

DEPARTMENT OF DEFENSE



FREEDOM OF INFORMATION ACT PROGRAM CY 1982

SUMMARY OF THE REPORT TO CONGRESS

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

**CY 1982 FREEDOM OF INFORMATION ACT
ANNUAL REPORT
Highlights**

A total of 71,558 public requests for records under the Freedom of Information Act (FOIA) were processed during 1982 by the Department of Defense (DoD). This compares with an average annual case load of 57,240 for the years 1975-81, the reporting period since the act was amended, and is roughly 25% above average. One thousand four hundred eighty-eight cases required time limit extensions — 62 for location, 543 for volume, and 883 for consultation.

The Department initially granted over 85% of the requests. Of the 11,531 denials, 433 were appealed by the requesters; 42 appeals were fully granted, 137 partially granted, and 254 again rejected.

Of the initially denied requests, 1 of 9 was because continued classification was warranted; 1 of 5 because the record was an internal memorandum; 1 of 17 because of statutory exemption; 1 of 6 was considered proprietary data; 1 of 4 because the record involved investigatory data; and 1 of 5 involved personal privacy. In addition, 7,711 requests could not be fulfilled in whole or in part for other reasons, such as lack of record requested, transferral to another agency, or lack of specificity sufficient to identify the requested records.

Administrative costs associated with these requests were approximately \$8,792,498, somewhat more than the \$6,596,689 average for the 1975-81 period. The average cost of processing a single case has risen from \$115 (1975-81) to \$123 (1982). Fee collections for records provided to the public amounted to \$518,001.

Questions regarding this report should be addressed to the Director, Freedom of Information and Security Review, OASD (Public Affairs), the Pentagon, Washington, D.C. 20301.

*Normal for
date.*
77.1
3820
11531

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

<u>Agency Abbreviation</u>	<u>Agency</u>	<u>Agency Head</u>
OSD/OJCS	Office of the Secretary of Defense (Including the Organization of the Joint Chiefs of Staff)	Caspar W. Weinberger
Dept. Army	Secretary of the Army	John O. Marsh, Jr.
Dept. Navy	Secretary of the Navy	John Lehman
Dept. Air Force	Secretary of the Air Force	Verne Orr
DCA	Defense Communications Agency	LtGen W. J. Hilsman, USA
DCAA	Defense Contract Audit Agency	Charles O. Starrett, Jr.
DIA	Defense Intelligence Agency	LtGen James A. Williams, USA
DIS	Defense Investigative Service	Thomas J. O'Brien
DLA	Defense Logistics Agency	VAdm Eugene A. Grinstead, USN
DMA	Defense Mapping Agency	MGen Richard M. Wells, USA
DNA	Defense Nuclear Agency	LtGen Harry A. Griffith, USA
NSA/CSS	National Security Agency Central Security Service	LtGen Lincoln D. Faurer, USAF
CINCLANTCOM	Commander-in-Chief, Atlantic Command	Adm Wesley L. McDonald, USN
CINCEURCOM	Commander-in-Chief, U.S. European Command	Gen B. W. Rogers, USA
CINCPACOM	Commander-in-Chief, Pacific Command	Adm R. L. J. Long, USN
CINCREDCOM	Commander-in-Chief, U.S. Readiness Command	Gen D. A. Starry, USA
CINCISO	Commander-in-Chief, U.S. Southern Command	LtGen Wallace H. Nutting, USA
CINCCENTCOM	Commander-in-Chief, U.S. Central Command	LtGen Robert C. Kingston, USA

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

<u>Agency Abbreviation</u>	<u>Appellate Authority</u>	<u>Program Official</u>
OSD/OJCS	Henry E. Catto, Jr. Asst SecDef Public Affairs	Charles W. Hinkle Director, FOI and Security Review, OASD/PA
Dept. Army	General Counsel Secretary of the Army	W. A. Anderson Chief, Records Mgmt Division The Adjutant General Center
Dept. Navy	Judge Advocate General/ General Counsel for Secretary of the Navy	Gwendolyn R. Aitken PA/FOIA Coordinator Naval Records Division OPNAV
Dept. Air Force	Robert J. McCormick Admin Asst to the Secretary of the Air Force	Kip Ward OPR for Freedom of Information Documentation Systems Division
DCA	LtGen W. J. Hilsman, USA Director	John T. Whealen General Counsel
DCAA	John H. van Santen Asst Director, Resources	Connie Miller Records Administrator
DIA	LtGen James A. Williams, USA Director	Penny A. Underdal FOIA Officer
DIS	Thomas J. O'Brien Director	Dale L. Hartig Asst for Information
DLA	VADM Eugene A. Grinstead, USN, Director	Col R. F. McCormack, USA Staff Director, Administration
DMA	Edward Obloy General Counsel	Del Malkie Public Affairs Officer
DNA	LtGen Harry A. Griffith, USA, Director	LtCol Dale F. Keller, Jr., USA Public Affairs Officer
NSA/CSS	Robert E. Rich Deputy Director	Eugene F. Yeates Director of Policy
CINCLANTCOM	Henry E. Catto, Jr. Asst SecDef Public Affairs	CDR H. L. Matson, USN Internal Relations Officer
CINCEUCOM	Henry E. Catto, Jr. Asst SecDef Public Affairs	David K. Swiney Administrator
CINCPACOM	Henry E. Catto, Jr. Asst SecDef Public Affairs	Maj Leon R. Raabe Chief, Administrative & Security Program's Division
CINCREDCOM	Henry E. Catto, Jr. Asst SecDef Public Affairs	Mrs. G.T. Gentry FOIA Officer
CINCSO	Henry E. Catto, Jr. Asst SecDef Public Affairs	LtCol R.L. Diaz, USAF Deputy Legal Advisor
CINCCENTCOM	Henry E. Catto, Jr. Asst SecDef Public Affairs	CDR Milton S. Baker, USN Public Affairs Officer

