

**U.S. Department of Energy  
2005 Annual Report**

**I. Basic Information Regarding Report.**

A. Abel Lopez, Director  
FOIA/Privacy Act Group, MA-74  
Office of the Executive Secretariat  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585  
202-586-5955

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U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585  
202-586-5955

B. The World Wide Web address to obtain an electronic copy of the Freedom of Information Act (FOIA) report is [www.ma.mbe.gov/excsec/foia.htm](http://www.ma.mbe.gov/excsec/foia.htm). The report can then be accessed by clicking **FOIA Annual Reports**.

C. A paper copy of the report can be obtained at the Headquarters Freedom of Information Public Reading Room located in the Forrestal Building, 1000 Independence Avenue, S.W., Washington, DC 20585, or by submitting a request to the FOIA/Privacy Act Group. The hours of the Reading Room at Headquarters are from 9:00 a.m. to 4:00 p.m. weekdays, except federal holidays.

**II. How to make a FOIA Request.**

The Department of Energy (DOE) FOIA Home Page links to the FOIA Reference Guide, which provides instructions on how to make a FOIA request. A FOIA request also may be submitted electronically through the DOE FOIA Home Page or by facsimile at (202) 586-0575. The FOIA Home Page address is [www.ma.mbe.doe.gov/excsec/foia.htm](http://www.ma.mbe.doe.gov/excsec/foia.htm) and the guide can be accessed by clicking on **Reference Guide**.

A. Requests may be submitted to:

Abel Lopez, Director  
FOIA/Privacy Act Group  
Office of the Executive Secretariat  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585  
202-586-5955

B. For a detailed breakdown of each component's response times, see Section VII of this report, Compliance With Time Limits/Status of Pending Requests.

C. A requester may not be granted records that are requested because (1) the documents are not in existence; or (2) the information requested is exempt from disclosure in accordance with the Privacy Act and the FOIA.

**III. Definitions of Terms and Acronyms Used in the Report.**

A. Agency specific acronyms or other terms are as follows:

<b>DOE</b>	Department of Energy
<b>Field Offices</b>	DOE offices not located in Washington metropolitan area
<b>HQ</b>	DOE Headquarters
<b>NNSA/AL</b>	National Nuclear Security Administration Service Center Albuquerque
<b>BPA</b>	Bonneville Power Administration
<b>CBFO</b>	Carlsbad Field Office
<b>CH</b>	Chicago Operations Office
<b>GFO</b>	Golden Field Office
<b>ID</b>	Idaho Operations Office

<b>NETL</b>	National Energy Technology Laboratory
<b>NR</b>	Office of Naval Reactors
<b>ORO</b>	Oak Ridge Operations Office
<b>OH/EMCBC</b>	Ohio Environmental Management Consolidated Business Center
<b>ORD</b>	Office of Repository Development
<b>RL</b>	Richland Operations Office
<b>RF/EMCBC</b>	Rocky Flats Environmental Management Consolidated Business Center
<b>SRO</b>	Savannah River Operations Office
<b>OSTI</b>	Office of Scientific and Technical Information
<b>SEPA</b>	Southeastern Power Administration
<b>SWPA</b>	Southwestern Power Administration
<b>SPR</b>	Strategic Petroleum Reserve
<b>WAPA</b>	Western Area Power Administration

B. Basic terms expressed in common terminology.

1. **Appeal** -- a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the FOIA, or any other FOIA determination such as a matter pertaining to fees.
2. **Average number** -- the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.
3. **Complex request** -- FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.

4. **Denial** -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempted under one or more FOIA exemptions, or for some procedural reason (such as no record is located in response to a FOIA request).
5. **Exemption 3 statute** -- separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
6. **Expedited processing** -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records that warrants prioritization of his or her request over requests that were made earlier.
7. **FOIA/PA request** -- Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)
8. **Grant** -- an agency decision to disclose all records under the FOIA.
9. **Initial request** -- request to a federal agency for access to records under the FOIA.
10. **Median number** -- the middle, not average number. For example, of 3, 7, and 14, the median number is 7.
11. **Multi-track processing** -- a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first out basis. A requester who has an urgent need for records may request expedited processing.
12. **Nondisclosure** -- an agency procedural reason for not disclosing records, such as “no records exist” or “not an agency record” or “request cancelled.”

