

**FOIA ANNUAL REPORT**  
**FOR**  
**Department of Energy**  
**10/01/2009**  
**THROUGH**  
**09/30/2010**

The following **Annual Freedom of Information Act** report covers the Period 10/01/2009, through 09/30/2010, as required by 5 U.S.C. 552.

**I. BASIC INFORMATION REGARDING REPORT**

1. Kevin T. Hagerty, Director  
Office of Information Resources, MA-90  
U.S. Department of Energy  
1000 Independence Ave., SW  
Washington, DC 20585  
202-586-5955

Alexander Morris, FOIA Officer  
Sheila Jeter, FOIA/Privacy Act Specialist  
FOIA Office, MA-90  
Office of Information Resources  
U.S. Department of Energy  
1000 Independence Ave., SW  
Washington, DC 20585  
202-586-5955

2. An electronic copy of the Freedom of Information Act (FOIA) report can be obtained at [http://management.energy.gov/documents/annual\\_reports.htm](http://management.energy.gov/documents/annual_reports.htm). The report can then be accessed by clicking FOIA Annual Reports.
3. A paper copy of the report can be obtained at the Headquarters FOIA Public Reading Room located in the Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, or by submitting a request to the FOIA Office. The hours of the Reading Room at Headquarters are from 9:00 a.m. to 4:00 p.m. weekdays, except federal holidays.

**II. MAKING A FOIA REQUEST**

1. Provide names, addresses, and telephone numbers of all individual agency components that receive FOIA requests.

For the names, addresses and telephone numbers, visit our website at [http://management.energy.gov/contact\\_us/contacts\\_foia-pa.htm](http://management.energy.gov/contact_us/contacts_foia-pa.htm).

2. Provide a brief description of why some requests are not granted and an overview of certain general categories of the agency's records to which the FOIA exemptions apply.

The DOE's mission is to advance the national, economic, and energy security of the United States; to promote scientific and technological innovation in support of that mission; and to ensure the environmental cleanup of the national nuclear weapons complex. The records maintained by the DOE often involve proprietary matters, classified matters, innovation matters, and environmental matters. The DOE invokes several of the FOIA's exemptions to protect information that is: 1) classified as restricted data or formerly restricted data; 2) proprietary; 3) personal; and 4) pre-decisional and deliberative. These types of information may not be granted under the FOIA to protect national security, proprietary interests of submitters; personal privacy of individuals, and open and frank discussion.

### III.ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1. Provide any agency-specific acronyms or terms used in this Report.

<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 (The NNSA is a separately organized agency within the DOE. NNSA operates a separate FOIA tracking system autonomous from the DOE)
<b>BPA</b>	Bonneville Power Administration
<b>CBFO</b>	Carlsbad Field Office
<b>CH</b>	Chicago Operations Office
<b>EMCBC</b>	Environmental Management Consolidated Business Center
<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>NRLFO</b>	Naval Reactors Laboratory Field Office

<b>ORO</b>	Oak Ridge Office
<b>ROO</b>	Richland Operations Office
<b>SROO</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

2. Include the following definitions of terms used in this Report:

- a. **Administrative Appeal** - a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. **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.
- c. **Backlog** - the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **Component** - for agencies that process requests on a decentralized basis, a "component" is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
- e. **Consultation** - the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** - a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** - a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a "third-party" request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning

themselves (i.e., "first-party" requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act "systems of records" or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

- h. **Full Grant** - an agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** - an agency decision not to release any records in response to a FOIA request because the records are exempt in their entireties under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** - the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **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 granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
  - i. **Expedited Processing** - an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
  - ii. **Simple Request** - a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
  - iii. **Complex Request** - a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
- l. **Partial Grant/Partial Denial** - in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
- m. **Pending Request or Pending Administrative Appeal** - a request or administrative appeal for which an agency has not taken final action in all respects.

