

# FY 2004 FOIA ANNUAL REPORT

## FEDERAL AVIATION ADMINISTRATION

### I. Basic Information

A. Name, title, address, and telephone number of person to be contacted with questions about the report.

Tracy Paquin  
Acting Manager, National Freedom of Information  
Act Staff, ARC-40  
Federal Aviation Administration  
800 Independence Ave, S.W.  
Washington, D.C. 20591  
Tel (202) 267-9165

B. Electronic address for report on the World Wide Web.  
The World Wide Web address is <http://www.faa.gov/foia>

C. How to obtain a copy of the report in paper form.

A copy of the report in paper form may be obtained by contacting the National Freedom of Information Act Staff at the address listed above, or any of the FAA region/center FOIA offices listed below.

### II. How to Make a FOIA Request

A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

In addition to the national FOIA staff office listed above, FOIA requests for records located in FAA regions/centers may be sent directly to FOIA coordinators at the following addresses:

Ms. Tracey Hegna, FOIA Coordinator  
FAA Alaskan Region, AAL-7  
222 West 7th Avenue, #14  
Anchorage, AL 99513-7587  
Tel (907) 271-4609  
Fax (907) 271-2800

Ms. Veronica Bailey, FOIA Coordinator  
FAA Central Region, ACE-3B  
901 Locust  
Kansas City, MO 64106-2641  
Tel (816) 329-2425  
Fax (816) 329-2431

Ms. Trina Hankerson  
FAA Eastern Region, AEA-60  
1 Aviation Plaza  
Jamaica, NY 11434-4809  
Tel (718) 553-3361  
Fax (718) 995-5663

Ms. Vickie Morris, FOIA Coordinator  
FAA Great Lakes Region, AGL-4  
2300 E. Devon Avenue  
Des Plaines, IL 60018  
Tel (847) 294-7069  
Fax (847) 294-7184

Ms. Carol Goodsell, FOIA Coordinator  
FAA New England Region, ANE-40  
12 New England Executive Park  
Burlington, MA 01803  
Tel (781) 238-7393  
Fax (781) 238-7380

Ms. Mitzi Warren, FOIA Coordinator  
FAA Northwest Mountain Region, ANM-4MW  
1601 Lind Avenue SW  
Renton, WA 98055-4056  
Tel (425) 227-2005  
Fax (425) 227-1005

Ms. Linda Chatman, FOIA Coordinator  
FAA Southern Region, ASO-65D  
PO Box 20636  
Atlanta, GA 30320  
Tel (404) 305-5906  
Fax (404) 305-5854

Ms. Nancy Reilly, FOIA Coordinator  
FAA Southwest Region, ASW-41  
2601 Meacham Boulevard  
Ft. Worth, TX 76193-0041  
Tel (817) 222-5450  
Fax (817) 222-5952

Ms. Carlette Young, FOIA Coordinator  
FAA Western-Pacific Region, AWP-4  
15000 Aviation Blvd  
Hawthorne, CA 90250  
Tel (310) 725-3809

Fax (310) 725-6813

Ms. Connie Toby, FOIA Coordinator  
FAA Office of Aerospace Medicine  
Civil Aerospace Medical Institute, AAM-3  
PO Box 25082  
Oklahoma City, OK 73125  
Tel (405) 954-1002  
Fax (405) 954-1010

Ms. Barbara Harris-Para, FOIA Coordinator  
FAA Technical Center  
Communications Staff, ACH-1  
Atlantic City International Airport,  
Atlantic City, NJ 08405  
Tel (609) 485-4854  
Fax (609) 485-4011

Mr. Doug Burdette, FOIA Coordinator  
FAA Mike Monroney Aeronautical Center  
Flight Standards Service  
Aviation Data Systems Branch, AFS-600  
PO Box 25082  
Oklahoma City, OK 73125  
Tel (405) 954-6501  
Fax (405) 954-4655

