

U.S. Department of Energy
1999 Annual Report

I. Basic Information Regarding Report

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B. The World Wide Web address to obtain an electronic copy of the Freedom of Information Act (FOIA) report is www.hr.doe.gov/es/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, SW, Washington, DC 20585, or by submitting a request to the FOIA/Privacy Act Division. The hours of the Reading Room at Headquarters are from 9:00 a.m. to 4:00 p.m. daily.

II How to Make a FOIA Request.

The Department of Energy 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.hr.doe.gov/es/foia.htm and the guide can be accessed by clicking **Reference Guide**.

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- B. The response time to complete action on FOIA cases ranges from 2 days to 2 years based on the complexity of the request, the need to conduct a classification review of documents that are identified as responsive, or the need to consult and coordinate with other federal agencies on the review of documents.
- C. A requester may not be granted records that are requested because (1) the requester did not agree to pay fees incurred to process a request; (2) the request does not reasonably describe the records sought; or (3) the information requested is exempt from disclosure and a foreseeable harm has been identified in accordance with the Attorney General's Memorandum for Heads of Departments and Agencies regarding the Freedom of Information Act, October 4, 1993, to permit withholding of the information.

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

- B. Agency-specific acronyms or other terms are as follows:

DOE – Department of Energy

Access Team - FOIA Office personnel that assist with FOIA related issues.

Field Office - DOE offices that are not located in the Washington metropolitan area.

- C. Basic terms expressed in common terminology.
 - 1. *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.)
 - 2. *Initial Request* -- a request to a federal agency for access to records under the FOIA.
 - 3. *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.

4. ***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.

5. ***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.

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 other requests that were made earlier.

7. ***Simple request*** -- a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.

8. ***Complex request*** -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.

9. ***Grant*** -- an agency decision to disclose all records in full in response to a FOIA request.

10. ***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 entirety, but to withhold others in whole or in part.

11. ***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 of FOIA exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).

12. ***Time limits*** -- the time period in the FOIA for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a FOIA request).

13. **Exemption 3 statute** -- separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
14. **Median number** -- the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
15. **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.

IV. **Exemption 3 Statutes**

- A. List of Exemption 3 statutes relied on by agency during current fiscal year and a brief description of type(s) of information withheld under each statute.

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.

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, and Uncontrolled Classified Nuclear Information (UCNI).

Procurement Integrity Act, 41 U.S.C. 423. Agency withheld source selection information.

Internal Revenue Code, 26 U.S.C. 6103. Agency withheld Federal Tax Identification number.

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

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

- A. **Numbers of initial requests.**

1. Number of requests pending as of end of preceding fiscal year **741***
2. Number of requests received during current fiscal year **2456**
3. Number of requests processed during current fiscal year **2387**

4. Number of requests pending as of end of current fiscal year **810****
(Enter this number also in Line VII.B.I)

* This did not include all the Privacy Act requests pending at that time.

** 765 of the total are pending FOIA request. 45 of the total are Privacy Act requests.

B. Disposition of initial requests.

1.	Number of total grants	1365
2.	Number of partial grants	428
3.	Number of denials	84
a.	Number of times each FOIA exemption used (counting each exemption once per request)	
(1)	Exemption 1	15
(2)	Exemption 2	6
(3)	Exemption 3	83
(4)	Exemption 4	112
(5)	Exemption 5	155
(6)	Exemption 6	113
(7)	Exemption 7(A)	9
(8)	Exemption 7(B)	0
(9)	Exemption 7(C)	24
(10)	Exemption 7(D)	5
(11)	Exemption 7(E)	0
(12)	Exemption 7(F)	0
(13)	Exemption 8	0
(14)	Exemption 9	0
4.	Other reasons for nondisclosure (total)	602
a.	no responsive records	231
b.	referred to other agency	162
c.	withdrawn/cancelled	147
d.	no fee agreement	17
e.	not reasonably described	4
f.	not proper FOIA request	9
g.	not an agency record	29
h.	duplicate request	5
I.	other (specify)	2

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Number of appeals.

1.	Number of appeals received during fiscal year	82
2.	Number of appeals processed during fiscal year	83

B. Disposition of appeals.

1.	Number completely upheld	28
2.	Number partially reversed	36
3.	Number completely reversed	6
4.	Number of dismissals	13
a.	Number of times each FOIA exemption used (counting each exemption once per appeal)	
(1)	Exemption 1	3
(2)	Exemption 2	0
(3)	Exemption 3	3
(4)	Exemption 4	5
(5)	Exemption 5	10
(6)	Exemption 6	7
(7)	Exemption 7(A)	0
(8)	Exemption 7(B)	0
(9)	Exemption 7(C)	5
(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)	34
a.	withdrawn/canceled	64
b.	not reasonably described	12
c.	not proper FOIA request	8
d.	no responsive records	173
e.	referred to another agency	26

- f. no agreement to pay fees **16**
- g. duplicates **1**
- h. Other (specify)
**Search adequacy: 20; Glomar response: 2; appeal moot, not ripe
or beyond jurisdiction: 13.**

VII. Compliance with Time Limits/Status of Pending Requests

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

1. Simple requests (if multiple tracks used).

- a. number of requests processed **538**
- b. median number of days to process **16**

2. Complex requests (specify for any and all tracks used).

- a. number of requests processed **232**
- b. median number of days to process **55**

3. Requests accorded expedited processing.

- a. number of request processed **5**
- b. median number of days to process **4**