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Item 1

**Initial Determinations Resulting in not
Providing all or a Portion of Record Requested**

Reporting Activity	Total Demands		Reasons			
	Completed Public Requests	Completed Reportable Requests*	Statutory Exemptions	+	Other	= Total
OSD/OJCS	1,405	2,486	168		661	829
DEPT ARMY	31,042	33,800	1,239		1,245	2,484
DEPT NAVY	9,428	10,926	761		1,054	1,815
DEPT AF	20,584	23,396	1,165		2,735	3,900
DCA	89	172	6		0	6
DCAA	145	159	12		93	105
DIA	824	865	108		230	338
DIS	120	120	27		52	79
DLA	7,388	7,414	166		1,347	1,513
DMA	76	99	23		26	49
DNA	63	74	8		32	40
NSA/CSS	358	370	128		225	353
CINCLANTCOM	3	3	3		0	3
CINCEUCOM	5	9	5		4	9
CINCPACOM	9	9	1		3	4
CINCREDCOM	11	17	0		2	2
CINCSO	4	4	0		2	2
CINCCENTCOM	4	4	0		0	0
DoD Totals	71,558	79,927	3,820		7,711	11,531

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

Item 2(a)

Exemptions Invoked on Initial Determinations

Exemptions by Number (552(b))

Reporting Activity	1	2	3	4	5	6	7	8	9	Total*
OSD/OJCS	92	1	5	26	56	28	10	0	0	218
DEPT ARMY	149	11	89	242	342	324	669	0	0	1,826
DEPT NAVY	46	14	8	165	163	216	149	0	0	761
DEPT AF	84	26	15	246	309	329	434	0	0	1,443
DCA	3	0	0	3	0	0	0	0	0	6
DCAA	0	0	0	5	6	1	0	0	0	12
DIA	100	2	36	0	5	15	0	0	0	158
DIS	0	6	2	1	1	24	1	0	0	35
DLA	1	3	5	110	60	5	3	0	0	187
DMA	0	0	0	13	2	9	0	0	0	24
DNA	5	0	4	1	1	0	0	0	0	11
NSA/CSS	61	0	123	14	5	4	2	0	0	209
CINCLANTCOM	3	1	0	0	0	0	0	0	0	4
CINCEUCOM	2	0	0	1	0	2	0	0	0	5
CINCPACOM	0	1	0	0	0	0	0	0	0	1
CINCREDCOM	1	0	0	0	0	0	0	0	0	1
CINCSO	0	0	0	0	0	0	0	0	0	0
CINCCENTCOM	0	0	0	0	0	0	0	0	0	0
DoD Totals	547	65	287	827	950	957	1,268	0	0	4,901
Percent of Total	11	1	6	17	19	20	26	0	0	100

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

Item 2(b)

Statutes Invoked on Initial Determinations

Statute	Number of Times by Agency									DoD Total*
	OSD/OJCS	DEPT ARMY	DEPT NAVY	DEPT AF	DIA	DIS	DLA	DNA	NSA/CSS	
5 U.S.C. 552a							1		3	4
5 U.S.C. 7411				1						1
10 U.S.C. 135			1							1
10 U.S.C. 2202				2						2
12 U.S.C. 3401						2				2
17 U.S.C. 101				1						1
18 U.S.C. 798								54		54
18 U.S.C. 1905 <i>(see pg 10)*</i>		89		6			2	4		101
18 U.S.C. 1917							1			1
22 U.S.C. 2278							1			1
35 U.S.C. 181				2						2
42 U.S.C. 2162				3						3
50 U.S.C. 402			6							6
50 U.S.C. 403					36			57		93
Atomic Energy Act of 1954	3							4		7
Public Law 86-36	2		1					123		126
Agency Totals	5	89	8	15	36	2	5	4	241	405

*Total may not agree with 552(b)(3) exemptions because of cases where two or more statutes were cited.