- n. **Perfect Request** - a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
  - o. **Processed Request or Processed Administrative Appeal** - a request or administrative appeal for which an agency has taken final action in all respects.
  - p. **Range in Number of Days** - the lowest and highest number of days to process requests or administrative appeals.
  - q. **Time Limits** - the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).
3. Include the following concise descriptions of the nine FOIA exemptions:
- a. **Exemption 1:** classified national defense and foreign relations information
  - b. **Exemption 2:** internal agency rules and practices
  - c. **Exemption 3:** information that is prohibited from disclosure by another federal law
  - d. **Exemption 4:** trade secrets and other confidential business information
  - e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges
  - f. **Exemption 6:** information involving matters of personal privacy
  - g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual
  - h. **Exemption 8:** information relating to the supervision of financial institutions
  - i. **Exemption 9:** geological information on wells

#### IV. Exemption 3 Statutes

A. For Initial Requests				
Statute	Type of Information	Case Citation	Number of	Total

	Withheld		Times Relied upon per Component	Number of Times Relied upon by Agency
41 U.S.C. 253	contractor proposals, technical, management, and cost proposals submitted in response to the requirements of a solicitation for a competitive proposal.	<u>Hornbostel v. United States Dept. of the Interior</u> , 305 F. Supp. 2d 21, 30 (D.D.C. 2003), <u>summary affirmance granted</u> , No. 03-5257, 2004 WL 1900562 (D.C. cir. Aug. 25, 2004).	NNSA: 1 BPA: 1 CBFO: 1 ID: 2 ROO: 1 SRO: 2 WAPA: 2	10
15 U.S.C. 638(k)(4)	Company commercialization information		CH: 1	1
42 U.S.C. 2161	information classified as Restricted Data, Formerly Restricted Data, or Unclassified Controlled Nuclear Information.	<u>Meeropol v. Smith</u> , No. 75-1121, slip op. at 53-55 (D.D.C. Feb. 29, 1984), <u>aff'd in relevant part &amp; remanded in part on other grounds sub nom. Meeropol v. Meese</u> , 790 F.2d 942 (D.C. Cir. 1986).	NNSA: 18 HQ: 1 ORO: 1 SRO: 1	21
5 U.S.C. App. 4 § 105	Agency withheld financial disclosure reports	<u>Meyerhoff v. EPA</u> , 958 F.2d 1498, 1500-02 (9 <sup>th</sup> Cir. 1992); <u>Concepcion v. FBI</u> , 606 F. Supp. 2d 14, 33 (D.D.C. 2009).	HQ: 1	1
35 U.S.C. 181	Patent Information		HQ: 1	1
41 USC §423(a)(1)	Contractor performance evaluations	<u>Legal and Safety Employer Research, Inc. v. U.S. Dep't of the Army</u> , No. Civ. S001748, 2001 WL 34098652, at*3-4 (E.D. Cal. May 4, 2001) (dictum).	NNSA: 6	6

## V. FOIA REQUESTS

A. Received, Processed and Pending FOIA Requests				
	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
BPA	2	118	101	19
CBFO	1	15	16	-
CH	5	58	63	-
EMCBC	6	30	33	3
GFO	12	197	206	3
HQ	169	897	851	215
ID	1	35	36	-
NETL	9	89	90	8
NR	-	-	-	-
NRLFO	-	10	9	1
ORO	23	240	249	14
OSTI	1	3	2	2
ROO	1	105	106	-
SEPA	-	-	-	-
SPR	-	4	3	1
SRO	5	57	54	8
SWPA	-	6	6	-
WAPA	1	24	24	1
NNSA	172	318	300	190
AGENCY	408	2206	2149	465

OVERALL				
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**EMCBC** - had 6 requests pending instead of 7 at the end of FY09.

**GFO** - had 12 requests pending instead of 13 at the end of FY09.

**ORO** - had 23 requests pending instead of 27 at the end of FY09.

**Agency Overall** – This number does not match the pending number 414 from the agency's Annual FOIA Report for FY09 due to the corrections made by the site offices referenced above.

