

**U.S. Department of Energy
2002 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.ma.mbe.doe.gov/execsec/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.ma.mbe.doe.gov/execsec/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 3 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 to permit withholding of the information 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.

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

- A. 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.

- 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* -- 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.
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 of FOIA exemptions, or for some procedural reason (such as because 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 other 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 in full in response to a FOIA request.
9. **Initial Request** -- a 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,” “not an agency record,” or “request canceled.”
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 entirety, 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 requestor (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 the 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 proper receipt of a 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:

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, or 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. **NONE**

V. Initial FOIA/PA Access Requests

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

- | | | |
|----|---|------|
| 1. | Number of requests pending as of end of preceding fiscal year | 1446 |
| 2. | Number of requests received during current fiscal year | 2900 |

3.	Number of requests processed during current fiscal year	3319
4.	Number of requests pending as of end of current fiscal year (Enter this number also in Line VII.B.I)	1027

B. Disposition of initial requests.

1.	Number of total grants	2227
2.	Number of partial grants	277
3.	Number of denials	50
a.	Number of times each FOIA exemption used (counting each exemption once per request)	
(1)	Exemption 1	6
(2)	Exemption 2	44
(3)	Exemption 3	33
(4)	Exemption 4	58
(5)	Exemption 5	71
(6)	Exemption 6	149
(7)	Exemption 7(A)	1
(8)	Exemption 7(B)	14
(9)	Exemption 7(C)	1
(10)	Exemption 7(D)	0
(11)	Exemption 7(E)	0
(12)	Exemption 7(F)	1
(13)	Exemption 8	0
(14)	Exemption 9	0
4.	Other reasons for nondisclosure (Total)	765
a.	no responsive records	241
b.	referred to other agency	35
c.	withdrawn/cancelled	245
d.	no fee agreement	39
e.	not reasonably described	17
f.	not proper FOIA request	48
g.	not an agency record	18
h.	duplicate request	98
I.	other (specify) - Privacy Act exemptions	24

VI. Appeals of Initial Denials of FOIA/PA Requests

A. **Number of appeals.**

1.	Number of appeals received during fiscal year	75
2.	Number of appeals processed during fiscal year	71

B. **Disposition of appeals.**

1.	Number completely upheld	32
2.	Number partially reversed	17
3.	Number completely reversed	0
4.	Number of dismissals	22

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

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

5. **Other reasons for nondisclosure (total)** 50

a.	no responsive records	13
b.	referred to another agency	0
c.	withdrawn/cancelled	0
d.	no agreement to pay fees	2
e.	not reasonably described	1
f.	not a proper FOIA request	0
g.	not an agency record	6
h.	duplicates	0
I.	Other (specify)	

Search adequate: (some records involved) 6: [dismissals: Moot: 6, unripe: 9, beyond jurisdiction: 5, duplicate appeal: 2.

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	2585
b.	median number of days to process	75

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

a.	number of requests processed	688
b.	median number of days to process	238*

3. Requests accorded expedited processing.

a.	number of request processed	46
b.	median number of days to process	118

B. Status of pending requests.

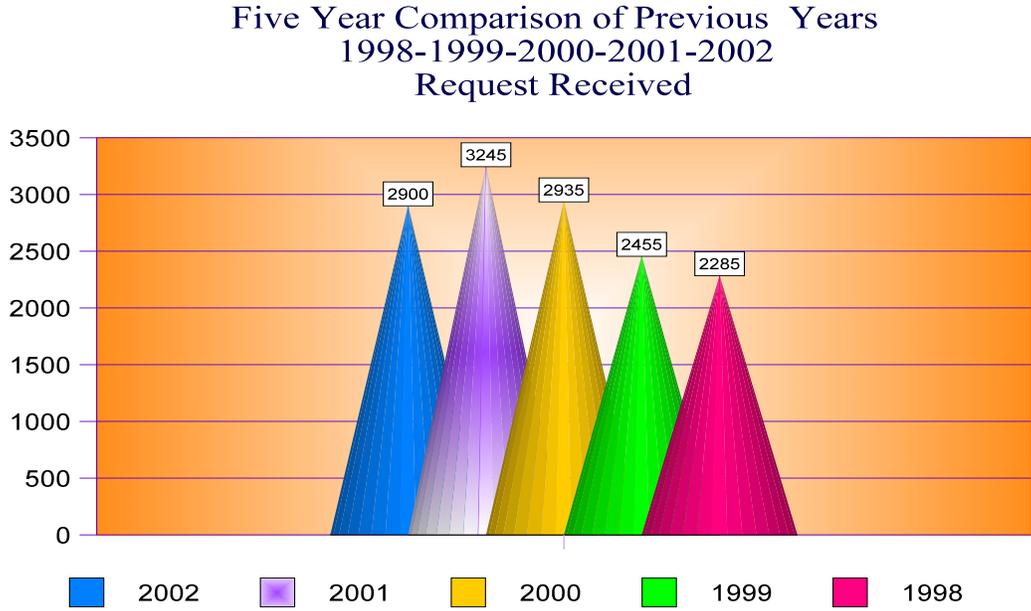
1. Number of requests pending as of end of current fiscal year
(Enter this number from Line V.A.4.) 1027