** 1905 appears in other reports.*

Item 2(c)

Other Reasons Cited on Initial Determinations

Reporting Activity	Category*					Total
	1	2	3	4	5	
OSD/OJCS	311	256	43	18	33	661
DEPT ARMY	600	281	84	240	40	1,245
DEPT NAVY	411	401	59	102	81	1,054
DEPT AF	285	1,846	222	228	154	2,735
DCA	0	0	0	0	0	0
DCAA	51	29	3	4	6	93
DIA	53	136	29	8	4	230
DIS	8	21	1	21	1	52
DLA	1,270	52	13	2	10	1,347
DMA	15	6	2	0	3	26
DNA	15	14	0	0	3	32
NSA/CSS	7	91	0	69	58	225
CINCLANTCOM	0	0	0	0	0	0
CINCEUCOM	2	2	0	0	0	4
CINCPACOM	1	2	0	0	0	3
CINCREDCOM	0	1	1	0	0	2
CINCSO	1	1	0	0	0	2
CINCCENTCOM	0	0	0	0	0	0
DoD Totals	3,030	3,139	457	692	393	7,711

*Types of Categories

1. Transferred Request
2. Lack of Records
3. Failure of Requester to Reasonably Describe Record
4. Other Failures by Requesters to Comply with Published Rules and/or Directives
5. Request Withdrawn by Requester
(See following page for description of each category)

"OTHER REASONS" DESCRIBED

1. Transferred Request (Appeal):

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

2. Lack of Records:

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

3. Failure of Requester to Reasonably Describe Record:

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

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

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

5. Request (Appeal) Withdrawn by Requester:

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

Item 3

**Initial Denial Officials by Participation
(Agency Reports List Names and Titles)**

A. Exemption Denials

Agency	Number of Officials Categorized by Instances of Participation							Total Officials*
	Officials Authorized	1	2-3	4-5	6-10	11-40	41+	
OSD/OJCS	51	24	10	3	4	4	0	45
DEPT ARMY	21	1	1	0	1	5	8	16
DEPT NAVY	307	17	10	12	8	10	4	61
DEPT AF	93	31	22	6	12	14	8	93
DCA	2	0	0	0	1	0	0	1
DCAA	7	1	1	0	1	0	0	3
DIA	3	0	0	0	0	0	2	2
DIS	1	0	0	0	0	1	0	1
DLA	33	11	6	7	2	6	0	32
DMA	10	0	3	0	0	1	0	4
DNA	1	0	1	0	1	0	0	2
NSA/CSS	1	1	0	0	0	1	1	3
CINCLANTCOM	1	0	1	0	0	0	0	1
CINCEUCOM	1	0	0	1	0	0	0	1
CINCPACOM	3	1	0	0	0	0	0	1
CINCREDCOM	2	1	0	0	0	0	0	1
CINCSO	1	0	0	0	0	0	0	0
CINCCENTCOM	1	0	0	0	0	0	0	0
DoD Totals	539	88	55	29	30	42	23	267

*Total officials may exceed number authorized due to personnel turnover.

Item 3

**Initial Denial Officials by Participation
(Agency Reports List Names and Titles)
(Cont'd)**

B. Other Authority Denials*

Agency	Number of Officials Categorized by Instances of Participation						Total Officials*
	Number of Instances						
	1	2-3	4-5	6-10	11-40	41+	
OSD/OJCS	3	5	6	2	7	3	26
DEPT ARMY	0	1	0	3	4	5	13
DEPT NAVY	16	14	12	13	14	8	77
DEPT AF	0	0	0	0	0	0	0**
DCA	0	0	0	0	0	0	0
DCAA	0	1	1	4	0	1	7
DIA	0	0	0	0	0	1	1
DIS	0	0	0	0	0	1	1
DLA	2	2	2	2	4	1	13
DMA	4	3	1	0	1	0	9
DNA	0	0	0	1	1	0	2
NSA/CSS	1	2	0	1	0	2	6
CINCLANTCOM	0	0	0	0	0	0	0
CINCEUCOM	0	0	1	0	0	0	1
CINCPACOM	0	1	0	0	0	0	1
CINCREDCOM	0	1	0	0	0	0	1
CINCISO	0	1	0	0	0	0	1
CINCCENTCOM	0	0	0	0	0	0	0
DoD Totals	26	31	23	26	31	22	159

*Other category determination processing is not limited to statutory exemption denial authorities.

**The Department of the Air Force does not process "other category" determinations as request denials. Statutory exemption denial authority not required for this category.

Item 4

Number of Appeals and Results

Number of Appeals

Reporting Activity	Granted	Granted in Part	Denied	Total
OSD/OJCS	3	10	18	31
DEPT ARMY	10	53	56	119
DEPT NAVY	15	35	30	80
DEPT AF	9	27	118	154
DCA	0	0	0	0
DCAA	0	0	0	0
DIA	0	1	16	17
DIS	0	0	0	0
DLA	5	5	4	14
DMA	0	0	0	0
DNA	0	1	0	1
NSA/CSS	0	5	12	17
CINCLANTCOM	0	0	0	0
CINCEUCOM	0	0	0	0
CINCPACOM	0	0	0	0
CINCREDCOM	0	0	0	0
CINCSO	0	0	0	0
CINCCENTCOM	0	0	0	0
DoD Totals	42	137	254	433

Item 5(a)

Exemptions Invoked on Appeal Determinations

Exemptions by Number (552(b))