B.(1) Disposition of FOIA Requests - All Processed Requests										
	Number of Full Grants	Number of Partial Grants/ Partial Denials	Number of Full Denials Based on Exemptions	Number of Full Denials Based on Reasons Other than Exemptions						TOTAL
				No records	Request withdrawn	Fee-related reason	Records not reasonably described	Duplicate Request	Other *Explain in chart below	
BPA	56	21	3	12	4	1	-	1	3	101
CBFO	6	4	1	3	-	-	-	1	1	16
CH	30	2	-	12	3	7	1	-	8	63
EMCBC	10	6	-	8	1	3	-	-	5	33
GFO	99	58	2	17	10	-	1	1	18	206
HQ	181	190	9	97	74	3	3	9	285	851
ID	23	6	1	3	-	-	-	-	3	36
NETL	14	64	1	5	3	-	1	-	2	90
NR	-	-	-	-	-	-	-	-	-	-
NRLFO	6	2	-	1	-	-	-	-	-	9
ORO	170	14	-	34	3	3	7	2	16	249
OSTI	1	-	-	-	1	-	-	-	-	2
ROO	58	28	1	4	8	2	1	1	3	106
SEPA	-	-	-	-	-	-	-	-	-	-
SPR	1	1	-	-	-	-	-	-	1	3
SRO	22	14	2	8	-	-	-	-	8	54
SWPA	3	2	-	1	-	-	-	-	-	6
WAPA	12	4	1	1	4	1	-	-	1	24
NNSA	134	59	4	66	14	1	-	2	20	300
AGENCY OVERALL	826	475	25	272	125	21	14	17	374	2149

B.(2) Disposition of FOIA Requests Other Reasons for Full Denials Based on Reasons Other than Exemptions		
Component	Description of "Other" Reasons for Denials from Chart B (1) and Number of Times Those Reasons Were Relied upon	TOTAL
BPA	Referrals 3	3



ORO	1	1	1	3	5	8	-	-	-	-	-	-	-	-
OSTI	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ROO	1	2	1	-	5	23	-	-	-	-	-	-	-	-
SEPA	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SPR	-	-	-	1	-	-	-	-	-	-	-	-	-	-
SRO	-	2	3	1	5	12	-	-	1	-	-	-	-	-
SWPA	-	-	-	-	-	2	-	-	-	-	-	-	-	-
WAPA	-	-	2	3	1	-	-	-	-	-	-	-	-	-
NNSA	6	14	25	7	11	34	-	-	1	-	-	-	-	1
AGENCY OVERALL	14	34	40	25	79	215	4	3	31	-	-	-	-	1

## VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Received, Processed and Pending Administrative Appeals				
	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
BPA	-	-	-	-
CBFO	-	-	-	-
CH	-	-	-	-
EMCBC	-	-	-	-
GFO	-	-	-	-
HQ	-	4	91	88
ID	-	-	-	-
NETL	-	-	-	-
NR	-	-	-	-
NRLFO	-	-	-	-
ORO	-	-	-	-
OSTI	-	-	-	-
ROO	-	-	-	-
SEPA	-	-	-	-
SPR	-	-	-	-
SRO	-	-	-	-
SWPA	-	-	-	-
WAPA	-	-	-	-
NNSA	-	-	-	-
AGENCY OVERALL	-	4	91	88

B. Disposition of Administrative Appeals - All Processed Appeals					
	Number Affirmed on Appeal	Number Partially Affirmed and Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
BPA	-	-	-	-	-
CBFO	-	-	-	-	-
CH	-	-	-	-	-





NRLFO	-	-	-	-	-	-	-	-	-	-	-	-	-
ORO	-	-	-	-	-	-	-	-	-	-	-	-	-
OSTI	-	-	-	-	-	-	-	-	-	-	-	-	-
ROO	-	-	-	-	-	-	-	-	-	-	-	-	-
SEPA	-	-	-	-	-	-	-	-	-	-	-	-	-
SPR	-	-	-	-	-	-	-	-	-	-	-	-	-
SRO	-	-	-	-	-	-	-	-	-	-	-	-	-
SWPA	-	-	-	-	-	-	-	-	-	-	-	-	-
WAPA	-	-	-	-	-	-	-	-	-	-	-	-	-
NNSA	-	-	-	-	-	-	-	-	-	-	-	-	-
AGENCY OVERALL	15.00	30.00	1	351	-	-	-	-	-	-	-	-	-

