

**United States Department of Energy  
Office of Hearings and Appeals**

In the Matter of Mitch Still	)	
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Filing Date: June 15, 2016	)	Case No.: FIA-16-0037
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Issued: June 29, 2016

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**Decision and Order**

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On June 15, 2016, Mitch Still (Appellant) appealed a determination received from the Department of Energy (DOE) Savannah River Operations Office (SRO). In that determination, SRO responded to a request filed under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as implemented by the DOE in 10 C.F.R. Part 1004. The Appellant challenges the adequacy of SRO’s search for documents responsive to his FOIA request. As explained below, we have determined that the Appeal should be denied.

**I. Background**

On May 4, 2016, the Appellant filed a FOIA Request asking for the following:

- 221-F Canyon Shift Supervisor Logbooks between May 22, 1983 and December 25, 1984
- 221-F Canyon Day Supervisor Logbooks between May 22, 1983 and December 25, 1984
- 221-F Canyon Health Protection Logbooks May 22, 1983 and December 25, 1984
- F-Area Tank Farm Day Supervisor Logbooks between 1991 and 1993
- F-Area Tank Farm Shift Supervisor Logbooks between 1991 and 1993
- F-Area Tank Farm Health Protection Logbooks between 1991 and 1993
- 772-F Lab Sample Receipt Logbook between May 22, 1983 and December 25, 1984
- 772-F Lab Sample Receipt Logbooks between 1991 and 1993
- 772-A Lab Sample Receipt Logbooks between 1991 and 1993

Determination Letter from Lucy M. Knowles, Authorizing Official, SRO, to Mitch Still (May 20, 2016). On May 20, 2016, SRO sent the Appellant a letter stating that SRO conducted a search to locate the requested records and found no responsive documents. *Id.* On June 15, 2016, the

Appellant appealed this Determination Letter to the Office of Hearings and Appeals (OHA). Appeal Letter from Mitch Still to Director, OHA (June 15, 2016).

## II. Analysis

The FOIA requires that a search be reasonable, not exhaustive. “[T]he standard of reasonableness which we apply to agency search procedures does not require absolute exhaustion of the files; instead, it requires a search reasonably calculated to uncover the sought materials.” *Miller v. Dep’t of State*, 779 F.2d 1378, 1384-85 (8th Cir. 1985); accord *Truitt v. Dep’t of State*, 897 F.2d 540, 542 (D.C. Cir. 1990). In cases such as these, “[t]he issue is *not* whether any further documents might conceivably exist but rather whether the government’s search for responsive documents was adequate.” *Perry v. Block*, 684 F.2d 121, 128 (D.C. Cir. 1981) (emphasis in original). We have not hesitated to remand a case where it is evident that the search conducted was in fact inadequate. See, e.g., *Project on Government Oversight*, Case No. TFA-0489 (2011).

We contacted SRO to determine how the search was conducted for this request. SRO informed us that Savannah River Nuclear Solutions (SNRS) is the current management and operating contractor and maintains the Electronic Data Warehouse Storage (EDWS) system which provides mass storage for electronic image and data files for all record types. Email from Pauline Conner, SRO, to Brooke DuBois, OHA (June 22, 2016). The EDWS also has the capability to index legacy hardcopy records, identify the location of records sent to the offsite storage facility, and identify the microfiche cards and microfilm rolls for document review. *Id.* SRNS used the following parameters when searching the EDWS for responsive documents: Day Supervisory Log, Day Supervisor, 221-F Shift Supervisor, 221F Shift Supervisor, 221F Canyon Shift, Health Protection, F-Area Tank Farm, FArea Tank Farm, 772-F Lab Sample Receipts, 772F Lab Sample Receipts, 772-A Lab Sample Receipts, 772A Lab Sample Receipts, Sample Receipt, Logbook.\* *Id.* SRO found no records in the EDWS responsive to the Appellant’s request.

SNRS also conducted an electronic search of its records using the terms “lab,” “sample,” “receipt,” “logbook,” “Health Protection,” and “HP” to locate any documentation indicating that the requested logbooks would have been sent to the SNRS Records Department for storage. *Id.* No such records were located. *Id.* SRO informed us that, according to the facility and the lab, the requested logbooks were used in a contaminated area, were only kept while in use, and were not retained as records because the facility and lab personnel are not authorized to transmit contaminated records to the Records Department for storage. *Id.*

## III. Conclusion

Based on the foregoing, we are satisfied that SRO conducted a search reasonably calculated to uncover materials sought by the Appellant, and that this search was, therefore, adequate under the FOIA. Thus, we will deny the present Appeal.

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\* The first search for “Logbook” located over 10,000 results. SRNS narrowed the search to the dates specified by the Appellant, which located no responsive results.

It Is Therefore Ordered That:

- (1) The Appeal filed on June 15, 2016, by Mitch Still, Case No. FIA-16-0037, is hereby denied,
- (2) This is a final order of the Department of Energy from which any aggrieved party may seek judicial review pursuant to the provisions of 5 U.S.C. § 552(a)(4)(B). Judicial review may be sought in the district in which the requester resides or has a principal place of business, or in which the agency records are situated, or in the District of Columbia.

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