13. **Partial grant** -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more FOIA exemptions; or a decision to disclose some records in their entireties, but to withhold others in whole or in part.
14. **Processed request or appeal** – a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
15. **Segregability review** -- the act of reviewing a document, removing portions containing information that cannot be released under FOIA exemption(s), and then releasing the edited document to the requester (See “Partial grant.”)
16. **Simple request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on volume and/or simplicity of records requested.
17. **Time limits** – the time period in the FOIA for an agency to respond to a FOIA request (ordinarily 20 working days from receipt of a proper FOIA request.)

#### IV. Exemption 3 Statutes.

- A. The Exemption 3 statutes relied on by DOE during the current fiscal year and a brief description of type (s) of information withheld under each statute are, as follows:
  1. Atomic Energy Act of 1954, as amended, 42 U.S.C 2011 et seq. Agency withheld information that is classified as Restricted Data, Formerly Restricted Data, or Unclassified Controlled Nuclear Information.
  2. Procurement Integrity Act, 41 U.S.C. 423. Agency withheld source selection information.
  3. National Defense Authorization Act for FY 1997, 41 U.S.C. 253(b)(m). Agency withheld technical, management, and cost proposals submitted in response to the requirements of a solicitation for a competitive proposal.

4. Internal Revenue Code, 26 U.S.C. 6103. Agency withheld taxpayer identification number.

B. Statement of whether a court has upheld the use of each statute. If so, then cite exemption.

1. No.

2. No.

3. Hornbostel vs. Department of Interior, 305 F. Supp. 2d 21 (DDC 2003)

4. Church of Scientology vs. IRS, 484 U.S. 9 (1987)

**V. Initial FOIA/PA Access Requests.**

**A. Numbers of initial requests.**

	Number of requests pending as of end of preceding fiscal year	Number of requests received in current year	Number of requests processed in current year	Number of requests pending as of end of current year
NNSA/AL	82	206	184	104
BPA	2	57	54	5
CBFO	7	662	668	1
CH	6	42	36	12
GFO	0	17	12	5
ID	2	90	80	12
NETL	2	33	33	2
NR	***2	7	7	2
ORO	480	917	1026	371
OH/EMCBC	30	131	156	5
ORD	15	76	84	7
RL	34	164	190	8
RF/EMCBC	*375	836	794	417
SRO	8	45	40	13
OSTI	0	3	3	0
SEPA	0	0	0	0
SWPA	0	6	6	0
SPR	**2	17	19	0
WAPA	0	45	45	0

<b>HQ</b>	<b>*204</b>	<b>375</b>	<b>384</b>	<b>195</b>
<b>TOTALS</b>	<b>1251</b>	<b>3729</b>	<b>3821</b>	<b>1159</b>

- \* Corrected to include Privacy Act requests that had been omitted.
- \*\* SPR provided an incorrect pending number for FY 04.
- \*\*\* NR was omitted from FY 04 report.

**B. Disposition of initial requests.**

	Number of total grants	Number of partial grants	Number of denials
<b>NNSA/AL</b>	<b>131</b>	<b>8</b>	<b>2</b>
<b>BPA</b>	<b>34</b>	<b>5</b>	<b>1</b>
<b>CBFO</b>	<b>656</b>	<b>5</b>	<b>0</b>
<b>CH</b>	<b>19</b>	<b>6</b>	<b>0</b>
<b>GFO</b>	<b>1</b>	<b>8</b>	<b>2</b>
<b>ID</b>	<b>53</b>	<b>14</b>	<b>3</b>
<b>NETL</b>	<b>9</b>	<b>17</b>	<b>0</b>
<b>NR</b>	<b>3</b>	<b>1</b>	<b>0</b>
<b>ORO</b>	<b>938</b>	<b>46</b>	<b>0</b>
<b>OH/EMCBC</b>	<b>155</b>	<b>1</b>	<b>0</b>
<b>ORD</b>	<b>60</b>	<b>11</b>	<b>10</b>
<b>RL</b>	<b>130</b>	<b>33</b>	<b>10</b>
<b>RF/EMCBC</b>	<b>789</b>	<b>0</b>	<b>0</b>
<b>SRO</b>	<b>18</b>	<b>12</b>	<b>1</b>
<b>OSTI</b>	<b>2</b>	<b>0</b>	<b>0</b>
<b>SEPA</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>SWPA</b>	<b>4</b>	<b>1</b>	<b>0</b>
<b>SPR</b>	<b>17</b>	<b>0</b>	<b>2</b>
<b>WAPA</b>	<b>11</b>	<b>24</b>	<b>0</b>
<b>HQ</b>	<b>96</b>	<b>77</b>	<b>7</b>
<b>TOTALS</b>	<b>3126</b>	<b>269</b>	<b>38</b>