C.(5) Ten Oldest Pending Administrative Appeals										
	10th Oldest Appeal and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal and Number of Days Pending
BPA										
CBFO										
CH										
EMCBC										
GFO										
HQ				09/28/2010 2	09/15/2010 11	09/13/2010 13	09/10/2010 14	08/10/2010 36	07/19/2010 52	06/12/2008 578
ID										
NETL										
NR										
NRLFO										
ORO										
OSTI										
ROO										
SEPA										
SPR										
SRO										
SWPA										
WAPA										
NNSA										
AGENCY OVERALL				09/28/2010 2	09/15/2010 11	09/13/2010 13	09/10/2010 14	08/10/2010 36	07/19/2010 52	06/12/2008 578

## VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

A. Processed Requests - Response Time for All Processed Perfected Requests												
	SIMPLE				COMPLEX				EXPEDITE PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
BPA	15	20.33	<1	82	37.5	46.77	20	141	-	-	-	-

CBFO	5	7.38	<1	33	-	-	-	-	-	-	-	-	-
CH	3	5.64	<1	20	19	23.79	7	112	-	-	-	-	-
EMCBC	22.5	50.38	<1	319	33	48.71	<1	127	-	-	-	-	-
GFO	20.5	20.36	<1	62	-	-	-	-	-	-	-	-	-
HQ	27	66.65	<1	1732	59	88.21	<1	452	222	222	222	222	222
ID	8	9.36	<1	53	18	41.67	5	102	-	-	-	-	-
NETL	12	17.51	<1	80	-	-	-	-	-	-	-	-	-
NR	-	-	-	-	-	-	-	-	-	-	-	-	-
NRLFO	12	18.22	<1	79	-	-	-	-	-	-	-	-	-
ORO	18	26.83	<1	145	28	82.24	<1	372	4.5	4.75	4	6	6
OSTI	11	11	9	13	-	-	-	-	-	-	-	-	-
ROO	7	11.36	<1	229	-	-	-	-	-	-	-	-	-
SEPA	-	-	-	-	-	-	-	-	-	-	-	-	-
SPR	15	14	6	21	-	-	-	-	-	-	-	-	-
SRO	11	15.06	<1	136	-	-	-	-	-	-	-	-	-
SWPA	19	17.83	3	30	-	-	-	-	-	-	-	-	-
WAPA	7	7.21	<1	19	-	-	-	-	-	-	-	-	-
NNSA	13	24.4	<1	157	53	163.88	<1	2305	9	9	9	9	9
AGENCY OVERALL	16.00	39.62	<1	1732	45.00	121.30	<1	2305	5.50	41.67	4	222	222

B. Processed Requests - Response Time for Perfected Requests in Which Information Was Granted												
	SIMPLE				COMPLEX				EXPEDITE PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
BPA	17.5	23.52	1	82	37	47.37	20	141	-	-	-	-
CBFO	5	8.6	<1	33	-	-	-	-	-	-	-	-
CH	8	8.89	<1	20	20	28.62	17	112	-	-	-	-
EMCBC	24	64.47	1	319	127	127	127	127	-	-	-	-
GFO	23	22.82	<1	62	-	-	-	-	-	-	-	-
HQ	60	102.16	<1	1124	94	124.1	1	452	222	222	222	222
ID	8	10.31	<1	53	18	41.67	5	102	-	-	-	-
NETL	12.5	18.23	<1	80	-	-	-	-	-	-	-	-
NR	-	-	-	-	-	-	-	-	-	-	-	-
NRLFO	12.5	19	-5	79	-	-	-	-	-	-	-	-
ORO	17.5	25.62	<1	145	27	88.88	3	372	4	4	4	4
OSTI	13	13	13	13	-	-	-	-	-	-	-	-
ROO	8.5	13.19	<1	229	-	-	-	-	-	-	-	-
SEPA	-	-	-	-	-	-	-	-	-	-	-	-
SPR	13.5	13.5	6	21	-	-	-	-	-	-	-	-
SRO	11	19.33	2	136	-	-	-	-	-	-	-	-
SWPA	19	15.4	3	19	-	-	-	-	-	-	-	-
WAPA	9	9	3	19	-	-	-	-	-	-	-	-
NNSA	17	25.12	<1	75	62	184.76	<1	2305	9	9	9	9
AGENCY OVERALL	22.00	45.68	-5	1124	59.00	145.01	<1	2305	6.50	59.75	4	222

