



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON DC 20350-2000

IN REPLY REFER TO:

5720
Ser DNS-36E/9U112421
October 27, 2009

Mr. Carl Malamud
1005 Gravenstein Highway North
Sebastopol, CA 95472

Ref: DON 200901396

Dear Mr. Malamud:

Thank you for your Freedom of Information Act (FOIA) request dated May 20, 2009. Your request was received in our office on July 7, 2009.

Based on the information provided in your letter, we are unable to process your request under the FOIA. In accordance with the Navy's FOIA regulations, 32 CFR §701.8, a FOIA requester is required to describe the record sought so that a knowledgeable official can locate the record with a reasonable amount of effort. Descriptive information about a record may be divided into two broad categories:

(i) Category I is file-related and includes information such as type of record, title, index citation, subject area, date the record was created, or its originator.

(ii) Category II is event-related and includes the circumstances that resulted in the record being created or the date and circumstances surrounding the event the record covers.

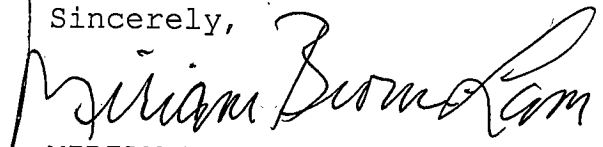
Generally, a record is not reasonably described unless the description contains sufficient Category I information to permit the conduct of an organized, non random search based on the agency's existing filing arrangements and retrieval systems, or unless the record contains sufficient Category II information to permit inference of the Category I elements needed to conduct such a search. Additionally, under 32 CFR 701.5 (e) (2), an agency is not required to create, compile, or obtain a record in order to satisfy a FOIA request.

The Department of the Navy does not maintain a centralized database or search mechanism that tracks activity and expenses related to the PACER system. Instead, this information is maintained by individual offices throughout the Department of the Navy. Obtaining the information you are seeking would require this office to compile a record.

In light of the above, we are closing our files on your request with the recommendation that you write directly to the individual commands whose records you are seeking. You may submit another request for the same information. If you choose to do so, please indicate which specific offices within the Department of the Navy about which you are inquiring.

If you require further assistance, please contact Lori Twardzik at (202) 685-6517 or lori.twardzik.ctr@navy.mil.

Sincerely,

A handwritten signature in cursive script, appearing to read "Miriam Brown-Lam".

MIRIAM BROWN-LAM

Head, DON PA/FOIA Policy Branch

By direction of the

Chief of Naval Operations

(202) 685-6545