Ms. Carrie LaFollette, FOIA Coordinator  
FAA Mike Monroney Aeronautical Center  
Civil Aviation Registry, AFS-700  
PO Box 25082  
Oklahoma City, OK 73125  
Tel (405) 954-4331  
Fax (405) 954-5759

Ms. Margaret Fee, FOIA Coordinator  
FAA Mike Monroney Aeronautical Center  
Aviation System Standards  
Program Support Branch, AVN-21  
PO Box 25082  
Oklahoma City, OK 73125  
Tel (405) 954-8926  
Fax (405) 954-3670

Ms. Joey Muth, FOIA Coordinator  
FAA Mike Monroney Aeronautical Center, AMC-2  
PO Box 25082  
Oklahoma City, OK 73125

Tel (405) 954-5054  
Fax (405) 954-3360

B. Brief description of the agency's response time ranges.

The FAA administers a decentralized FOIA program. FOIA coordinators and responding program offices acknowledge receipt of FOIA requests promptly. Response time for a request varies according to the clarity and complexity of the request, the volume of documents requested and the number of organizations assigned to respond to the request. Response time is facilitated when requesters are specific about the records they seek, and include the FAA organization(s) where the records may be located. Program offices contact requesters by telephone or in writing to clarify any uncertainties in a FOIA request, and to resolve any fee issues with the request, so that they may provide a response as soon as possible.

C. Brief description of why some requests are not granted.

The FAA releases records requested under FOIA except those protected from disclosure by one or more of the nine exemptions under the FOIA. Other reasons for not responding to a request under the FOIA include the following:

- a. the request is not reasonably described enough to make a search possible
- b. the request poses questions rather than seeks documents
- c. the information is already publicly available
- d. the request should more properly be answered under another Act, such as the Privacy Act or the Pilot Records Improvement Act (PRIA).
- e. fees for previous requests have not been paid

III. Definitions of Terms and Acronyms Used in the Report

B. 9. Grant - an agency decision to disclose all records in full in response to a FOIA request.

10. Partial Grant - an agency decision not to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part. Within the FAA, this determination is also used for a decision to disclose the requested records located in response to a FOIA request, and other specifically requested records for the same request are not located.

11. Denial - an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).

12. Time Limits - the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).

13. Perfected Request - a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

14. Exemption 3 Statute - a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).

15. Median Number - the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

16. Average Number - the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

#### IV. Exemption 3 Statutes

##### A. List of Exemption 3 statutes relied on by agency during current fiscal year.

###### 1. Brief description of type(s) of information withheld under each statute.

49 USC 40115 - Information harmful to US position in international aviation negotiations, or harmful to any US international air carrier 49 USC 40119(b) - Transportation security.

49 USC 70114 – Restricted commercial space launch activities information. Statement of whether a court has upheld the use of each statute.

5 USC App 4, Section 107 was upheld under Meyerhoff v. EPA, 958 F.2d 1498 (9<sup>th</sup> Cir. 1992)

#### V. Initial FOIA Access Requests

##### A. Number of initial requests

1. Number of requests pending as of end of preceding fiscal year	1
2. Number of requests received during current fiscal year	7
3. Number of requests processed during current fiscal year	7
4. Number of requests pending as of end of current fiscal year	1

B. Disposition of initial requests	
1. Number of total grants	2
2. Number of partial grants	1
3. Number of denials	
number of times each FOIA exemption used	
(1) Exemption 1	
(2) Exemption 2	
(3) Exemption 3	
(4) Exemption 4	
(5) Exemption 5	
(6) Exemption 6	
(7) Exemption 7(A)	
(8) Exemption 7(B)	
(9) Exemption 7(C)	
(10) Exemption 7(D)	
(11) Exemption 7(E)	
(12) Exemption 7(F)	
(13) Exemption 8	
(14) Exemption 9	
4. Other reasons for nondisclosure (total)	2
a. no records	2
b. referrals	

## V. Initial FOIA Access Requests

B. Disposition of initial requests	
4. c. request withdrawn	
d. fee-related	
e. records not reasonably described	
f. not a proper FOIA request for some other reason	
g. not an agency record	
h. duplicate request	

NOTES:

1) VA1. This number is 41 fewer than the number reported as pending at the end of the year on the FY 2003 report; these 41 were either double FY 2003 entries discovered during FY 2004, or FY 2003 closures that were not entered until FY 2004.

