

90-FUI-167

JONES, DAY, REAVIS & POGUE

METROPOLITAN SQUARE
1480 G STREET, N.W.
WASHINGTON, D.C. 20005-2088

TELEPHONE: 202-879-3485
TELEX: DOMESTIC 892410
TELEX: INTERNATIONAL 84363
CABLE: ATTORNEYS WASHINGTON
TELECOPIER: 202-737-2832
WRITER'S DIRECT NUMBER

ATLANTA HONG KONG
AUSTIN LONDON
BRUSSELS LOS ANGELES
CHICAGO NEW YORK
CLEVELAND PARIS
COLUMBUS PITTSBURGH
DALLAS RIYADH
GENEVA TOKYO

(202) 879-3485

September 14, 1990

FREEDOM OF INFORMATION ACT REQUEST

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ACT REQUEST

FOIA-90-531
Rec'd 11-26-90
Ref from OASD

Mr. Charlie Talbot
Freedom of Information Specialist
Office of the Assistant Secretary
of Defense for Public Affairs
The Pentagon
Room 2C757
Washington, D.C. 20301-1400

Dear Mr. Talbot:

Pursuant to the Freedom of Information Act ("Act"), 5 U.S.C. § 552, as amended, we hereby request copies of the administrative history of DAR Case #84-18. In particular, we request the administrative history and the record of the deliberations that resulted in the issuance of FAC 84-58, Item XIII, revaluation of assets, which revised FAR 31.205-10, 31.205-11, 31.205-16 and added FAR 31.205-52.

As you know, Section 552(b) of the Act provides that, if some parts of a file are exempt from release, "reasonably segregable" portions of the nonexempt material should be provided. We request, therefore, that if you determine that any portion of the requested information is exempt, you provide us immediately with a copy of the nonexempt portion of the documents. We reserve our right to appeal any and all such decisions.

If you determine that a part or the entirety of any document requested herein is exempt from release, we would appreciate your advising us as to which exemption(s) you believe cover(s) the material which you are not releasing, and include an index of all material withheld in whole or in part. As you know, recent court decisions have held that to satisfy the requirement of the Act the index (a) should be contained in one document and be complete in itself, (b) must adequately

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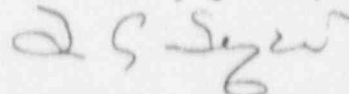
describe each withheld document or deletion from a released document, (c) must state the exemption claimed for each deletion or withheld document and explain in detail why the exemption is relevant and (d) be sufficiently specific to permit a reasoned judgment as to whether the material is actually exempt under the Act.

Please separately state your reasons for not invoking your discretionary powers under the Act to release in the public interest any material you deem to be exempt. Such statements will be helpful in deciding whether to appeal an adverse determination, and in formulating arguments in the event of any appeal.

We agree to pay all reasonable search costs incurred in connection with the processing of this request. Please refer any questions regarding this request to me by name at the above address or by telephone at 879-3485.

As provided for in the amended Act, we expect to be notified of the availability for inspection of these documents within ten working days.

Sincerely yours,



Merrie C. Shager