

#### **IV. EXEMPTION 3 STATUTES**

Statute	Type of Information Withheld	Case Citation	Agency / Component	Number of Times Relied upon by Agency / Component	Total Number of Times Relied upon by Agency Overall
41 U.S.C. § 2102		Legal & Safety Employer Research, Inc. v. U.S. Dep't of the Army, No. Civ. S001748, 2001 WL 34098652, at *3-4 (E.D. Cal. May 4, 2001) (dictum).	NMB	1	1

### V.A. FOIA REQUESTS -- RECEIVED, PROCESSED AND PENDING FOIA REQUESTS

Agency / Component	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
NMB	1	31	32	0
				0
AGENCY OVERALL	1	31	32	0

### V.B.(1). DISPOSITION OF FOIA REQUESTS -- ALL PROCESSED REQUESTS

		Number			Numbe	r of Full De	nials Base	ed on Reaso	ns Other t	han Exem	ptions		
Agency / Component	Number of Full Grants	of Partial Grants /	Number of	No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Related	IReasonaniv	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in Chart Below	TOTAL
NMB	19	0	2	9	2	0	C	0	0	C	0	0	32
													0
AGENCY OVERALL	19	0	2	9	2	0	C	O	0	C	0	0	32

## V.B.(2). DISPOSITION OF FOIA REQUESTS -- "OTHER" REASONS FOR "FULL DENIALS BASED ON REASONS OTHER THAN EXEMPTIONS"

Agency / Component	Description of "Other" Reasons for Denials from Chart B(1)	Number of Times "Other" Reason Was Relied Upon	TOTAL
NMB	N/A	0	0
AGENCY OVERALL			0

### V.B.(3). DISPOSITION OF FOIA REQUESTS -- NUMBER OF TIMES EXEMPTIONS APPLIED

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
NMB	0	0	1	0	1	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	0	0	1	0	1	0	0	0	0	0	0	0	0	0

# VI.A. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING ADMINISTRATIVE APPEALS

Agency / Component	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
NMB	0	0	0	0
				0
AGENCY OVERALL	0	0	0	0

The NMB did not have any administrative appeals in FY 13.

#### VI.B. DISPOSITION OF ADMINISTRATIVE APPEALS -- ALL PROCESSED APPEALS

Agency / Component	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
NMB	0	C	0	0	0
					0
AGENCY OVERALL	0	C	0	0	0

### VI.C.(1). REASONS FOR DENIAL ON APPEAL -- NUMBER OF TIMES EXEMPTIONS APPLIED

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
NMB	0	0	0	0	0	0	0	0	0	С	0	0	0	0
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	C	0	0	0	0

## VI.C.(2). REASONS FOR DENIAL ON APPEAL -- REASONS OTHER THAN EXEMPTIONS

Agency / Component	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee- Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other *Explain in chart below
NMB	0	0	0	C	0	0	0	C	0	0	0
AGENCY OVERALL	0	0	0	C	0	0	0	C	0	0	0

### VI.C.(3). REASONS FOR DENIAL ON APPEAL -- "OTHER" REASONS

Agency / Component	Description of "Other" Reasons for Denial on Appeal from Chart C(2)	Number of Times "Other" Reason Was Relied Upon	TOTAL
NMB	N/A	0	0
AGENCY OVERALL			0

## VI.C.(4). RESPONSE TIME FOR ADMINISTRATIVE APPEALS

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
AGENCY OVERALL	0.00	0.00	0.00	0.00

The NMB did not have any administrative appeals for FY 13

### VI.C.(5). TEN OLDEST PENDING ADMINISTRATIVE APPEALS

Agency / Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal
	Date of Appeal										
	Number of Days Pending										
AGENCY	Date of Appeal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OVERALL	Number of Days Pending	0	0	0	0	0	0	0	0	0	0

#### VII.A. FOIA REQUESTS -- RESPONSE TIME FOR ALL PROCESSED PERFECTED REQUESTS

		SIMPLE				COMPLEX				EXPEDITED PROCESSING			
Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	
AGENCY OVERALL	7	6	<1	20	0	0	0	0	15	15	15	15	

The NMB uses a single track processing system for all FOIA requests.

## VII.B. PROCESSED REQUESTS -- RESPONSE TIME FOR PERFECTED REQUESTS IN WHICH INFORMATION WAS GRANTED

		SIM	PLE			COM	PLEX		EXF	PEDITED F	PROCESS	ING
Agency /	Median	Average	Lowest	Highest	Median	Average	Lowest	Highest	Median	Average	Lowest	Highest
Component	Number	Number	Number									
	of Days	of Days	of Days									
AGENCY												
OVERALL	15	6	<1	20	0	0	0	0	15	15	15	15

#### VII.C. PROCESSED SIMPLE REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
NMB	32	0	0	0	C	0	0	0	0	0	0	0	0	32
														0
AGENCY OVERALL	32	0	0	0	C	O	0	0	0	0	0	0	0	32

#### VII.C. PROCESSED COMPLEX REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
NMB	0	0	0	0	0	0	0	0	0	0	0	0	0	0
														0
AGENCY OVERALL	0	0	0	0	0	0	0	0	0	0	0	0	0	0

The NMB uses a single track processing system in which all requests are treated as simple requests.