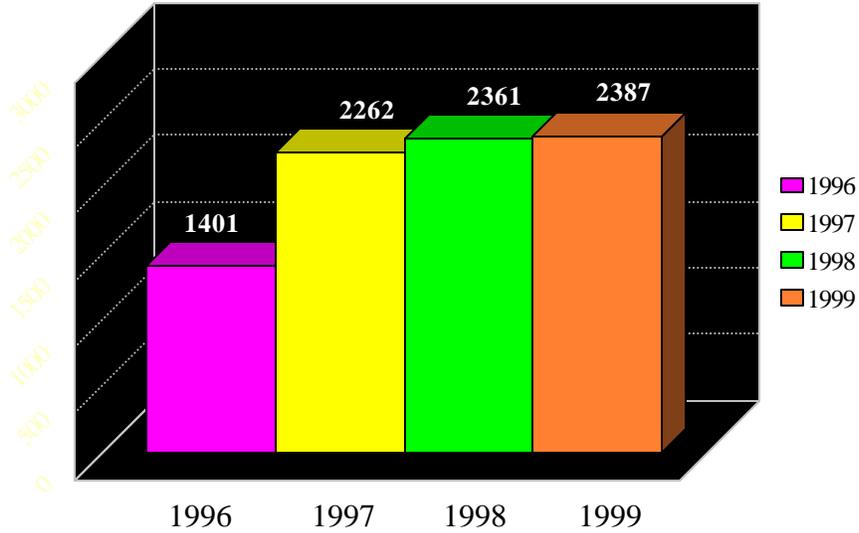
B. Status of pending requests.

- 1. Number of requests pending as of end of current fiscal year **810**
(Enter this number from Line V.A.4.)
- 2. Median number of days that such requests were pending as of that date
148

VIII. Comparisons with Previous Year(s) (Options)

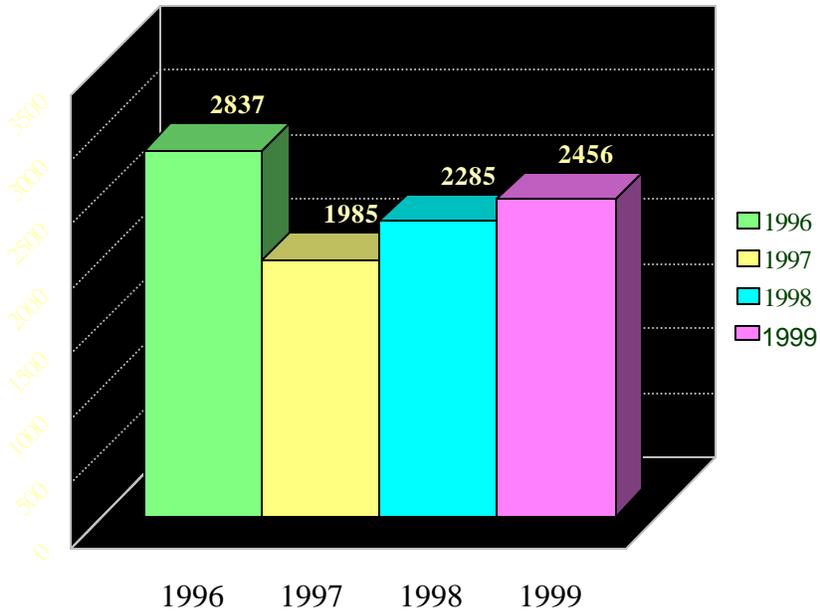
A. Comparison of numbers of requests received

*Comparison of Previous Years(s)
1996-1997-1998-1999
Requests Processed*



B.
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*Comparison of Previous Year(s)
1996- 1997-1998-1999
Requests Received*



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- C. Optional
- D. Optional
- E. The Headquarters FOIA Office met its goal to reduce its FOIA backlog by 10% in FY 99. The Headquarters FOIA Office was able to satisfy this goal by 1) monitoring case management through a weekly case and activity report for analysts; 2) using FOIA staff to provide assistance to program offices that process the FOIA requests; and 3) installing a new electronic tracking and case management system, the Document Online Control System (DOCS). DOCS demonstrations also were made to Headquarters program offices as the first step to expand operations of the system to their offices. In addition, a pilot program was developed to include one field office in this new electronic tracking system.

A new category of records was made available to the public. Lists of Impact Card holders were made available through the Public Reading Rooms and on the FOIA web pages.

Two meetings were held in the field with FOIA officers and DOE program and contractor employees to discuss FOIA issues, responsibilities and processes. Presentations also were made to the Headquarters Office of General Counsel and to Chief Counsels of the Operations Offices on the FOIA program. In addition, monthly conference calls involving Headquarters and field FOIA personnel were held to share information and discuss issues affecting the FOIA program.

IX. Costs/FOIA Staffing

A. Staffing levels.

1.	Number of full-time FOIA personnel	30
2.	Number of personnel with part-time or occasional FOIA duties (in total work years)	26
3.	Total number of personnel (in work-years)	90,480

B. **Total costs** (including staff and all resources).

1.	FOIA processing (including appeals)	\$3,641,888.07
2.	Litigation-related activities (estimated)	0
3.	Total costs	\$2,987,826.99

X. **Fees**

A.	Total amount of fees collected by agency for processing requests	\$20,956.24
B.	Percentage of total costs	.007%

XI. **FOIA Regulations** (including Fee Schedule)

To obtain the Department of Energy FOIA regulation, go to www.hr.doe.gov/es/foia.htm and click on **Federal Register US Codes and CFR**.