C. Processed Requests - Response Time in Day Increments												
Simple Requests												

	< 1 day	1-20 days	21- 40 Days	41- 60 days	61- 80 days	81- 100 days	101- 120 days	121- 140 days	141- 160 days	161- 180 days	181- 200 days	201- 300 days	301- 400 days	401+ days	TOTAL
BPA	3	47	19	6	3	1	-	-	-	-	-	-	-	-	79
CBFO	2	13	1	-	-	-	-	-	-	-	-	-	-	-	16
CH	14	30	-	-	-	-	-	-	-	-	-	-	-	-	44
EMCBC	4	8	4	4	2	-	2	-	-	-	-	1	1	-	26
GFO	13	90	81	20	2	-	-	-	-	-	-	-	-	-	206
HQ	39	281	97	79	45	33	24	24	13	13	13	25	12	12	710
ID	4	27	1	1	-	-	-	-	-	-	-	-	-	-	33
NETL	3	54	26	1	6	-	-	-	-	-	-	-	-	-	90
NR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NRLFO	1	6	1	-	1	-	-	-	-	-	-	-	-	-	9
ORO	3	108	56	12	11	6	3	2	3	-	-	-	-	-	204
OSTI	-	2	-	-	-	-	-	-	-	-	-	-	-	-	2
ROO	20	72	12	1	-	-	-	-	-	-	-	1	-	-	106
SEPA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SPR	-	2	1	-	-	-	-	-	-	-	-	-	-	-	3
SRO	4	40	7	2	-	-	-	1	-	-	-	-	-	-	54
SWPA	-	5	1	-	-	-	-	-	-	-	-	-	-	-	6
WAPA	3	21	-	-	-	-	-	-	-	-	-	-	-	-	24
NNSA	3	33	5	6	4	-	-	1	1	-	-	-	-	-	53
AGENCY OVERALL	116	839	312	132	74	40	29	28	17	13	13	27	13	12	1665

Complex Requests															
	< 1 day	1-20 days	21- 40 Days	41- 60 days	61- 80 days	81- 100 days	101- 120 days	121- 140 days	141- 160 days	161- 180 days	181- 200 days	201- 300 days	301- 400 days	401+ days	TOTAL
BPA	-	1	12	6	1	-	-	1	1	-	-	-	-	-	22
CBFO	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CH	-	14	4	-	-	-	1	-	-	-	-	-	-	-	19
EMCBC	2	-	2	-	2	-	-	1	-	-	-	-	-	-	7
GFO	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HQ	5	42	12	12	15	11	10	5	1	4	3	12	5	3	140
ID	-	2	-	-	-	-	1	-	-	-	-	-	-	-	3
NETL	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NRLFO	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ORO	2	15	10	1	1	-	1	1	1	1	1	5	2	-	41
OSTI	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ROO	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SEPA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SPR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SRO	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SWPA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
WAPA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NNSA	1	44	56	30	19	11	7	6	6	5	-	13	10	38	246
AGENCY OVERALL	10	118	96	49	38	22	20	14	9	10	4	30	17	41	478

Requests Granted Expedited Processing															
	< 11- day	11-20 days	21- 40 days	41- 60 days	61- 80 days	81- 100 days	101- 120 days	121- 140 days	141- 160 days	161- 180 days	181- 200 days	201- 300 days	301- 400 days	401+ days	TOTAL
BPA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CBFO	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CH	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
EMCBC	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
GFO	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HQ	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
ID	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NETL	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NRLFO	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ORO	-	4	-	-	-	-	-	-	-	-	-	-	-	-	4
OSTI	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ROO	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SEPA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SPR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SRO	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SWPA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
WAPA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NNSA	-	1	-	-	-	-	-	-	-	-	-	-	-	-	1
AGENCY OVERALL	-	5	-	-	-	-	-	-	-	-	-	1	-	-	6