Number of times each FOIA exemption used (counting each exemption once per request.

**FOIA Exemptions**

	1	2	3	4	5	6	7A	7B	7C	7D	7E	7F	8	9
<b>NNSA/AL</b>	<b>2</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>0</b>							
<b>BPA</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>0</b>							

CBFO	0	1	0	4	0	3	0	0	0	0	0	0	0	0
CH	0	0	0	4	5	4	0	0	0	0	0	0	0	0
GFO	0	0	0	0	7	5	0	0	0	0	0	0	0	0
ID	0	2	4	7	2	1	0	0	0	0	0	1	0	0
NETL	0	1	1	13	5	1	0	0	0	0	0	0	0	0
NR	0	0	0	0	0	0	1	0	0	0	0	0	0	0
ORO	0	2	0	0	4	42	0	0	0	0	0	0	0	0
OH/EMCBC	0	0	0	0	0	1	0	0	0	0	0	0	0	0
ORD	0	0	6	4	8	5	0	0	0	0	0	0	0	0
RL	0	3	0	0	0	40	0	0	0	0	0	0	0	0
RF/EMCBC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SRO	0	5	3	2	5	5	0	0	0	0	0	0	0	0
OSTI	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SEPA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SWPA	0	0	0	0	1	1	0	0	0	0	0	0	0	0
SPR	0	0	2	2	0	0	0	0	0	0	0	0	0	0
WAPA	0	0	1	16	0	8	0	0	0	0	0	0	0	0
HQ	5	7	9	22	18	24	2	0	14	0	1	0	0	0
TOTALS	7	27	27	78	59	146	3	0	14	0	1	1	0	0

Other reasons for nondisclosure (388).

	No records	Referrals	With-drawn	Fee related reasons	Not reasonably described	Not a proper FOIA request for other reason	Not an agency record	Duplicate	Other
NNSA/AL	15	20	7	0	0	0	0	1	0
BPA	1	0	12	1	0	0	0	0	0
CBFO	2	3	0	0	0	0	2	0	0
CH	3	0	4	2	0	0	0	2	0
GFO	1	0	0	0	0	0	0	0	0
ID	2	5	3	0	0	0	0	0	0
NETL	5	0	1	1	0	0	0	0	0
NR	1	0	1	0	1	0	0	0	0
ORO	18	0	2	0	2	4	10	6	0
OH/EMCBC	0	0	0	0	0	0	0	0	0
ORD	2	0	1	0	0	0	0	0	0
RL	2	2	8	2	2	1	0	0	0
RF/EMCBC	3	0	0	2	0	0	0	0	0
SRO	4	2	1	1	0	0	0	1	0
OSTI	0	1	0	0	0	0	0	0	0
SEPA	0	0	0	0	0	0	0	0	0

<b>SWPA</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>SPR</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>WAPA</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>HQ</b>	<b>59</b>	<b>14</b>	<b>81</b>	<b>9</b>	<b>15</b>	<b>20</b>	<b>0</b>	<b>6</b>	<b>0</b>
<b>TOTALS</b>	<b>120</b>	<b>47</b>	<b>125</b>	<b>19</b>	<b>21</b>	<b>28</b>	<b>12</b>	<b>16</b>	<b>0</b>

**VI. Appeals of Initial Denials of FOIA/PA Requests.**

A. Number of appeals.

1. Number of appeals received during fiscal year 49
2. Number of appeals processed during fiscal year 46

B. Disposition of appeals.

1. Number completely upheld 11
2. Number partially reversed 5
3. Number completely reversed 0

a. Number of times each FOIA exemption used (counting each exemption once per appeal.)

