were withheld based on Exemption 5 (deliberative process privilege and attorney work product). The parties agreed to a settlement and the complaint was dismissed with prejudice. Plaintiff was given copies of some of the requested documents. Plaintiff, in consideration of the agreement, waived any claim for costs or attorney fees.

War Babes, et al. vs Don Wilson, et al., D.D.C. C.A. 88-3633. Plaintiff sought the release of the last known address of World War II veterans who were believed to be the natural fathers of children born out of wedlock during the war. Plaintiff organization assists its members by attempting to locate and reunite them with their natural parents. On 16 November 1990, the parties reached a settlement agreement that establishes procedures to forward letters to veterans from War Babes' members. Attorney fees and costs associated with the litigation are still to be determined.

The Retired Officers Association vs Department of the Army, D.D.C C.A. 88-2054. On 14 May 1990, the court granted in part our motion for summary judgment. Plaintiff requested the release of the names and home addresses of all retired officers and the names and duty addresses of active duty officers about to retire. The court decided that although FOIA Exemption (b)(2) does not justify refusing to release the information pertaining to active duty officers, the disclosure of the names and

addresses of retired officers is an unwarranted invasion of privacy under Exemption (b)(6)l.

Lisee vs Central Intelligence Agency, et al., D.D.C. C.A. 89-1266. On 6 August 1990, the court held that plaintiff's FOIA request for information about how the United States reacted to the Quebec separatist movement was being processed with due diligence. Plaintiff is an author who seeks the information for a book he is writing. The court held that an author or publisher cannot request expedited treatment or set FOIA deadlines simply by invoking their own production schedules.

Bennett vs United States, E.D. MI C.A. 89 CV 40298. On 7 June 1990, the court granted our motion for summary judgment in this suit filed under both the Freedom of Information Act and Privacy Act. Plaintiffs are a father and son, both former soldiers, who allege that we wrongfully refused to disclose social security numbers of various soldiers against who they wished to prefer court-martial charges. Plaintiffs also claimed that the Privacy Act was violated when a record of plaintiff's nonjudicial punishment was posted on a unit bulletin board.

DEPARTMENT OF THE NAVY

Clinton D. Hubbard vs Department of the Navy, U.S.D.C. Southern District of California. Plaintiff seeking release of information from David Taylor Research Center pertaining to a Supervisor of Shipbuilding Contract controversy before the ASBCA. Case was voluntarily dismissed on 9 April 1990, without prejudice to plaintiff.

Project on Military Procurement vs Department of the Navy, D.C. C.A. 88-2130. Court ruled plaintiff was entitled to a fee waiver because the information sought can contribute to public understanding. Plaintiff voluntarily dismissed request for documents. The only remaining issue to be resolved is the amount of attorney's fees to be awarded.

Todd Shipyards Corporation vs Defense Contract Audit Agency and Naval Sea Systems Command,D.C. C.A. 87-2401TJH. This was an Open America case that was dismissed with prejudice on 14 November 1990 by stipulation of the parties.

DONCO vs Department of the Navy, N.D. CA. Civilian injured working on USS ENTERPRISE. No Judge Advocate General Manual (JAGMAN) investigation. Admiralty incident letter report prepared. Worker sued private contractors, who then sought report. Denied under work product theory. Motion or summary judgment (MSJ) filed. Cross MSG received 28 December 1989. Judge granted defense protective motion. Argument 29 January 1990.

Jean Jeffrey vs Department of the Navy, E.D. VA. Plaintiff alleges she wrote to NLSO Norfolk and other Navy and DOD sources in an attempt to access medical records, investigative reports and other documents. Attorney was informed in July that material was available if fees would be paid. He refused and now claims denial of access. JAGMAN was prepared to defend admin claim and for quality assurance. In return for

dismissing case, Navy provided medical records and enclosures to JAGMAN. Plaintiff faxed voluntary dismissal to Navy on 4 October 1990.

Willens (Siemer) vs DOD, et. al.,U.S.D.C. D.C. C.A. 88-1212, Plaintiff sought various documents relating to the Marianas Islands. Plaintiff dismissed action with prejudice on 6 June 1990.

Elizabeth A. Robischon vs Department of the Navy, C.A. 90-2616-CRR. Plaintiff, a legal assistant with the law firm McKenna, Conner and Cuneo, requested the unclassified portions of the draft solicitation for the Advanced Interdiction Weapon System. The entire solicitation (classified and unclassified) had previously been released to approximately 12 private firms which had requested it after publication of a synopsis notifying private industry of its availability. Upon determination that no exemption existed to withhold the requested information, NAVAIR released the information to the plaintiff and the case was dismissed with prejudice.

