

DEPARTMENT OF ENERGY  
FREEDOM OF INFORMATION ACT  
ANNUAL REPORT FOR CALENDAR YEAR ENDING  
SEPTEMBER 30, 1996

FREEDOM OF INFORMATION ACT ANNUAL REPORT FOR 1996

1. Total number of requests received during calendar year 1996: 2837
2. Total number of determinations to provide all requested records: 1401
3. Total number of initial determinations not to comply with a request for records made under subsection 552(a):

**Total Full Denials** 58    **Total Partial Denials** 535

4. Authority relied upon for each such determination:

a. **Exemptions in 552(b)**

<u>Exemption Invoked</u>	<u>Number of Times Invoked</u>
1	9
2	3
3	62
4	231
5	70
6	202
7	58
8	0
9	0

b. **Statute(s) invoked pursuant to Exemption No. 3:**

<u>Statutory Citation</u>	<u>Number of Times Invoked</u>
42 U.S.C. 2011	19
42 U.S.C. 2161-2166	25
41 U.S.C. 2168	2
41 U.S.C. 423	6
41 U.S.C. 253b	5
26 U.S.C. 6103	3
10 U.S.C. 2305	2

c. **Other Authority:**

Withdrawn	308
Not reasonably described	29
Not a Freedom of Information Act request	46
No responsive records	399
Referred to another agency	240
No agreement to pay fees	26
Duplicates	34

5. Names and titles or positions of individuals responsible for the initial denial of records requested and number of instances participated:

**Field Offices**

Karen K. Randolph	Director, Richland Operations Office	52
J. Phil Hamric	Manager, Ohio Field Office	14
J. M. Shafer	Administrator, Western Area Power Administration	13
E. S. Chaput	Deputy Manager, Savannah River Operations Office	22
Mario P. Fiori	Manager, Savannah River Operations Office	1
Steven Richardson	Assistant Manager, Oak Ridge Operations Office	26
Robert Dempsey	Acting Assistant Manager, Oak Ridge Operations Office	2
James C. Hall	Manager, Oakridge Operations Office	10
Carl R. Robertson	FOIA Officer, Idaho Operations Office	15
Frank Stewart	Manager, Golden Field Office	8
Cherri Langenfeld	Manager, Chicago Operations Office	11
Martin Domagala	Manager, Oakland Operations Office	8
Terry Vaeth	Acting Manager, Nevada	4

	Operations Office	
Darwin J. Morgan	Director, PAO, Nevada Operations Office	41
Joseph N. Fiore	Acting Deputy Manager, Nevada Operations Office	1
David L. Geary	Director, Albuquerque Operations Office	28
Bryan Siebert	Director, Albuquerque Operations Office	20
Tom Bechtell	Director, Morgantown Energy Technology Center	7
Rita A. Bajura	Director, Morgantown Energy Technology Center	4
Michael A. Deihl	Administrator, Southwestern Power Administration	4
Keith Klein	Deputy Manager, Rocky Flats Office	4
Jessie Robertson	Assistant Manager, Rocky Flats Office	22
Mary Hammack	FOIA Officer, Rocky Flats Office	2
Richard Nelson	Manager, Bonneville Power Administration	2
James R. Lewis	Manager, Bonneville Power Administration	1
Mary Beth Van Buren	Attorney, Bonneville Power Administration	1
Brian C. Furmasu	Policy Strategist, Bonneville Power Administration	1
Steven G. Hickok	Manager, Bonneville Power Administration	11
Terrence G. Esvelt	Vice President, Energy Services, Bonneville Power Administration	1

Jack Strayer	Manager, Bonneville Power Administration	1
Donald Watkins	Supervisory Engineer, Bonneville Power Administration	1
Paul Majkot	Attorney, Bonneville Power Administration	1
Mary Zeihar	Management Specialist, Bonneville Power Administration	1
Michael HacsKaylo	General Council, Western Area Power Administration	22

**Headquarters Offices**

Edward J. McCullen	Director, Office of Safeguards and Security	7
A. Bryan Siebert	Director, Office of Declassification	5
Notra Trulock	Director, Office of Safeguards Energy Intelligence	3
Anton Joe Sinisgali	Director, Document Declassification Division	145
Ann Lavin	Director, Executive Secretariat	4
Jeffrey Rubenstein	Division Director, Human Resources	27
Robert Woytko	Branch Chief, Human Resources	11
Scott Sheffield	Division Director, Human Resources	38
Arnold Gjerstad	Branch Chief, Human Resources	15
Carol Rueter	Branch Chief, Human Resources	9
David Hoel	Manager, Environmental Management	1
Patricia F. Godley	Assistant Secretary for Fossil Energy	1