- (1) Exemption 1 3
- (2) Exemption 2 3
- (3) Exemption 3 4
- (4) Exemption 4 2
- (5) Exemption 5 7
- (6) Exemption 6 3
- (7) Exemption 7(A) 1
- (8) Exemption 7(B) 0
- (9) Exemption 7(C) 1
- (10) Exemption 7(D) 1
- (11) Exemption 7(E) 0
- (12) Exemption 7(F) 0
- (13) Exemption 8 0
- (14) Exemption 9 0

4. Other reasons for nondisclosure (total). 30
  - a. no responsive records 7
  - b. referred to another agency 5
  - c. withdrawn/cancelled 12

- d. no agreement to pay fees 1
- e. not reasonably described 0
- f. not a proper FOIA request 0
- g. not an agency record 1
- h. duplicate request 0
- i. other (specify) Search adequate 3: Expedited 1 4

**VII. Compliance with Time Limits/Status of Pending Requests.**

**A. Median processing time for requests processed during the year.**

	Simple Requests		Complex Requests		Expedited Processing		
	Number of requests processed	Median number of days to process	Number of requests processed	Median number of days to process	Number of requests for expedited processing	Number of requests granted expedited processing	Median number of days to process
<b>NNSA/AL</b>	76	15	108	170	0	0	0
<b>BPA</b>	54	20	0	0	0	0	0
<b>CBFO</b>	654	20	14	57	0	0	0
<b>CH</b>	36	21	0	0	0	0	0
<b>GFO</b>	11	33	1	66	0	0	0
<b>ID</b>	46	13	34	36	0	0	0
<b>NETL</b>	7	10	26	30	0	0	0
<b>NR</b>	7	10	0	0	0	0	0
<b>ORO</b>	970	31	42	112	14	14	12
<b>OH/EMCBC</b>	156	28	0	0	0	0	0
<b>ORD</b>	71	19	13	73	0	0	0
<b>RL</b>	190	31	0	0	0	0	0
<b>RF/EMCBC</b>	794	106	0	0	0	0	0
<b>SRO</b>	40	73	0	0	0	0	0
<b>OSTI</b>	3	10	0	0	0	0	0
<b>SEPA</b>	0	0	0	0	0	0	0
<b>SWPA</b>	4	5	2	10	0	0	0
<b>SPR</b>	13	21	2	82	4	4	1
<b>WAPA</b>	40	10	4	15	1	1	5
<b>HQ</b>	384	41	0	0	35	0	0
<b>TOTALS</b>	<b>3556</b>		<b>246</b>		<b>54</b>	<b>19</b>	

**B. Status of pending requests.**

	<b>Number of requests pending as of end of fiscal year</b>	<b>Median number of days pending</b>
<b>NNSA/AL</b>	<b>104</b>	<b>270</b>
<b>BPA</b>	<b>5</b>	<b>20</b>
<b>CBFO</b>	<b>1</b>	<b>89</b>
<b>CH</b>	<b>12</b>	<b>14</b>
<b>GFO</b>	<b>5</b>	<b>66</b>
<b>ID</b>	<b>12</b>	<b>22</b>
<b>NETL</b>	<b>2</b>	<b>20</b>
<b>NR</b>	<b>2</b>	<b>467</b>
<b>ORO</b>	<b>371</b>	<b>87</b>
<b>OH/EMCBC</b>	<b>5</b>	<b>14</b>
<b>ORD</b>	<b>7</b>	<b>111</b>
<b>RL</b>	<b>8</b>	<b>10</b>
<b>RF/EMCBC</b>	<b>417</b>	<b>559</b>
<b>SRO</b>	<b>13</b>	<b>72</b>
<b>OSTI</b>	<b>0</b>	<b>0</b>
<b>SEPA</b>	<b>0</b>	<b>0</b>
<b>SWPA</b>	<b>0</b>	<b>0</b>
<b>SPR</b>	<b>0</b>	<b>0</b>
<b>WAPA</b>	<b>0</b>	<b>0</b>
<b>HQ</b>	<b>195</b>	<b>272</b>
<b>TOTALS</b>	<b>1159</b>	

**VIII. Comparison with previous year(s).**

**D. Other statistics significant to components:**

The DOE received 54 requests for expedited treatment and accorded expedited processing to 19.