DEPARTMENT OF THE AIR FORCE

Antonelli, Michael C. vs FBI, et al., U.S.D.C. D.C. C.A. 90-0450. On 19 November 1990 defendant's motion for summary judgment was granted with prejudice. Mr. Antonelli's broad request for information was dated 9 December 1989. Air Force responded to the request on 28 December 1989, asking that he reasonably describe the records he wanted. No records were denied him because none could be identified.

Downwinders, Inc vs Deparmtent of Defense and United States Air Force, U.S.D.C. UT, C.A. 89-C-878-S. On 27 August 1990, plaintiff voluntarily moved to dismiss without prejudice. Most of the documents in dispute were drafts of the Description of Proposed Action and Alternatives (DOPAA), and Area Narrowing Reports, used in creating a Draft Environmental Impact Statement (DEIS). Plaintiff contended these were not predecisional, claiming the DOPAA represented a final agency decision.

Hale Fire Pump Company vs United States Army, Secretary of the Air Force, U.S.D.C. E.D. PA C.A. 90-2714. On 30 July 1990 defendant's summary judgment motion was granted. A discretionary release was made of the documents that had originally been withheld pursuant to exemption (b)(5) of the FOIA. Plaintiff asserts that the agency's search for responsive records was deficient and that the Air Force was under an obligation to obtain individual fire truck maintenance records from every Air Force installation worldwide. Air Force provided plaintiff a list of fire truck locations.

Schwaner, Henry C. vs United States Air Force, U.S.D.C. D.C. C.A. 88-0560. Henry Schwaner, an insurance salesman, requested a list of names and duty addresses for all enlisted personnel E-5 and below assigned to Bolling Air Force Base which was denied citing exemption (b)(2) of the FOIA. On 1 August 1988, summary judgment for defendant; 16 March 1990 plaintiff's granted; 9 May 1990 reconsideration by defendant denied; 5 September 1990 stipulation and order closing case in favor of plaintiff.

The Retired Officers Association vs Department of the Navy, Army, Air Force, U.S.D.C.D.C. C.A. 88-2054. On 12 July 1989, summary judgment in favor of plaintiff's 14 May 1990 motion for reconsideration in favor of both defendant and plaintiffs' 12 July 1990 protective notice of appeal by defendant; 29 August 1990 defendant withdrew appeal and case was closed. Record withheld consisted of home addresses of retired officers and names and duty addresses of individuals assigned to overseas areas, to routinely deployable units, and to units involved in classified or sensitive operations. The remaining material withheld consisted of names and duty addresses denied under exemption (b)(2) pursuant to DOD policy.

Yakubik, Andrew J. vs Department of the Air Force, CIA and NSA, U.S.D.C. SD, NV, C.A. CV-S-90-354-PMP-LRL. Records withheld were denied under exemption (b)(1)(a). On 24 August 1990, defendant's motion to dismiss was granted.

NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE

American Arab Anti-Discrimination Committee vs United States Department of Justice, et al., D.D.C. C.A. 88-0654. This FOIA suit sought access to information concerning various Israeli organizations and individuals. NSA provided an unclassified declaration in 1989 and an in camera declaration on 2 February 1990 to support exemption from release of our information. The government's motion for summary judgment was granted on 21 March 1990.

Helmut Gaensel vs Central Intelligence Agency, S.D. FL C.A. 89-1610. Gaensel brought suit against CIA for release of documents which pertain to himself and his gold mining company. NSA provided a declaration in July 1990 to support the government's motion for summary judgment which was granted on 27 December 1990.

Ray Lindsey vs NSA, D. MD C.A. HM-87-1564. Plaintiff filed suit seeking records on himself and various subjects, including the salvage of the Russian sub, Glomar Explorer. The district court dismissed the case on 22 May 1990. The Fourth Circuit affirmed the decision on 9 October 1990, except for the adequacy of the Agency's search with respect to the Assistant U.S. Attorney's Office a motion for summary judgment and a supporting unclassified declaration describing the record search.

Peck vs Federal Bureau of Investigation, N.D. OH C.A. C79-0846. Peck filed suit seeking release of documents in the possession of the FBI regarding himself. NSA became involved in the litigation when the FBI located Agency documents responsible to Mr. Peck's request. The plaintiff modified his complaint to seek only the documents that disclosed acts of abuses or illegal activities by the government in relation to him. The judge reviewed NSA's classified declaration in camera and found that the Agency's documents did not meet the plaintiff's criteria. NSA was dismissed from the case on 29 June 1990.