2) VB4a. A significant number of the no records determinations result from FOIA requests from airlines for accident/incident histories of prospective airline pilots.

3) VB4c. A substantial number of requests are withdrawn when requesters learn that they can readily obtain the same information outside the FOIA program.

VI. Appeals of Initial Denials of FOIA Requests

A. Number of appeals

1. Number of appeals received during fiscal year
2. Number of appeals processed during fiscal year

B. Disposition of appeals

1. Number completely upheld
2. Number partially reversed
3. Number completely reversed

number of times each FOIA exemption used

- (1) Exemption 1
- (2) Exemption 2
- (3) Exemption 3
- (4) Exemption 4
- (5) Exemption 5

B. Disposition of appeals

3. (6) Exemption 6
- (7) Exemption 7(A)

- (8) Exemption 7(B)
- (9) Exemption 7(C)
- (10) Exemption 7(D)
- (11) Exemption 7(E)
- (12) Exemption 7(F)
- (13) Exemption 8
- (14) Exemption 9

4. Other reasons for nondisclosure (total)

- a. no records
- b. referrals
- c. request withdrawn
- e. records not reasonably described
- f. not a proper FOIA request for some other reason
- g. not an agency record
- h. duplicate request
- i. other (specify)

NOTES:

- 1) VIB4i. These are remanded appeals.

VII. Compliance with Time Limits/Status of Pending Requests

A. Median processing time for requests processed during the year

1. Simple requests (if multiple tracks used).

a. number of requests processed

5

b. median number of days to process

2. Complex requests (specify for any and all tracks used).

A. Median processing time for requests processed during the year

2. a. number of requests processed 2

b. median number of days to process

3. Requests for expedited processing

a. number of requests for expedited processing

b. number accorded expedited processing

c. median number of days to process

B. Status of pending requests

1. Number of requests pending as of end of current fiscal year 1

2. median number of days that such requests were pending as of that Date

VII NOTES:

1) The median number of days is reported in working days.

2) The FAA national FOIA staff administers a decentralized FOIA program. FOIA requests are answered by the headquarters/region/center program area with responsibility for the requested records. If requested records involve several regions and/or program areas (e.g., flight standards, air traffic, aircraft certification), the agency may opt to have each program area respond separately, or to develop a consolidated response. For the annual report, each request is counted once, regardless of the number of responses provided. The number of days to process is computed from the completion date of the longest program area to respond.

VIII. Comparison with Previous Year(s)

A. Comparison of numbers of requests received. The number of requests received in FY 2004 is 76 or 1.1% less than what was reflected in the FY 2003 report.

B. Comparison of numbers of requests processed. The number processed in FY 2004 is 404 or 5.7% greater than in FY 2003.

C. Comparison of median numbers of days requests were pending at the end of the fiscal year. The median for requests pending at the end of FY 2004 is 11 days shorter or 8% shorter than those pending at the end of FY 2003.

D. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public. The FAA continues to increase the types and volume of non-sensitive information available to the public on the Internet.

Other Statistics Significant to Agency.

IX. Costs/FOIA Staffing

- A. 1. Number of full-time FOIA personnel—16
- 2. Number of personnel with part-time or occasional FOIA duties—53
- 3. Total number of personnel – 69
- B. 1. FOIA processing (including appeals) -- \$4,523,169.96
- 2. Litigation-related activities (estimated) -- \$20,000
- 3. Total costs -- \$4,543,169.96

X. Fees

- A. Total amount of fees collected by agency for processing requests -- \$181,364.45
- B. Percentage of total costs 3.99%

DOT FOIA Regulation: 49 CFR Part 7, Public Availability of Information  
FAA Order 1270.1, Freedom of Information Act Program.