D. Pending Requests - All Pending Perfected Requests									
	SIMPLE			COMPLEX			EXPEDITE PROCESSING		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
BPA	15	13	31	4	41	43	-	-	-
CBFO	-	-	-	-	-	-	-	-	-
CH	-	-	-	-	-	-	-	-	-
EMCBC	3	3	5	-	-	-	-	-	-
GFO	3	31	30	-	-	-	-	-	-
HQ	126	71.5	177	86	119.5	172	2	170	170
ID	-	-	-	-	-	-	-	-	-
NETL	8	14.5	15	-	-	-	-	-	-
NR	-	-	-	-	-	-	-	-	-
NRLFO	1	38	38	-	-	-	-	-	-
ORO	11	2	4	3	15	11	-	-	-
OSTI	2	177.5	177	-	-	-	-	-	-
ROO	-	-	-	-	-	-	-	-	-
SEPA	-	-	-	-	-	-	-	-	-
SPR	1	12	12	-	-	-	-	-	-
SRO	8	15	31	-	-	-	-	-	-
SWPA	-	-	-	-	-	-	-	-	-
WAPA	1	22	22	-	-	-	-	-	-
NNSA	6	74	89	183	133	217.52	1	38	38

AGENCY OVERALL	185	39.00	111.62	276	121.50	196.43	3	73.00	126.00
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E. Pending Requests - Ten Oldest Pending Perfected Requests										
	10th Oldest Request and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request and Number of Days Pending
BPA	08/30/2010 22	08/13/2010 33	08/04/2010 40	08/03/2010 41	08/03/2010 41	08/02/2010 42	07/08/2010 59	06/15/2010 75	05/24/2010 90	05/10/2010 100
CBFO										
CH										
EMCBC								09/30/2010 0	09/27/2010 0	09/14/2010 0
GFO								08/25/2010 0	08/17/2010 0	08/11/2010 0
HQ	02/12/2007 914	11/28/2006 965	11/02/2006 981	10/06/2006 999	06/09/2006 1082	08/05/2006 1293	08/05/2006 1293	02/03/2006 1465	03/12/2006 1898	02/14/2006 2425
ID										
NETL			09/30/2010 0	09/20/2010 0	09/20/2010 0	09/14/2010 0	09/07/2010 0	08/31/2010 0	08/18/2010 0	08/18/2010 0
NR				08/08/2010 8	08/08/2010 8	08/12/2010 12	08/17/2010 17	08/21/2010 21	08/30/2010 30	08/30/2010 30
NRLFO										08/06/2010 38
ORO	09/28/2010 2	09/28/2010 2	09/28/2010 2	09/23/2010 5	09/23/2010 5	09/23/2010 5	09/17/2010 9	09/09/2010 15	09/09/2010 15	09/03/2010 18
OSTI									08/03/2010 41	07/01/2010 9
ROO										
SEPA										
SPR										09/14/2010 12
SRO			09/29/2010 1	09/27/2010 3	09/23/2010 5	09/14/2010 12	09/03/2010 18	08/30/2010 22	08/18/2010 30	02/09/2010 163
SWPA										
WAPA										08/30/2010 22
NNSA	01/11/2008 684	10/24/2007 737	03/05/2008 648	10/23/2007 738	10/18/2007 741	08/31/2007 773	07/30/2007 797	06/21/2007 823	06/12/2007 1081	04/18/2007 1119
AGENCY OVERALL	11/02/2006 981	10/06/2006 999	06/12/2006 1081	06/09/2006 1082	04/18/2006 1119	08/05/2006 1293	08/05/2006 1293	02/03/05 1465	03/12/2006 1898	02/14/2006 2425

## VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

A. Requests for Expedited Processing
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	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
BPA	-	9	0	0.11	9
CBFO	-	-	-	-	-
CH	-	1	0	0	1
EMCBC	-	4	15	17.75	2
GFO	-	-	-	-	-
HQ	2	29	1	6.03	26
ID	-	-	-	-	-
NETL	-	-	-	-	-
NR	-	-	-	-	-
NRLFO	-	-	-	-	-
ORO	4	-	0	2.5	4
OSTI	-	-	-	-	-
ROO	-	4	0	0	4
SEPA	-	-	-	-	-
SPR	-	-	-	-	-
SRO	-	1	56	56	0
SWPA	-	-	-	-	-
WAPA	-	-	-	-	-
NNSA	2	3	1	7	3
AGENCY OVERALL	8	51	0.00	6.10	49