Reporting Activity	1	2	3	4	5	6	7	8	9	Total*
OSD/OJCS	19	0	4	3	11	2	1	0	0	40
DEPT ARMY	9	1	20	16	60	30	44	0	0	180
DEPT NAVY	6	1	2	7	36	21	18	0	0	91
DEPT AF	19	5	12	27	85	37	32	0	0	217
DCA	0	0	0	0	0	0	0	0	0	0
DCAA	0	0	0	0	0	0	0	0	0	0
DIA	16	0	5	0	1	0	0	0	0	22
DIS	0	0	0	0	0	0	0	0	0	0
DLA	0	0	1	3	4	2	0	0	0	10
DMA	0	0	0	0	0	0	0	0	0	0
DNA	1	0	0	0	0	0	0	0	0	1
NSA/CSS	15	0	16	0	3	0	0	0	0	34
CINCLANTCOM	0	0	0	0	0	0	0	0	0	0
CINCEUCOM	0	0	0	0	0	0	0	0	0	0
CINCPACOM	0	0	0	0	0	0	0	0	0	0
CINCREDCOM	0	0	0	0	0	0	0	0	0	0
CINCSSO	0	0	0	0	0	0	0	0	0	0
CINCCENTCOM	0	0	0	0	0	0	0	0	0	0
DoD Totals	85	7	60	56	200	92	95	0	0	595
Percent of Total	14	2	10	9	34	15	16	0	0	100

*Totals do not agree with Item 4 because of cases where two or more exemptions were cited.

Item 5(b)

Statutes Invoked on Appeal Determinations

Statute	Number of Times by Agency							DoD Total*
	OSD/OJCS	DEPT ARMY	DEPT NAVY	DEPT AF	DIA	DLA	NSA/CSS	
5 U.S.C. 552a		14		6				20
18 U.S.C. 798							15	15
18 U.S.C. 1805 <i>(see pg 3)</i>				6				6
32 CFR 1285						1		1
40 U.S.C. 276			2					2
50 U.S.C. 403	1				5		14	20
Public Law 86-36							16	16
Atomic Energy Act of 1954	3							3
National Security Act of 1947		6						6
Agency Totals	4	20	2	12	5	1	45	89

*Total may not agree with 552(b)(3) exemptions because of cases where two or more statutes were cited.

18 U.S.C. 1905 appears in other reports.

Item 5(c)

Other Reasons Cited on Appeal Determinations

Reporting Activity	Category*					Total
	1	2	3	4	5	
QSD/OJCS	0	0	0	0	0	0
DEPT ARMY	4	6	0	19	2	31
DEPT NAVY	6	5	0	3	5	19
DEPT AF	15	0	0	0	0	15
DCA	0	0	0	0	0	0
DCAA	0	0	0	0	0	0
DIA	0	0	0	1	0	1
DIS	0	0	0	0	0	0
DLA	0	0	0	0	3	3
DMA	0	0	0	0	0	0
DNA	0	0	0	0	0	0
NSA/CSS	0	1	0	0	0	1
CINCLANTCOM	0	0	0	0	0	0
CINCEUCOM	0	0	0	0	0	0
CINCPACOM	0	0	0	0	0	0
CINCREDCOM	0	0	0	0	0	0
CINCSO	0	0	0	0	0	0
CINCCENTCOM	0	0	0	0	0	0
DoD Totals	25	12	0	23	10	70

*Types of Categories

1. Transferred Appeal
2. Lack of Records
3. Failure of Requester to Reasonably Describe Record
4. Other Failures by Requesters to Comply with Published Rules and/or Directives
5. Request Withdrawn by Requester.
See Page 5 for full description of "other reasons".

Item 6

**PARTICIPATION OF APPELLATE AUTHORITIES
(Those Responsible for Denials in Whole or in Part)**

Name	Title	No. of Instances of Participation*
<u>OSD/OJCS</u>		
Henry E. Catto, Jr.	Assistant Secretary of Defense (Public Affairs)	22
Benjamin Welles	Principal Deputy ASD (Public Affairs)	6
<u>DEPT ARMY</u>		
Susan J. Crawford	Principal Deputy General Counsel	109
<u>DEPT NAVY</u>		
RADM John S. Jenkins, USN	Judge Advocate General	28
RADM James J. McHugh, USN	Acting Judge Advocate General	10
RADM James J. McHugh, USN	Judge Advocate General	5
RADM T.E. Flynn, USN	Acting Judge Advocate General	2
COL R.W. Edwards, USMC	Acting Judge Advocate General	2
W.T. Skallerup, Jr.	General Counsel	17
Hugh O'Neill	Acting General Counsel	1
<u>DEPT AF</u>		
Robert J. McCormick	Administrative Assistant Secretary of the Air Force	101
Joseph Olivo, Jr.	Deputy Administrative Assistant Secretary of the Air Force	44

Item 6

**PARTICIPATION OF APPELLATE AUTHORITIES
(Those Responsible for Denials in Whole or in Part)
(Cont'd)**

Name	Title	No. of Instances of Participation*
<u>DIA</u>		
RADM E.A. Burkhalter, Jr., USN	Deputy Director	13
BGen D.W. Goodman, USAF	Acting Deputy Director	4
<u>DLA</u>		
E.A. Grinstead	Director	1
Emmett W. Bowers	Deputy Director	6
Charles F. Drenz	Deputy Director	2
<u>DNA</u>		
LGen Harry A. Griffith, USA	Director	1
<u>NSA/CSS</u>		
Ann C. Caracristi	FOI/PA Appeals Authority	9
Robert E. Rich	FOI/PA Appeals Authority	4
Charles R. Lord	Acting FOI/PA Appeals Authority	2
George R. Cotter	Acting FOI/PA Appeals Authority	2

*Includes only appeals denied in whole or in part. See Item 4, Page 8.