#### VII.C. PROCESSED REQUESTS GRANTED EXPEDITED PROCESSING -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
NMB	1	0	0	0	0	0	0	0	0	0	0	0	0	1
														0
AGENCY OVERALL	1	0	0	0	0	0	0	0	0	0	0	0	0	1

#### **VII.D. PENDING REQUESTS -- ALL PENDING PERFECTED REQUESTS**

		SIMPLE			COMPLEX		EXPED	ITED PROCE	ESSING
Agency / Component	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
AGENCY OVERALL	0	0	0	0	0	0	0	0	0

#### **VII.E. PENDING REQUESTS -- TEN OLDEST PENDING PERFECTED REQUESTS**

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request
	Date of Receipt										
	Number of Days Pending										
AGENCY	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OVERALL	Number of Days Pending	0	0	0	0	0	0	0	0	0	0

#### **VIII.A. REQUESTS FOR EXPEDITED PROCESSING**

Agency / Component	Number Granted		Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
AGENCY					
OVERALL	1	C	15	15	0

#### VIII.B. REQUESTS FOR FEE WAIVER

Agency / Component	Number Granted		Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
AGENCY OVERALL	0	0	N/A	N/A

#### IX. FOIA PERSONNEL AND COSTS

		PERSONNEL			COSTS	
Agency / Component	Number of "Full- Time FOIA Employees"	Number of "Equivalent Full- Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	Total Costs
NMB	0	0.4	0.4	\$30,000.00	\$0.00	\$30,000.00
			0			\$0.00
AGENCY OVERALL	0	0.4	0.4	\$30,000.00	\$0.00	\$30,000.00

#### X. FEES COLLECTED FOR PROCESSING REQUESTS

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
NMB	\$88.80	0.30%
AGENCY OVERALL	\$88.80	0.30%

#### XII.A. BACKLOGS OF FOIA REQUESTS AND ADMINISTRATIVE APPEALS

	Number of Backlogged	Number of Backlogged
Agency / Component	Requests as of End of	Appeals as of End of
	Fiscal Year	Fiscal Year
NMB	0	0
AGENCY OVERALL	0	0

# XII.B. CONSULTATIONS ON FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING CONSULTATIONS

	Number of		Number of	Number of
A construction of	Consultations Received	Number of	Consultations Received	Consultations Received
	from Other Agencies	Consultations Received	from Other Agencies	from Other Agencies
Agency / Component	that were <u>Pending</u> at the	from Other Agencies	that were Processed by	that were Pending at the
	Agency as of Start	During the Fiscal Year	the Agency During the	Agency as of End
	of the Fiscal Year		Fiscal Year	of the Fiscal Year
NMB	0	0	0	0
				0
AGENCY OVERALL	0	0	0	0

## XII.C. CONSULTATIONS ON FOIA REQUESTS -- TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT THE AGENCY

Agency / Component		10th Oldest Consultation	uth	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation
	Date										
	Number of Days										
AGENCY	Date	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OVERALL	Number of Days	0	0	0	0	0	0	0	0	0	0

# XII.D.(1). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- REQUESTS RECEIVED AND PROCESSED

	NUMBER OF REQ	UESTS <u>RECEIVED</u>	NUMBER OF REQUESTS PROCESSED		
Agency / Component	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report	
NMB	25	31	29	32	
AGENCY OVERALL	25	31	29	32	

## XII.D.(2). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED REQUESTS

	Number of Backlogged	Number of Backlogged
Aganay / Companant	Requests as of End of the	Requests as of End of the
Agency / Component	Fiscal Year from Previous	Fiscal Year from Current
	Annual Report	Annual Report
NMB	1	0
AGENCY OVERALL	1	0

## XII.E.(1). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- APPEALS RECEIVED AND PROCESSED

	NUMBER OF APF	PEALS <u>RECEIVED</u>	NUMBER OF APPEALS <u>PROCESSED</u>		
Agency / Component	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report	
NMB	0	0	0	0	
AGENCY OVERALL	0	0	0	0	

## XII.E.(2). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED APPEALS

Number of Backlogged	Number of Backlogged	
Appeals as of End of the	Appeals as of End of the	
Fiscal Year from Previous	Fiscal Year from Current	
Annual Report	Annual Report	
0	0	
0	0	
	Appeals as of End of the Fiscal Year from Previous	