<b>B. Requests for Fee Waiver</b>				
	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
BPA	31	5	0	1.22
CBFO	-	-	-	-
CH	8	7	1	1.67
EMCBC	1	2	2	3
GFO	4	1	0	10.8
HQ	38	-	0	3.47
ID	-	-	-	-
NETL	1	-	0	0
NR	-	-	-	-
NRLFO	-	-	-	-
ORO	112	-	0	0.06
OSTI	-	-	-	-
ROO	3	6	0	0.78
SEPA	-	-	-	-
SPR	-	-	-	-
SRO	4	-	0	0
SWPA	-	-	-	-
WAPA	4	-	0	0
NNSA	2	1	17	69.67
AGENCY OVERALL	208	22	0.00	2.12

## IX. FOIA PERSONNEL AND COSTS

	PERSONNEL			COSTS		
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	Total Costs
BPA	1	0.50	1.50	\$116,000.00	\$0.00	\$116,000.00
CBFO	0	0.15	0.15	\$12,750.00	\$0.00	\$12,750.00
CH	0	0.50	0.50	\$43,082.00	\$0.00	\$43,082.00
EMCBC	1	1.00	2.00	\$150,000.00	\$0.00	\$150,000.00
GFO	2	0.00	2.00	\$133,863.00	\$0.00	\$133,863.00
HQ	18	32.17	50.17	\$3,520,226.00	\$123,440.00	\$3,643,666.00
ID	1	0.00	1.00	\$104,000.00	\$0.00	\$104,000.00
NETL	1	0.00	1.00	\$94,500.00	\$0.00	\$94,500.00
NR	0	0.02	0.02	0.00	\$0.00	\$0.00
NRLFO	0	0.08	0.08	\$7,500.00	\$0.00	\$7,500.00
ORO	4	6.00	10.00	\$363,025.00	\$0.00	\$363,025.00
OSTI	0	0.02	0.02	\$1,800.00	\$0.00	\$1,800.00
ROO	1	2.00	3.00	\$92,406.21	\$0.00	\$92,406.21
SEPA	0	0.01	0.01	\$0.00	\$0.00	\$0.00
SPR	0	0.05	0.05	\$4,300.00	\$0.00	\$4,300.00
SRO	0	0.75	0.75	\$63,634.00	\$0.00	\$63,634.00
SWPA	0	0.03	0.03	\$600.00	\$0.00	\$600.00
WAPA	0	0.60	0.60	\$54,445.20	\$0.00	\$54,445.20
NNSA	7	2.00	9.00	\$589,232.00	\$154,000.00	\$743,232.00
AGENCY OVERALL	36	45.88	81.88	\$5,351,363.41	\$277,440.00	\$5,628,803.41

## X. FEES COLLECTED FOR PROCESSING REQUESTS

	Total Amount of Fees Collected	Percentage of Total Costs
BPA	\$1,897.00	1.64
CBFO	\$0.00	0
CH	\$352.29	.82
EMCBC	\$0.00	0
GFO	\$402.24	.30
HQ	\$1,836.00	.05
ID	\$0.00	0
NETL	\$2,700.00	2.86
NR	\$0.00	0
NRLFO	\$0.00	0
ORO	\$20,270.00	5.58
OSTI	\$0.00	0
ROO	\$1010.33	1.09
SEPA	\$0.00	0
SPR	\$0.00	0
SRO	\$0.00	0
SWPA	\$0.00	0

WAPA	\$811.95	1.49
NNSA	\$600.00	.10
AGENCY OVERALL	\$29,879.81	.56

### XI. FOIA Regulations (Including Fee Schedule)

The DOE FOIA regulation can be found at [http://www.access.gpo.gov/nara/cfr/waisidx\\_06/10cfr1004\\_06.html](http://www.access.gpo.gov/nara/cfr/waisidx_06/10cfr1004_06.html).

### XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. Backlogs of FOIA Requests and Administrative Appeals		
	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
BPA	9	-
CBFO	-	-
CH	-	-
EMCBC	-	-
GFO	-	-
HQ	158	3
ID	-	-
NETL	1	-
NR	-	-
NRLFO	1	-
ORO	1	-
OSTI	2	-
ROO	-	-
SEPA	-	-
SPR	-	-
SRO	1	-
SWPA	-	-
WAPA	-	-
NNSA	161	-
AGENCY OVERALL	334	3

### Discuss/Explain the backlog here (Optional)

B. Consultations on FOIA Requests - Received, Processed, and Pending Consultations				
	Number of Consultations Received from Other Agencies that Were Pending at DOE as of Start of the Fiscal Year	Number of Consultations Received from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were Processed by DOE During the Fiscal Year	Number of Consultations Received from Other Agencies that Were Pending at DOE as of End of the Fiscal Year
BPA	-	1	1	-
CBFO	-	-	-	-
CH	-	-	-	-
EMCBC	-	-	-	-
GFO	-	-	-	-



WAPA											
NNSA											
AGENCY OVERALL	03/12/2010	02/01/2011	01/29/2011	11/18/2009	11/12/2009	11/12/2009	11/10/2009	12/05/2009	11/29/2009	06/14/2009	2158
	141	0	0	9	9	9	9	6	6		
		169	170	218	222	222	223	887	891		

<b>D. Comparison of Numbers of Requests from Previous and Current Annual Report - Requests Received, Processed, and Backlogged</b>					
	<b>NUMBER OF REQUESTS RECEIVED</b>		<b>NUMBER OF REQUESTS PROCESSED</b>		
	<b>Number Received During Fiscal Year from Last Year's Annual Report</b>	<b>Number Received During Fiscal Year from Current Annual Report</b>	<b>Number Processed During Fiscal Year from Last Year's Annual Report</b>	<b>Number Processed During Fiscal Year from Current Annual Report</b>	
BPA		53	118	54	101
CBFO		9	15	9	16
CH		51	58	48	63
EMCBC		38	30	40	33
GFO		68	197	62	206
HQ		702	897	658	851
ID		40	35	41	36
NETL		67	89	61	90
NR		13	-	16	-
NRLFO		-	10	-	9
ORO		259	240	246	249
OSTI		7	3	6	2
ROO		71	105	71	106
SEPA		8	-	8	-
SPR		5	4	6	3
SRO		51	57	48	54
SWPA		7	6	7	6
WAPA		32	24	32	24
NNSA		309	318	320	300
AGENCY OVERALL		1790	2206	1733	2149

Agency Overall - number for received and processed during FY 09 do not match the 1809 (received) or the 1752 (processed) as reported last year because the PNSO is no longer included in this report as they do not receive FOIA requests directly. However, they received 19 and processed 19 requests during that fiscal year.

	<b>Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report</b>
BPA	2	9
CBFO	-	-
CH	-	-
EMCBC	4	-
GFO	5	-
HQ	128	158

ID	-	-
NETL	5	1
NR	-	-
NRLFO	-	1
ORO	11	1
OSTI	1	2
ROO	1	-
SEPA	-	-
SPR	-	-
SRO	-	1
SWPA	-	-
WAPA	-	-
NNSA	140	161
AGENCY OVERALL	297	334

**E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report - Appeals Received, Processed, and Backlogged**

	<u>NUMBER OF APPEALS RECEIVED</u>		<u>NUMBER OF APPEALS PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
BPA	-	-	-	-
CBFO	-	-	-	-
CH	-	-	-	-
EMCBC	-	-	-	-
GFO	-	-	-	-
HQ	49	91	51	88
ID	-	-	-	-
NETL	-	-	-	-
NR	-	-	-	-
NRLFO	-	-	-	-
ORO	-	-	-	-
OSTI	-	-	-	-
ROO	-	-	-	-
SEPA	-	-	-	-
SPR	-	-	-	-
SRO	-	-	-	-
SWPA	-	-	-	-
WAPA	-	-	-	-
NNSA	-	-	-	-
AGENCY OVERALL	49	91	51	88

	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
BPA	-	-
CBFO	-	-
CH	-	-

EMCBC	-	-
GFO	-	-
HQ	2	3
ID	-	-
NETL	-	-
NR	-	-
NRLFO	-	-
ORO	-	-
OSTI	-	-
ROO	-	-
SEPA	-	-
SPR	-	-
SRO	-	-
SWPA	-	-
WAPA	-	-
NNSA	-	-
AGENCY OVERALL	2	3

**F. Discussion of Other FOIA Activities (Optional)**