Item 8

FOIA Implementation Rules or Regulations

COMPONENT	DOCUMENT IDENTIFICATION	CFR. REF.
OSD/JS	DoD Regulation 5400.7-R, "DoD Freedom of Information Act Program", Oct 90	32 CFR 286, Vol 55, No. 248, pg 53104, 26 Dec 90
DEPT ARMY	AR 25-55, "The Department of the Army Freedom of Information Act Program", 10 Jan 90	32 CFR 518, Vol 55, No. 57, pg 10870, 23 Mar 90
DEPT NAVY	SECNAVINST 5720.42D, "Department of the Navy Freedom of Information Act (FOIA) Program", 4 Dec 87	32 CFR 701, Vol 53, No. 248, pg 52139, 27 Dec 88
DEPT AIR FORCE	AFR 12-30, "Air Force Freedom of Information Act Program", 15 Dec 82	Pending Revision. 32 CFR 806, Vol 48, No. 69, pg 15248, 8 Apr 83
DCA	DCA Instruction 210-225-1, "DCA Freedom of Information Act Program", 7 Feb 90	32 CFR 287, Vol 55, No. 151, pg 31829, 6 Aug 90
DCAA	DCAA Regulation 5410.8, "DCAA Freedom of Information Act (FOIA) Program", 17 May 89	32 CFR 290, Vol 54, No. 142, pg 31014, 26 Jul 89
DIA	DIA Regulation 12-39, "Freedom of Information Act Program", 14 Sep 87	32 CFR 292, Vol 53, No. 128, pg 25157, 5 Jul 88
DIS	DIS Regulation 01-12, "Freedom of Information Practices", 10 Dec 87	32 CFR 298b, Vol 53, No. 185, pg 36968, 23 Sep 88

COMPONENT	DOCUMENT IDENTIFICATION	CFR. REF.
DLA	DLA Regulation 5400.14, "DLA Freedom of Information Act Program", 5 Jul 88	32 CFR 1285, Vol 53, No. 143, pg 27962, 26 Jul 88; amended 3 Oct 88, pg 38716
DMA	DMA Instruction 5400.7, "DMA Freedom of Information Act (FOIA) Program, 21 Jan 88	32 CFR 295, Vol 53, No. 45, pg 7358, 8 Mar 88; amended 16 Mar 88, pg 8629
DNA	DNA Instruction 5400.7C, "Defense Nuclear Agency (DNA) Freedom of Information Act (FOIA) Program, 13 Dec 90	32 CFR 291, Vol 53, No. 56, pg 9435, 23 Mar 88
NSA/CSS	Public Access to Records of the National Security Agency/Central Security Service, DoD	32 CFR 299, Vol 56, No. 9, pg 1375, 14 Jan 91
OIG/DOD	IG Instruction 5400.7, "Inspector General Freedom of Information Act Program", 18 Sep 89	32 CFR 284, Vol 54, No. 51, pg 11237, 17 Mar 89

Item 9

Fee Schedule and Fees Collected

The fee schedule on pages 57 through 71, reprinted from Chapter 6, DoD Regulation 5400.7-R, October 1990, establishes standard costs collectible by Department of Defense Agencies.

$1,450,693.27 was collected from the public for making records available during the year 1990 (see item 10(b), page 73 for agency totals).

CHAPTER VI

FEE SCHEDULE

Section 1

GENERAL PROVISIONS

6-100 Authorities

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

6-101 Application

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

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

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

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

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

6-102 Fee Restrictions

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

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

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

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

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

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

6-103 Fee Waivers

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6-104 Fee Assessment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Type	Cost per Page (¢)
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)

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

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	E9/GS8 and below	13.25
(Minimum Charge)		8.30

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

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

2. Duplication

Type	Cost
Aerial photographs, specifications, permits, charts, blueprints, and other technical documents	$2.50
Engineering data (microfilm)	
a. Aperture cards	
(i) Silver duplicate negative, per card	.75
When key punched and verified, per card	.85
(ii) Diazo duplicate negative, per card	.65

When key punched and verified, per card	.75
b. 35mm roll film, per frame	.50
c. 16mm roll film, per frame	.45
d. Paper prints (engineering drawings), each	1.50
e. Paper reprints of microfilm indices, each	.10

3. Review Time

Type	Grade	Hourly Rate($)
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 segregrable portions of records now being revealed.)

Critical Incidents Studies conducted by the Weapons Systems Evaluation Group (WSEG) for the 1950's and 1960's.