Allan Hoffman	Deputy Assistant Secretary for Office of Utility Technology	1
Diane W. Lique	Director, Office of Oil and Gas	2
W. Calvin Kilgore	Director, Office of Energy Markets and End Use	1
Gordon W. Harvey	Principal Deputy, Inspector General	11
Micheal W. Conley	Deputy, Inspector General for Inspections	28
Gregory H. Friedman	Deputy, Inspector for Audit Services	3
William H. Garvie	Assistant, Inspector General Investigations	28
Dr. David B. Nelson	Associate Director, Office of Computational and Technology Research	1
H. A. Cardinali	Manager, PNR	3
P. E. Salm	Manager, SNR	1
GayLa D. Sessoms	Director, FOIA/Privacy Act Office	27

6. Total number of intra-agency appeals from adverse initial decisions made pursuant to subsection (a)(6): 137.

a. Overturned in full: 4

b. Affirmed in full: 61

c. Affirmed in part: 40

d. Dismissed/cancelled: 32

e. Pending: 0

7. Authority relied upon for total or partial denials of access on appeal:

a. **Exemptions in 552(b)**

<u>Exemption Invoked</u>	<u>Number of Times Invoked</u>
1	4
2	0
3	7
4	8
5	12
6	12
7	8
8	0
9	0

b. **Statutes Invoked Pursuant to Exemption 552(b)(3):**

<u>Statutory Citation</u>	<u>Number of Times Invoked</u>
10 U.S.C. 130	2
42 U.S.C. 2011-2296	5

8. Pursuant to 10 CFR 1004.8, the Director, Office of Hearings and Appeals, is the person responsible for reviewing all FOIA appeals submitted to the Department. With respect to denials of access pursuant to Exemption 1, the Director, Office of Security Affairs, has been designated as the official responsible for the review of information at the appellate level. The adjudicatory aspects of such appeals are processed by the Department's Office of Hearings and Appeals.
9. There have been no proceedings instituted under the authority of subsection (a)(4)(F).
10. Department of Energy regulations implementing the Freedom of Information Act, issued on December 29, 1978, became effective on January 1, 1979, and were published on January 8, 1979, in Vol. 44, Federal Register, page 1908.

A change to the regulations regarding the Freedom of Information Reading Room fee schedule was published on March 9, 1982, in Vol. 47, Federal Register, page 9995.

To comply with the Freedom of Information Reform Act of 1986, the Department of Energy published a final rule on

the Uniform Fee Schedule and Administrative Guidelines on May 3, 1988, in Vol. 53, No. 85, Federal Register, page 15660.

The Department also amended its regulations on Department policy relating to ownership of records generated by DOE contractors on December 12, 1994, in Vol. 59, Federal Register, page 63882.

11. **Fee schedule:** Photoduplication - \$.05 per page for paper to paper copies and \$.10 per page for microform to paper copies. Pursuant to Section 1004.9 of the final rule (see Section 10 above), fees for search and review will be charged to recoup the full allowable direct cost incurred, i.e., salary rate(s) of the employee(s) performing the search and/or review. Fees are not charged for a request or a series of related requests where they would amount, in the aggregate, to \$15.00 or less. The approximate amount of fees collected by the Department of Energy was \$90,390.35.
  
12. Additional report information:
  - a. **Availability of Records:** New categories or segregable portions of records are being released upon request. These include documents declassified after October 1, 1994, for Open-Net, human experimentation records, and draft documents. In compliance with the new Executive Order (12958) the Department has declassified and made publicly available thousands of additional documents.
  
  - b. The Department of Energy incurred costs of approximately \$5,515,452.96 in administering the Freedom of Information Act in 1996. This figure includes the cost of services of Departmental personnel including salary and fringe benefits, litigation proceedings, overhead costs of such services (i.e., training, travel, subscriptions, printing, duplicating, and mailing), and other associated expenses for all program areas and field operation activities related to administering the Freedom of Information Act.
  
  - c. There were 145 instances in which a formal 10-day extension of time was sought. The reasons for the extensions are as follow:
    - 1) The need to search for and collect requested

records from field facilities or other establishments that are separate from the office processing the request: 49

2) The need to search for, collect, and appropriately examine a voluminous number of separate and distinct records which are demanded in a single request: 65

3) The need for consultation with another agency having a substantial interest in the determination of the request or between two or more components of the agency having substantial subject-matter interest therein: 31

d. There were three instances in which a court appeal was taken on the basis of exhaustion of administrative procedures because the Department was unable to comply with the requests within the applicable time limits.

e. There were no instances in which a court ruled on the issue of additional time upon a showing of exceptional circumstances.