

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

LANGLEY RESEARCH CENTER

FREEDOM OF INFORMATION ACT REPORT
FOR
JANUARY 1, 1997 TO SEPTEMBER 30, 1997
PURSUANT TO 5 U.S.C. 552(d)

1. Total number of initial determinations not to comply, in whole or in part, with a request for records made under subsection 552(a) and "~no record" responses:

50

2. Authority relied upon for each such determination:

- a. Exemptions in 552(b):

<u>Exemptions invoked:</u>	<u>No. of times invoked:</u>
552 (b) 3	2
552 (b) 4	32
552 (b) 5	1
552 (b) 6	1

- b. Statute(s) invoked pursuant to Exemption No.3:

<u>Statutory citation:</u>	<u>No. of times invoked:</u>
Title 10 USC section 2305(g)	2

- c. Other authority:

<u>Reason:</u>	<u>No. of times invoked:</u>
Nonpossession of records	0
Failure to adequately identify records	0
Information did not exist	0
Would require creation of records	0
Failure to pay fees	0
Information available elsewhere (NTIS, Special Procurement, Library, etc.)	1
Blanket or categorical request	0
Not an Agency record	4
Duplicate request	2
Request withdrawn	7
Request partially withdrawn	0
Handled as a Privacy Act request	0
Provided outside FOIA	0
Fee waiver denied	0
Neither confirm or deny	0
Information not currently available	0

3. List of names and titles or positions of each person who is responsible for the initial denial of records, in whole or in part, requested, and "no record" responses, and the number of instances of participation of each:

<u>Name</u>	<u>Title</u>	<u>No. of instances of participation</u>
Langley Research Center Cheryl W. Winstead	FOIA Officer	37
Margaret W. Hunt	FOIA Officer (Retired)	13

4. Total number of intra-agency appeals from adverse initial decisions made pursuant to subsection (a) (6):

N/A

- a. Number of appeals in which, upon review, request for information was granted in full:

N/A

- b. Number of appeals in which, upon review, request for information was denied in full:

N/A

- c. Number of appeals in which, upon review, request for information was denied in part:

N/A

- d. Number of appeals canceled:

N/A

5. Specify authority relied upon for total or partial denials on appeal, using the same format as in 2(a), (b) and (c) above:

N/A

6. List names and title of positions of each person, who on appeal, is responsible for the denial in whole or in part of records requested and the number of instances of participation of each:

N/A

7. Provide a copy of each court opinion or order giving rise to a proceeding under subsection (1) (4) (F), a copy of the Office of Personnel Management findings and the recommendations on each such proceeding, and a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken:

N/A

8. Provide an up-to-date copy of all rules or regulations issued pursuant to or in implementation of the Freedom of Information Act (5 U.S.G. 552). (Only amendments need to be filed with reports for calendar years subsequent to the report filed for calendar year 1975.)

N/A

9. Provide separately a copy of the fee schedule adopted and the total dollar amount of fees collected for making records available:

During 1997, \$2299.54 was collected.

Fee schedule adopted is set forth in Code of Federal Regulations 14 CFR 1206.700 (October 28, 1987)

10. Pursuant to subparagraph (d) (7), furnish as a minimum the following information as indicative of efforts to administer fully this section

- a. Availability of Records.

None

- b. Costs.

Staff hours: 1368 hrs.

Cost: \$51,940

- c. Compliance with time limitations for Agency determinations:

1. Provide the total number of instances in which it was necessary to seek a 10-day extension of time, broken down as follows:

- a. The need to search for and collect the requested records from Field Installations or other establishments that are separate from the office processing the request:

0

- b. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request:

0

- c. The need for consultation, which shall be conducted with all practical speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein:

0

- d. The need to comply with Executive Order 12600 that we advise submitters of business information that such information has been requested and to allow reasonable time for them to submit valid objection to release:

20

- e. The need to search for and collect the requested records from program/procurement offices:

23

2. Provide the total number of instances where court appeals were taken on the basis of exhaustion of administrative procedures because the Agency was unable to comply with the request within the applicable time limits:

0

3. Provide the total number of instances in which a court allowed additional time upon a showing of exceptional circumstances, together with a copy of each court opinion or order containing such an extension of time:

0

d. Internal Memoranda

Furnish a copy of all unpublished internal memoranda or instructions setting forth procedures to be followed by Agency personnel in administering the Act or defining its coverage, together with a statement indicating whether the memoranda or instructions are publicly available or, if not, the legal basis for non-disclosure of any such document:

Langley Management Manual Instruction 1300.2 (Attachment 1 . Available to the public upon request.)

Attachment 2 contains two documents: (1) entitled "Procedures for Handling Procurement-Related Freedom of Information Requests" and (2) entitled "FOIA Tracking Sheet." These documents fall under exemption (b)5, but discretionary release would be made upon request from the public.

11. Provide the total number of FOIA requests received this year:

137

12. Provide the name and telephone number of the individual to be contacted if there are any questions regarding your report.

Cheryl W. Winstead, (757) 864-2497

13. Additional Comments: None