Item 7

Court Opinions and Action Taken

NAVY

Civil Action 82-0024. Government motion for a summary judgment was granted by the court, and the suit was dismissed.

Civil Action 82-1347. Case was dismissed.

Civil Action IP 82-790-C. Case settled by agreement to release portions of data not subject to Privacy Act considerations.

Civil Action 82-0105-CIV WMH. Case pending.

*See FOISS admin
re OCS system*

Item 8

FOIA IMPLEMENTATION RULES OR REGULATIONS

Agency	Document Identification	Fed. Reg. Ref.
DoD	DoD Directive 5400.7, 24 Mar 1980	45 F.R. No. 84 29 Apr 1980, Pg 28323
	DoD Regulation 5400.7R, Dec 1980 Change 2, 28 Sep 1982; Change 3, 6 Dec 1982	45 F.R. No. 236 5 Dec 1980, Pg 80502
DEPT ARMY	AR 340-17, 1 Oct 1982	47 F.R. No. 158 16 Aug 1982, Pg 35590
DEPT NAVY	SECNAVINST 5720.42C, 1 Oct 82	Publication Pending
DEPT AF	AFR 12-30, 15 Dec 82	
DCA	DCA Instruction 210-255-1, 19 Dec 80	
DCAA	DCAA Regulation 5410.5, 29 Aug 1977, Change 1	42 F.R. No. 154 10 Aug 1977, Pg 40433
	DCAA Instruction 5410.8, 27 Aug 81	
DIA	DIA Regulation 12-39, 24 AUG 81	Publication Pending
DIS	DIS Regulation 01-12, 2 Oct 1981	
DLA	DLA Regulation 5400.14, 2 Feb 1981	40 F.R. No. 34 6 Apr 1981, Pg 20541
DMA	DMA Instruction 5400.7, 22 Apr 81	46 F.R. No 124 29 Jun 81, Pg 33245
DNA	DNA Instruction 5400.7, 29 July 1980	
NSA/CSS	NSA/CSS Regulation 10-9, 9 Feb 1982	

Item 9

**FEE SCHEDULE AND FEES
COLLECTED**

The attached fee schedule, reprinted from Chapter 6, DoD Regulation 5400.7-R, December 1980, establishes standard costs collectible by Department of Defense Agencies.

\$518,001 was collected from the public for making records available during the year 1982 (see Item 10B for Agency totals).

CHAPTER VI
FEE SCHEDULE
Section 1
GENERAL PROVISIONS

6-100 Application

The fees described in this chapter apply to FOIA requests. They reflect direct search and duplication costs, collection of which are 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 (q)).

6-101 Fee Assessment

- a. Minimum fees shall not be charged.
- b. When direct search and duplication costs for a single FOIA request total less than \$30.00, fees should be waived automatically. The DoD Components, however, may set aside the automatic waiver provision when, on the basis of good evidence, the Component can demonstrate that waiver of fees is not in the public interest. Multiple requests from a single requester or from those acting in behalf of a single requester in an effort to take advantage of the waiver may create a situation in which waiver should be denied by the Component.
- c. Decisions to waive or reduce fees that exceed the automatic waiver threshold shall be made on a case-by-case basis. The following circumstances, however, describe the most common circumstances in which waiver or reduction of fees are most likely to be warranted.
 1. No record is located or all records are denied. However, fee charges are appropriate if the requester insists upon a search and agrees to such fees after being informed that the search is likely to be nonproductive or that the records are all likely to be exempt from release.
 2. A record is voluntarily created to preclude an otherwise burdensome effort to provide voluminous amounts of available records including additional information not requested.
 3. The records are to be made available in response to a news media requester whose requests under this regulation are reasonable in scope and frequency.
 4. The record is for a nonprofit public interest group and the subject of the requested record is known to be of wide public interest, and furnishing the information can be considered as primarily benefiting the general public.
 5. A previous denial is reversed in whole or in part and the search and reproduction costs involved are not substantial.

6-102 Computation of Fees

The fee schedule contained in this chapter is used to compute the search and duplication costs associated with processing a given FOIA request. Search fees shall be computed based on time actually spent. Neither time-based nor dollar-based minimum charges for search and duplication are authorized.

Section 2
COLLECTION OF FEES AND FEE RATES

6-200 Collection of Fees

Collection of charges and fees need not be made in advance of rendering the service unless the costs are expected to exceed the fee waiver threshold and the requester has not indicated a willingness in writing to pay. It frequently is more practical to collect charges and fees at the time of providing the service or property to the recipient when the requester specifically states that the cost involved shall be acceptable or acceptable up to a specified limit that covers anticipated costs. Collection of fees in advance is an appropriate requirement only when the requester has not agreed in writing to pay the anticipated fee or has not honored previous commitments to pay fees that were owed an agency or component.

6-201 Search Fees

a. Manual Search

<u>Type</u>	<u>Grade</u>	<u>Hourly Rate (\$)</u>
Clerical	E9/GS8 and below	8
Professional	01-06/GS9-GS-15	16
Executive	07/GS16/ES1 and above	26

b. Computer search is based on direct cost of the central processing unit, input-output devices, and memory capacity of the actual computer configuration.

c. Actual cost of transporting records or personnel to the search site may be included.