2. Median number of days that such requests were pending
as of that date 97*

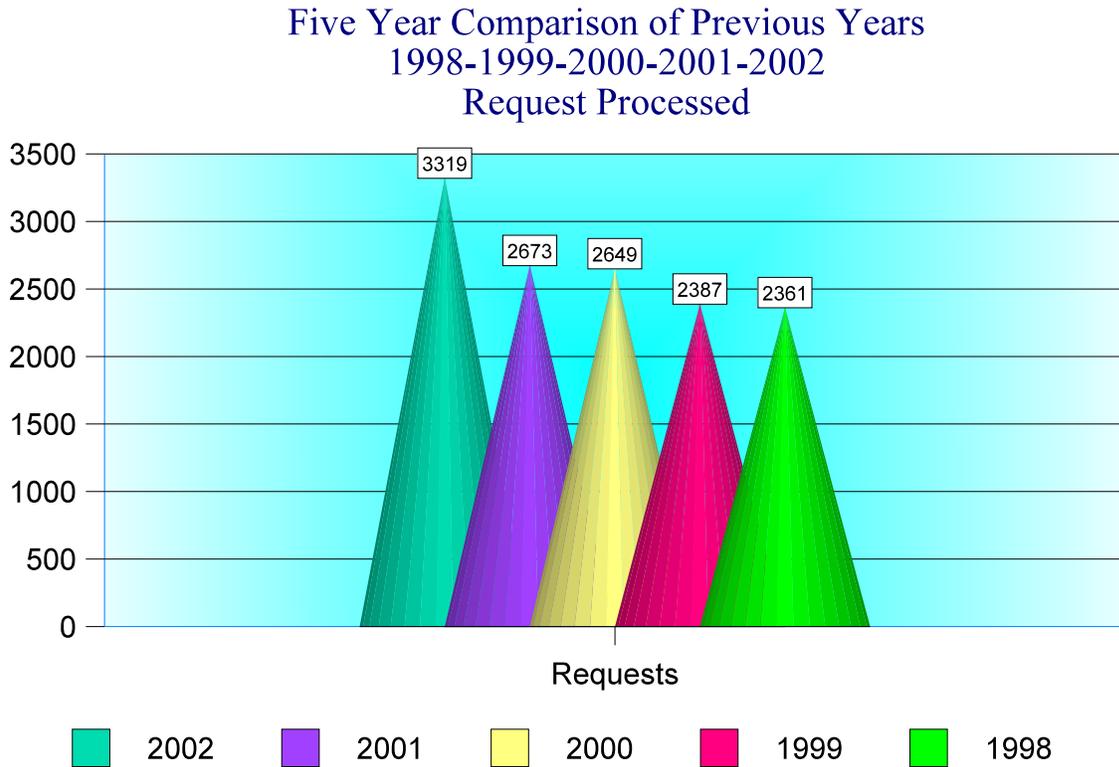
* The 2002 submission was incorrectly calculated and resulted in a much larger number.

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

A. Comparison of numbers of requests received



B. Comparison of numbers of requests processed.



C. Optional

D. Total number of expedited requests received were 66
Total number of requests processed were 46

E. The Headquarters FOIA/PA Office exceeded its goal to reduce its FOIA backlog by 2% in FY 2002.

The Headquarters FOIA/PA Office made more agency documents available through its web page and added a full text search capability for those records.

A meeting of the Field FOIA Officers was convened by the Headquarters FOIA/PA Office. In addition, site visits were made by the Headquarters FOIA Officer to two field offices to discuss the FOIA program with management, the FOIA Officers, and counsel.

IX. **Costs/FOIA Staffing**

A. **Staffing levels.**

1.	Number of full-time FOIA personnel	27
2.	Number of personnel with part-time or occasional FOIA duties (in total work years)	11
3.	Total number of personnel (in work-years)	38

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

1.	FOIA processing (including appeals)	\$2,874,379.00
2.	Litigation-related activities (estimated)	<u>270,211.00</u>
3.	Total costs	\$3,144,590.00

X. **Fees**

A. Total amount of fees collected by agency for processing requests \$13,786.00

B. Percentage of total costs .004

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

To obtain the Department of Energy FOIA regulation, go to www.ma.mbe.doe.gov/execsec/foia.htm and click on **Federal Register and look for US Codes and CFR.**

