

DEPARTMENT OF ENERGY
FREEDOM OF INFORMATION ACT
ANNUAL REPORT FOR CALENDAR YEAR ENDING
SEPTEMBER 30, 1997

DEPARTMENT OF ENERGY

FREEDOM OF INFORMATION ACT ANNUAL REPORT FOR 1997

1. Total number of requests received under the FOIA for 1997: **2,318**

2. Total number of determinations to provide all requested records: **1,237**

3. Total number of initial determinations not to comply with a request for records made under subsection 552(a):

Total Full Denials

39

Total Partial Denials

354

4. Authority cited for each determination to exempt information from disclosure:

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

Exemption Invoked

Number of Times Invoked

1	8
2	2
3	65
4	166
5	65
6	133
7	57
8	0
9	0

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

Statutory Citation

Number of Times Invoked

42 U.S.C. 2011	8
42 U.S.C. 2161-2166	21
P.L. 104-201	24
41 U.S.C. 2167	2
41 U.S.C. 423	1
41 U.S.C. 253b	5
26 U.S.C. 6103	4

c. **Other Reasons:**

Withdrawn/Cancelled	206
Not reasonably described	8
Not FOIA Request	6
No responsive records	185
Referred to another agency	211
No agreement to pay fees	9
Duplicate	7

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

Ash, Doug	Chief of Staff Oakland Operations Office	1
Bajura, Rita A.	Director, Federal Energy Technology Center (FETC)	12
Bechtel, Thomas F.	Director, Morgantown Energy Technology Center (METC)	1
Cantrell, Mary	Procurement Technician Bonneville Power Administration	1
Chaput, E. S.	Deputy Manager, Savannah River Operations Office	4
Courts, Alan	Manager, Technical Services Bonneville Power Administration	1
Darr, George	Civil Engineer Bonneville Power Administration	1
Davey, Don	Conservation Specialist Bonneville Power Administration	1
Deihl, Michael A.	Administrator, Southwestern Power Administration	3
Domagala, Martin	Deputy Manager, Oakland Operations Office	6
Faber, Nancy	Contracting Officer Bonneville Power Administration	3
Fiori, Mario P.	Manager, Savannah River Operations Office	15
Folker, Robert	Acting Manager Bonneville Power Administration	6

Geary, David L.	Director, Albuquerque Operations Office	20
Hacskeylo, Michael	General Counsel, Western Area Power Administration	10
Hall, James C.	Manager, Oak Ridge Operations Office	5
Hammack, Mary	FOIA Officer, Rocky Flats Office	1
Harty, Teresa	Contracting Officer Bonneville Power Administration	1
Hickok, Steven G.	Senior Vice President Bonneville Power Administration	4
Hunt, Karen	Manager, Regional Relations Bonneville Power Administration	1
Juarez, Lioua D.	Deputy General Council, Western Area Power Administration	5
Kinish, Kathryn	Realty Specialist Bonneville Power Administration	1
Kinsey, William	Attorney Advisor Bonneville Power Administration	2
Langenfeld, Cherri	Manager, Chicago Operations Office	8
Lee, Carie	Manager, Forcasting & Analysis	1
Lohn, Robert	Director, Fish & Wildlife Bonneville Power Administration	1
Michie, Preston	Attorney Advisor Bonneville Power Administration	3
Morgan, Darwin J.	Director, PAO, Nevada Operations Office	5
Pierce, Mark	Manager Operations Services Bonneville Power Administration	1
Potter, Trish	Contracting Officer Bonneville Power Administration	3

Randolph, Karen K.	Director, Richland Operations Office	32
Richardson, Steven	Assistant Manager, Oak Ridge Operations Office	35
Robertson, Carl R.	FOIA Officer, Idaho Operations Office	12
Rudy, Greg	Deputy Manager, Savannah River	2
Selby, Jane	Public Utilities Specialist Bonneville Power Administration	1
Stewart, Frank	Manager, Golden Field Office	8
Tollefson, Gene	FOIA Officer Bonneville Power Administration	2
Wilkins, Daniel	Acting Assistant Manager Oak Ridge Operations Office	2

Headquarters Offices

Clark, Barry R.	Acting Deputy Assistant Secretary for Management and Evaluation Office of Environmental Management	1
Conley, Micheal W.	Deputy, Inspector General for Inspections	12
Garrett, William L.	Acting, Deputy Director, Office of Civil Rights	28
Garvie, William H.	Assistant, Inspector General Investigations	19
Gjerstad, Arnold A.	Chief Branch B-1, Office of Placement and Administration	15
Harvey, Gordon W.	Principal Deputy, Inspector General	4
McCallum, Edward J.	Director, Office of Safeguards and Security	1
Nelson, Dr. David B.	Associate Director, Office of Computational and Technology Research	1

O'Mann, Thomas	Deputy Director, Office of Hearings and Appeals	1
Rubenstein, Jeffrey	Division Director, Human Resources	10
Rueter, Carol M.	Chief, Branch B-2, Office of Placement and Administration	6
Sessoms, GayLa D.	Director, FOIA/Privacy Act Office	13
Siebert, Bryan	Director, Office of Declassification	9
Sinisgali, Anton Joe	Director, Document Declassification Division	20
Webber, James	Procurement Analyst Management Services Division Office of Headquarters Procurement Services	33

6. Total number of intra-agency appeals from adverse initial decisions made pursuant to subsection 552(a)(6): 83

- a. Overturned in full: 33
- b. Affirmed in full: 1
- c. Affirmed in part: 34
- d. Dismissed/cancelled: 15
- e. Pending: 0

7. Authority cited on appeal for total or partial denials of access to records:

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

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

6	5
7	11
8	0
9	0

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

<u>Statutory Citation</u>	<u>Number of Times Invoked</u>
P.L. 104-201	4
42 U.S.C. 2011-2296	2

8. Pursuant to 10 CFR 1004.8, the Director, Office of Hearings and Appeals, is the person responsible for reviewing all FOIA appeals of initial determinations submitted to the Department. With respect to denials of access to records 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 552(a)(4)(F).
10. The Department of Energy has promulgated an agency rule and several amendments to implement the FOIA.

The Department's 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 to address ownership of records generated by the Department's contractors on December 12, 1994, in Vol. 59, Federal Register, page 63882.

11. The Department's fee schedule to process FOIA requests is, as follows: 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, however, 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 \$81,474.00.

12. The Department provides the following additional 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 also has declassified and made publicly available thousands of additional documents.
 - b. The Department of Energy incurred costs of approximately \$5,452,795.13 to administer the Freedom of Information Act in 1997. This amount includes the cost of services provided by Departmental personnel including salary and fringe benefits; litigation proceedings; overhead costs of such services (i.e., training, travel, subscriptions, printing, duplication, 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 85 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: 39
 - 2) The need to search for, collect, and appropriately examine a voluminous number of separate and distinct records which are asked for in a single

request: 29

- 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: 17
- d. There was one instance 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 the need for additional time to process a request due to exceptional circumstances.