6-202 Duplication Fees

<u>Type</u>	<u>Cost per Page (¢)</u>
Printed Material	01
Office Copy	10
Microfiche	25

6-203 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.

6-204 Other Records

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

Item 10A

**Availability of Records
(New Categories or segregable portions of records now being released)**

NONE

*See FOISS report
for 153 portions*

Item 10 B

Calendar Year Costs and Fees Collected

Reporting Activity	Annual Cost*	Annual Fees Collected
OSD/OJCS	\$ 674,206	\$ 4,973
DEPT ARMY	2,794,727	206,367
DEPT NAVY	1,284,256	84,846
DEPT AF	2,564,000	97,437
DCA	23,154	265
DCAA	98,279	2,108
DIA	148,066	1,361
DIS	4,658	637
DLA	446,951	117,782
DMA	5,342	62
DNA	3,705	0
NSA/CSS	700,801	2,064
CINCLANTCOM	1,508	0
CINCEUCOM	38,217	0
CINCPACOM	1,659	0
CINCREDCOM	2,754	43
CINCSSO	144	0
CINCCENTCOM	71	56
DoD Totals	\$8,792,498	\$518,001

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

CALENDAR YEAR COSTS AND FEES COLLECTED BY DOD REPORTING AGENCIES

COST OUTLINE	OSD/OJCS	DEPT ARMY	DEPT NAVY	DEPT AF	DCA	DCAA	DIA	DIS	DLA
I Personnel Costs									
A. Estimated Manyears*	13.42	90.32	38.84	81.23	.60	.93	2.01	.00	10.88
B. Manyear Costs (Grades Considered)	\$465,644	\$1,777,848	\$ 711,189	\$1,514,941	\$16,800	\$76,323	\$ 58,738	\$ 0	\$189,129
C. Estimated Manhour Costs by Category (Fee Schedule Rates)**									
(1) Search Time	9,246	109,111	66,239	82,565	954	1,052	7,792	558	37,417
(2) Review & Excising	19,543	54,498	37,077	78,953	40	116	2,517	674	14,641
(3) Coordination & Approval	11,306	48,158	48,922	115,372	0	0	3,086	576	20,058
(4) Correspondence/Forms Preparation	2,363	45,022	32,828	58,298	36	0	1,192	392	17,292
(5) Other Activities	2,494	30,589	18,783	52,038	16	0	5,140	634	6,576
MANHOUR COST TOTAL	44,952	287,378	203,849	387,226	1,046	1,168	19,727	2,834	95,984
D. Total IB and IC	510,596	2,065,226	915,038	1,902,167	17,846	77,491	78,465	2,834	285,113
E. Overhead (Computed at 25%)	127,649	516,307	228,760	475,542	4,462	19,372	19,616	709	71,278
F. Total Personnel Costs	\$638,245	\$2,581,533	\$1,143,798	\$2,377,709	\$22,308	\$96,863	\$ 98,081	\$3,543	\$356,391
II Other Case-Related Costs									
A. Computer Search Time	\$ 771	\$ 20,498	\$ 22,795	\$ 37,513	\$ 271	\$ 0	\$ 44,394	\$ 531	\$ 75,182
B. Reproduction	4,143	97,133	46,461	51,445	575	1,416	353	102	8,159
C. Microfiche Reproduction	101	26,142	2,594	5,423	0	0	170	0	1,895
D. Printed Records	135	9,002	17,798	10,628	0	0	2,960	36	834
E. Total of Other Case-Related Costs	\$ 5,150	\$ 152,775	\$ 89,648	\$ 105,009	\$ 846	\$ 1,416	\$ 47,877	\$ 669	\$ 86,070
III Reporting/Other Costs									
A. Reporting Costs									
(1) Operational	\$ 768	\$ 25,111	\$ 20,633	\$ 24,214	\$ 0	\$ 0	\$ 1,686	\$ 357	\$ 2,638
(2) User	2,112	759	13,690	2,406	0	0	0	0	581
(3) Overhead (Computed at 25%)	720	6,468	8,580	6,655	0	0	422	89	806
B. Other Operating Costs (Voluntary Reporting of items such as postage, travel, computer, etc.)	27,211	28,081	7,907	48,007	0	0	0	0	465
C. Total Reporting/Other Costs	\$ 30,811	\$ 60,419	\$ 50,810	\$ 81,282	\$ 0	\$ 0	\$ 2,108	\$ 446	\$ 4,490
IV Summary									
A. Total Costs, Sections I thru III	\$674,206	\$2,794,727	\$1,284,256	\$2,564,000	\$23,154	\$98,279	\$148,066	\$4,658	\$446,951
B. Amount Collected from the Public	\$ 4,973	\$ 206,367	\$ 84,846	\$ 97,437	\$ 265	\$ 2,108	\$ 1,361	\$ 637	\$117,782

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

**Personnel other than IB.

Note: Figures may not add due to rounding.