Item 10(b)

Calendar Year Costs and Fees Collected

Component	Annual Cost	Fees Collected
OSD/JS	$1,584,835.29	$25,193.21
DEPT ARMY	$7,148,991.03	$386,388.58
DEPT NAVY	$5,347,036.75	$472,579.37
DEPT AIR FORCE	$4,654,673.75	$313,006.00
DCA	$129,364.14	$3,711.28
DCAA	$190,363.33	$3,445.69
DIA	$304,090.89	$5,816.80
DIS	$40,053.60	$319.92
DLA	$1,360,077.75	$226,907.00
DMA	$23,638.14	$862.50
DNA	$108,143.46	$4,587.40
NSA/CSS	$402,238.75	$6,564.00
OIG, DOD	$67,737.50	$1,311.52
DoD Totals	$21,361,244.38	$1,450,693.27

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

COST OUTLINE	OSD/JS	DEPT ARMY	DEPT NAVY	DEPT AIR FORCE
I. Personnel Costs				
A. Estimated Manyears*	20.2	138.9	109.8	100.5
B. Manyear Costs	$1,045,370.10	$4,317,019.95	$3,204,814.00	$2,465,463.00
C. Estimated Manhour Costs by Category (Fee Schedule Rates)**				
(1) Search Time	$48,579.28	$264,076.79	$283,002.00	$187,023.00
(2) Review & Excising	$70,856.30	$207,861.28	$142,227.00	$233,028.00
(3) Coordination & Approval	$38,579.24	$136,375.16	$116,338.00	$199,523.00
(4) Correspondence/Form Preparation	$13,325.35	$131,491.39	$110,366.00	$134,897.00
(5) Other Activities	$11,995.40	$102,476.55	$50,472.00	$80,791.00
(6) Total [(1) thru (5)]	$183,335.57	$842,281.17	$702,405.00	$835,262.00
D. Overhead [(B + C) x 25%]	$307,176.42	$1,289,825.28	$976,804.75	$825,181.25
E. Total [B thru D]	$1,535,882.09	$6,449,126.40	$4,884,023.75	$4,125,906.25
II. Other Case-Related Costs				
A. Computer Search Time	$3,602.94	$174,440.36	$49,080.00	$40,494.00
B. Office Copy Reproduction	$14,588.48	$254,215.31	$242,107.50	$221,470.00
C. Microfiche Reproduction	$235.30	$15,890.54	$7,339.50	$8,351.00
D. Printed Records	$840.25	$9,470.60	$4,747.00	$5,561.00
E. Computer Copy	$1,008.40	$17,718.94	$4,463.00	$0.00
F. Audiovisual Materials	$178.90	$14,035.43	$1,063.00	$0.00
G. Other	$17,076.29	$66,519.90	$39,648.00	$147,138.00
H. Subtotal [A thru G]	$37,530.56	$552,291.08	$348,448.00	$423,014.00
I. Overhead [25% x H]	$9,382.64	$138,072.77	$87,112.00	$105,753.50
J. Total [H + I]	$46,913.20	$690,363.85	$435,560.00	$528,767.50
III. Cost of Routine Requests Processed	$2,040.00	$9,500.78	$27,453.00	$0.00
IV. Total Costs [I thru III]	$1,584,835.29	$7,148,991.03	$5,347,036.75	$4,654,673.75

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

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

COST OUTLINE	DCA	DCAA	DIA	DIS
I. Personnel Costs				
A. Estimated Manyears*	3	3.5	4	0.9
B. Manyear Costs	$87,734.00	$145,449.50	$175,451.00	$28,818.00
C. Estimated Manhour Costs by Category (Fee Schedule Rates)**				
(1) Search Time	$165.33	$1,650.39	$10,605.25	$48.90
(2) Review & Excising	$165.33	$2,307.25	$24,508.25	$86.06
(3) Coordination & Approval	$3,950.35	$200.00	$12,860.20	$1,925.00
(4) Correspondence/Form Preparation	$165.33	$50.00	$4,208.25	$632.21
(5) Other Activities	$0.00	$147.00	$1,349.25	$0.00
(6) Total [(1) thru (5)]	$4,446.34	$4,354.64	$53,531.20	$2,692.17
D. Overhead [(B + C) x 25%]	$23,045.08	$37,451.04	$57,245.55	$7,877.54
E. Total [B thru D]	$115,225.42	$187,255.18	$286,227.75	$39,387.71
II. Other Case-Related Costs				
A. Computer Search Time	$0.00	$88.54	$9,385.50	$301.21
B. Office Copy Reproduction	$5,023.40	$1,240.40	$3,256.86	$48.00
C. Microfiche Reproduction	$0.00	$0.00	$65.00	$0.00
D. Printed Records	$3.70	$764.62	$219.15	$183.50
E. Computer Copy	$0.00	$0.00	$0.00	$0.00
F. Audiovisual Materials	$5,027.10	$0.00	$1,364.00	$0.00
G. Other	$1,256.77	$392.96	$0.00	$0.00
H. Subtotal [A thru G]	$11,310.97	$2,486.52	$14,290.51	$532.71
I. Overhead [25% x H]	$2,827.74	$621.63	$3,572.63	$133.18
J. Total [H + I]	$14,138.71	$3,108.15	$17,863.14	$665.89
III. Cost of Routine Requests Processed	$0.00	$0.00	$0.00	$0.00
IV. Total Costs [I thru III]	$129,364.14	$190,363.33	$304,090.89	$40,053.60