**E. Other narrative statements describing component efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records):**

## 2005 FOIA Accomplishments

Reduced FOIA pending cases at the Department by 7%, from 1251 to 1159.

Prepared one Privacy Impact Assessment (PIA) that was submitted to the Office of Management and Budget (OMB) in accordance with OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002. The PIA affected two systems of records of the Department established under the Privacy Act.

Amended two systems of records to comply with the requirements of the Privacy Act.

Conducted FOIA and Privacy Act training for Field FOIA Officers and DOE and contractor personnel with FOIA and Privacy Act responsibilities.

Conducted special FOIA training sessions for two DOE Headquarters program offices.

Facilitated audit by the Government Accountability Office of the Department's processing of FOIA fee waiver requests. Upon completion of the audit, the GAO made no recommendations to the Department.

## IX. Costs/FOIA Staffing.

	Staffing Levels			Total Costs (including staff and all resources)		
	Number of Full Time Personnel	Number of Personnel with Part Time or Occasional FOIA Duties (In Total Work Years)	Total Number of Personnel (In Work Years)	FOIA Processing (Including Appeals) (Estimated)	Litigation Related Activities (Estimated)	Total
NNSA/AL	4	4.90	8.90	402,067.46	75,000.00	477,067.46
BPA	0	1.00	1.00	29,537.00	0	29,537.00
CBFO	1	0.25	1.25	150,000.00	0	150,000.00
CH	1	0.23	1.23	79,558.00	0	79,558.00
GFO	0	2.00	2.00	99,320.00	0	99,320.00
ID	1	0.25	1.25	165,000.00	0	165,000.00
NETL	0	2.00	2.00	80,000.00	0	80,000.00

<b>NR</b>	<b>0</b>	<b>0.30</b>	<b>0.30</b>	<b>26,600.00</b>	<b>0</b>	<b>26,600.00</b>
<b>ORO</b>	<b>3</b>	<b>4.97</b>	<b>7.97</b>	<b>502,111.00</b>	<b>0</b>	<b>502,111.00</b>
<b>OH/EMCBC</b>	<b>3</b>	<b>0.00</b>	<b>3.00</b>	<b>95,000.00</b>	<b>0</b>	<b>95,000.00</b>
<b>ORD</b>	<b>1</b>	<b>0.50</b>	<b>1.50</b>	<b>150,000.00</b>	<b>0</b>	<b>150,000.00</b>
<b>RL</b>	<b>1</b>	<b>0.90</b>	<b>1.90</b>	<b>100,000.00</b>	<b>0</b>	<b>100,000.00</b>
<b>RF/EMCBC</b>	<b>1</b>	<b>0.33</b>	<b>1.33</b>	<b>95,000.00</b>	<b>0</b>	<b>95,000.00</b>
<b>SRO</b>	<b>0</b>	<b>1.44</b>	<b>1.44</b>	<b>122,968.00</b>	<b>0</b>	<b>122,968.00</b>
<b>OSTI</b>	<b>0</b>	<b>0.10</b>	<b>0.10</b>	<b>9,300.00</b>	<b>0</b>	<b>9,300.00</b>
<b>SEPA</b>	<b>0</b>	<b>0.15</b>	<b>0.15</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>SWPA</b>	<b>0</b>	<b>2.00</b>	<b>2.00</b>	<b>425.66</b>	<b>0</b>	<b>425.66</b>
<b>SPR</b>	<b>0</b>	<b>1.00</b>	<b>1.00</b>	<b>18,000.00</b>	<b>0</b>	<b>18,000.00</b>
<b>WAPA</b>	<b>0</b>	<b>0.30</b>	<b>0.30</b>	<b>20,480.00</b>	<b>0</b>	<b>20,480.00</b>
<b>HQ</b>	<b>7</b>	<b>24.91</b>	<b>31.91</b>	<b>1,874,727.54</b>	<b>132,000.00</b>	<b>2,006,707.54</b>
<b>TOTALS</b>	<b>23</b>	<b>47.53</b>	<b>70.53</b>	<b>4,020,094.66</b>	<b>207,000.00</b>	<b>4,227,094.66</b>

**X. Fees.**

- A. Total amount of fees collected by agency for processing requests. **\$25,588.19**
- B. Percentage of total costs. .6%