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

COST OUTLINE	DMA	DNA	NSA/CSS	CINCEUR	CINCLANT	CINCPAC	CINCRED	CINCSCO	CINCCENT	TOTALS
I Personnel Costs										
A. Estimated Manyears*	.00	.00	8.19	.99	.02	.10	.06	.00	.00	247.59
B. Manyear Costs (Grades Considered)	\$ 0	\$ 0	\$212,508	\$29,766	\$ 592	\$ 702	\$ 992	\$ 0	\$ 0	\$5,055,172
C. Estimated Manhour Costs by Category (Fee Schedule Rates)**										
(1) Search Time	455	599	24,547	92	24	126	45	8	16	340,846
(2) Review & Excising	949	544	13,344	274	298	170	334	32	0	224,004
(3) Coordination & Approval	1,339	930	0	285	80	167	275	32	16	250,602
(4) Correspondence/Forms Preparation	451	348	72	108	36	88	418	40	0	158,984
(5) Other Activities	23	197	0	44	0	68	80	0	0	116,682
MANHOUR COST TOTAL	3,217	2,618	37,963	803	438	619	1,152	112	32	1,091,118
D. Total IB and IC	3,217	2,618	250,471	30,569	1,030	1,321	2,144	112	32	6,146,290
E. Overhead (Computed at 25%)	804	655	62,618	7,642	258	331	536	28	8	1,536,575
F. Total Personnel Costs	\$4,021	\$3,273	\$313,089	\$38,211	\$1,288	\$1,652	\$2,680	\$140	\$40	\$7,682,865
II Other Case-Related Costs										
A. Computer Search Time	\$ 15	\$ 25	\$384,578	\$ 0	\$ 0	\$ 0	\$ 34	\$ 0	\$31	\$ 586,638
B. Reproduction	169	33	878	6	3	3	17	4	0	210,900
C. Microfiche Reproduction	0	133	0	0	0	0	0	0	0	36,458
D. Printed Records	0	1	0	0	8	4	0	0	0	41,406
E. Total of Other Case-Related Costs	\$ 184	\$ 192	\$385,456	\$ 6	\$ 11	\$ 7	\$ 51	\$ 4	\$31	\$ 875,402
III Reporting/Other Costs										
A. Reporting Costs										
(1) Operational	\$ 400	\$ 192	\$ 1,404	\$ 0	\$ 0	\$ 0	\$ 16	\$ 0	\$ 0	\$ 77,419
(2) User	30	0	144	0	0	0	2	0	0	19,724
(3) Overhead (Computed at 25%)	107	48	388	0	0	0	5	0	0	24,288
B. Other Operating Costs (Voluntary Reporting of items such as postage, travel, computer, etc.)	600	0	320	0	209	0	0	0	0	112,800
C. Total Reporting/Other Costs	\$1,137	\$ 240	\$ 2,256	\$ 0	\$ 209	\$ 0	\$ 23	\$ 0	\$ 0	\$ 234,231
IV Summary										
A. Total Costs, Sections I thru III	\$5,342	\$3,705	\$700,801	\$38,217	\$1,508	\$1,659	\$2,754	\$144	\$71	\$8,792,498
B. Amount Collected from the Public	\$ 62	\$ 0	\$ 2,064	\$ 0	\$ 0	\$ 0	\$ 43	\$ 0	\$56	\$ 518,001

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

Note: Figures may not add due to rounding.

Item 10 C

Time Limit Extensions by Agency

Reporting Activity	I Unusual Circumstances			II & III Court Involvement	TOTAL
	Location	Volume	Consultation		
OSD/OJCS	3	16	574	0	593
DEPT ARMY	0	5	0	0	5
DEPT NAVY	11	39	11	0	61
DEPT AF	29	22	245	0	296
DCA	0	0	0	0	0
DCAA	0	1	40	0	41
DIA	6	4	0	0	10
DIS	7	4	4	0	15
DLA	5	450	8	0	463
DMA	0	0	0	0	0
DNA	0	1	1	0	2
NSA/CSS	0	0	0	0	0
CINCLANTCOM	1	1	0	0	2
CINCEUCOM	0	0	0	0	0
CINCPACOM	0	0	0	0	0
CINCREDCOM	0	0	0	0	0
CINCSSO	0	0	0	0	0
CINCCENTCOM	0	0	0	0	0
DoD Totals	62	543	883	0	1,488

Item 10 D

**Internal Memoranda
(Including Directives not Published in Federal Register)**

Reporting Activity	No. of Memoranda	No. Available to Public
OSD/OJCS	0	0
DEPT ARMY	0	0
DEPT NAVY	0	0
DEPT AF	0	0
DCA	0	0
DCAA	0	0
DIA	0	0
DIS	0	0
DLA	0	0
DMA	0	0
DNA	0	0
NSA/CSS	0	0
CINCLANTCOM	0	0
CINCEUCOM	2	2
CINCPACOM	1	1
CINCREDCOM	0	0
CINCSO	0	0
CINCCENTCOM	0	0
DoD Totals	3	3

Use A-2 OSI data (DP/ISR section) for OSI portion report.

Item 10E (Optional)

**Other Information (Opinions) or Recommendations on
Administering FOIA**

The Department of Defense continues to support the Administration's proposed amendments to the Freedom of Information Act. These amendments would stop the misuse of the Act in ways that are inconsistent with the original objective of the Congress, remedy some of the shortcomings in the current Act, improve procedures for the disclosure of information, and give broader protection to certain types of information. The amendments, in our opinion, remedy the problems that have been identified while preserving the Act as an effective tool to keep the American public as informed as possible about the operations of its government.