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

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

COST OUTLINE	DLA	DMA	DNA	NSA/CSS	OIG,DOD
I. Personnel Costs					
A. Estimated Manyears*	22.7	0.1	2.5	6.3	0
B. Manyear Costs	$677,035.00	$7,049.90	$54,491.00	$262,825.00	$0.00
C. Estimated Manhour Costs by Category (Fee Schedule Rates)**					
(1) Search Time	$74,194.00	$1,417.70	$1,524.75	$17,843.00	$6,278.00
(2) Review & Excising	$59,051.00	$1,879.00	$10,025.79	$5,088.00	$25,043.00
(3) Coordination & Approval	$17,628.00	$3,817.50	$16,471.58	$0.00	$6,572.00
(4) Correspondence/Form Preparation	$12,012.00	$590.00	$773.75	$22,075.00	$1,879.00
(5) Other Activities	$17,497.00	$3,200.02	$1,067.30	$0.00	$9,522.00
(6) Total [(1) thru (5)]	$180,382.00	$10,904.22	$29,863.17	$45,006.00	$49,294.00
D. Overhead [(B + C) x 25%]	$214,354.25	$4,488.53	$21,088.54	$76,957.75	$12,323.50
E. Total [B thru D]	$1,071,771.25	$22,442.65	$105,442.71	$384,788.75	$61,617.50
II. Other Case-Related Costs					
A. Computer Search Time	$87,425.00	$143.30	$18.00	$4,901.00	$140.00
B. Office Copy Reproduction	$31,073.00	$777.45	$1,609.50	$9,059.00	$4,728.00
C. Microfiche Reproduction	$22,880.00	$0.00	$0.00	$0.00	$0.00
D. Printed Records	$9,686.00	$7.22	$0.00	$0.00	$24.00
E. Computer Copy	$72,936.00	$0.00	$0.00	$0.00	$0.00
F. Audiovisual Materials	$697.00	$18.42	$0.00	$0.00	$4.00
G. Other	$5,381.00	$10.00	$533.10	$0.00	$0.00
H. Subtotal [A thru G]	$230,078.00	$956.39	$2,160.60	$13,960.00	$4,896.00
I. Overhead [25% x H]	$57,519.50	$239.10	$540.15	$3,490.00	$1,224.00
J. Total [H + I]	$287,597.50	$1,195.49	$2,700.75	$17,450.00	$6,120.00
III. Cost of Routine Requests Processed	$709.00	$0.00	$0.00	$0.00	$0.00
IV. Total Costs [I thru III]	$1,360,077.75	$23,638.14	$108,143.46	$402,238.75	$67,737.50

*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 Court Involvement	Total
	Location	Volume	Consultation		
OSD/JS	1	298	1421	0	1,720
DEPT ARMY	117	168	56	1	342
DEPT NAVY	33	429	22	0	484
DEPT AIR FORCE	6	717	168	0	891
DCA	3	3	2	0	8
DCAA	4	3	3	0	10
DIA	25	404	35	0	464
DIS	0	6	0	0	6
DLA	310	387	123	0	820
DMA	1	5	4	0	10
DNA	41	17	75	0	133
NSA/CSS	0	300	7	0	307
OIG, DOD	0	305	12	0	317
DoD Totals	541	3,042	1,928	1	5,512

ITEM 10(d) Optional

Other Information

Of the 2,497 requests completed in the Office of the Secretary of Defense, the following table categorizes the requesters by percentage of the total case load:

CATEGORY	PERCENTAGE
Business Firms	25.4
Congress	.2
Educational	5.2
Foreign	.4
Individual	47.2
Law Firms	2.9
News Media	13.5
Research	.8
Special Interest	4.2
Students	.2