Of the 1405 requests completed in the Office of the Secretary of Defense, the following table categorizes the requesters by percentage of total case load:

<u>Category</u>	<u>Percentage</u>
Business Firms	18
Congress	1.1
Foreign	2.9
Individual	35.4
Law Firms	20
News Media	8
Research	5.6
Special Interest	7.1
Students	.6
Other	1.3
	<u>100.0</u>

FOIA INSTRUCTIONAL AND EDUCATIONAL EFFORTS

- DOD** The lack of funds for a Department-wide training/educational program continues as a major concern and hampers the overall effectiveness and management of the DoD FOIA Program. The programmed rotation of personnel in key positions and normal rotation of other personnel demand some training/educational efforts. Components are directed, within their available resources, to conduct their own training/educational programs. The educational programs are to be targeted toward all members of the Component, developing a general understanding and appreciation of the DoD FOIA program, whereas the training programs are to be focused toward those personnel who are involved in the day-to-day processing of FOI requests. The overall training/educational objective, when considering the limitation of funds, is being obtained and the Components' efforts are essential in maintaining the level of expertise to efficiently administer the Defense program.
- OSD/OJCS** Newly assigned personnel in the FOIA Program Director's Office attend conferences sponsored by OPM and other organizations. Briefings, orientations, and staff visits between Component Agencies encourage the participation of FOI personnel to attend FOI conferences, symposia and seminars presented by Federal and private organizations. This type of training received by OSD and OJCS personnel is key to the overall success of the OSD/OJCS Program.
- DEPT ARMY** The Department of the Army FOIA coordinators inform Army personnel of the provisions of the Act on a continual basis. FOIA points of contact are available throughout the Army at all times to answer questions, provide guidance and resolve problems concerning the Act. Personnel responsible for administering the FOIA Program attend FOIA seminars and workshops throughout the year.
- DEPT NAVY** The Chief of Naval Operations hosted a two-day Privacy Act/Freedom of Information Act Seminar on 4 and 5 October, with 100 FOIA/PA coordinators, attorneys, personnel managers and staff officers attending. Guest speakers included representatives from OASD(PA), OMB, Defense Privacy Board, Justice, Air Force Data Services Center, and the Department of the Navy. The seminar was video-taped for those major commands unable to attend and wanting to use it during their FOIA training sessions. Several commands conduct FOIA training designed specifically to their needs. For example, NIS conducts periodic training for students attending Special Agent School, while the Navy Finance Center, conducts periodic FOIA overviews and seminars for its disbursing officers and clerical personnel.
- DEPT AF** Air Force has a 24-minute film designed to create an interest in and an understanding of the Freedom of Information Act. The film has received a wide viewing throughout the Air Force and will continue to be viewed.

**FOIA INSTRUCTIONAL AND EDUCATIONAL EFFORTS
(Cont'd)**

- DCA** DCA provides a 45-minute briefing to all newly assigned personnel of the FOI and Privacy Acts. The DCA Headquarters General Counsel and Public Affairs Officer also assist in the educational process by briefing and providing guidance to affected personnel and action officers concerning the requirements of the Act.
- DCAA** Newly assigned Regional Records Management Officers and FOIA Coordinators were provided an eight-hour training and orientation in FOIA policies and procedures at DCAA Headquarters. Field Audit Offices were visited by Regional FOIA Officers who discussed the requirements of the FOIA with the FAO Managers, FAO FOIA Monitors and key office personnel.
- DIA** The briefing of new coordinators and analysts directly involved in administering actions connected with the FOIA is accomplished on an "as requested" basis. This applies especially to classification reviews and the application of exemptions affiliated with the Act.
- DIS** All new DIS agents receive formal instruction regarding the provisions of the Act and its implementation by DIS. Headquarters personnel have received detailed on-the-job training and they present training programs to all other field and staff elements as needed. Extensive formal training has not been necessary due to the centralized organization of the FOIA mission in DIS.
- DLA** Individuals assigned FOIA responsibility participated in the following seminars, schools or courses: Freedom of Information and Privacy Act Workshop at OPM; Eighth Annual Litigation Under the Freedom of Information Act and Privacy Act; FOI Law for Attorneys at the Department of Justice; Protection of Confidential Information presented by the St. Louis Metropolitan Bar Association; a GSA seminar on FOIA; the American Society of Access Professionals Symposium on Privacy/FOIA Policy and High Technology; and the Fourth Annual Symposium of the FOI and Privacy Acts, titled Update on a New Era.
- DMA** Four persons from DMA components completed training sessions on FOIA. DMA Aerospace Center Public Affairs Officer conducted the first in a series of lectures on "The FOIA and the Supervisor" as part of that Center's supervisors' training course.
- DNA** Individuals within the Agency responsible for the release of Information are kept current by applicable regulations, Agency policy and current court cases which are circulated routinely.
- NSA/CSS** A member of the FOIA Processing Unit and an attorney from the General Counsel's Office attended a Department of Justice seminar on Information Law for Attorneys and Paralegals. A member of the FOIA Processing Unit attended the Government Affairs Institute's 4th Annual Symposium on the Freedom of Information and Privacy Acts and an American Society of Access Professionals' presentation on Exemption 6.