

II. Analysis

In responding to a request for information filed under the Freedom of Information Act (FOIA), an agency must “conduct[] a search reasonably calculated to uncover all relevant documents.” *Truitt v. Dep’t of State*, 897 F.2d 540, 542 (D.C. Cir. 1990) (citations omitted). “[T]he standard of reasonableness which we apply to agency search procedures does not require absolute exhaustion of the files; instead, it requires a search reasonably calculated to uncover the sought materials.” *Miller v. Dep’t of State*, 779 F.2d 1378, 1384-85 (8th Cir. 1985); *accord Truitt*, 897 F.2d at 542. We have not hesitated to remand a case where the search was inadequate. *Aurimas Svitojus*, Case No. TFA-0349 (2010) (remanding where the site office performed no search).²

We contacted the ISC-CH to gain additional information to evaluate the adequacy of its search. ISC-CH informed us that it conducted an extensive search for documents responsive to Mr. Streifer’s request. E-Mail Messages dated February 25, 2014, from Miriam Bartos, ISC-CH FOIA Officer, to Steven L. Fine, OHA Staff Attorney. ISC-CH’s FOIA Officer informed us that ISC-CH had Argonne National Laboratory (Argonne) employees conduct an electronic search of its ARMIR (Argonne Records Management and Information Resource) database. ARMIR is Argonne’s database of inactive (including historical) records stored off-site. Argonne used the following search terms in its search of the ARMIR database: "Hansgirk," "Urey," "Grosse," "deuterium," "heavy water" and "trail." ISC-CH’s Office of Chief Counsel - Intellectual Property section also conducted an electronic search of its Patent Management Information System database that processes and tracks inventions disclosures received from various DOE Laboratories (including Argonne National Lab), financial assistance recipients and DOE contractors and subcontractors, and conducted a physical search of its patent records for U.S. Patent No. 2,156,851 issued to Fritz Hansgirk or any documents that shed light on how and when inventors Urey and Grosse may have learned of, obtained, or utilized the patent No. 2,156,851.

Based on the description of the ISC-CH’s search, we find that it conducted a search that was reasonably calculated to uncover all relevant records and was therefore adequate. Therefore, we will deny the Appeal.

It Is Therefore Ordered That:

- (1) The Appeal that Bill Streifer filed on February 21, 2014, OHA Case No. FIA-14-0015, is denied.
- (2) This is a final order of the Department of Energy from which any aggrieved party may seek judicial review pursuant to 5 U.S.C. § 552(a)(4)(B). Judicial review may be sought in the district in which the requester resides or has a principal place of business, or in which the agency records are situated, or in the District of Columbia.

² Decisions issued by the Office of Hearings and Appeals (OHA) are available on the OHA website located at <http://www.energy.gov/oha>.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS College Park, MD 20740
Web: ogis.archives.gov E-mail: ogis@nara.gov Telephone: 202-741-5770
Fax: 202-741-5759
Toll-free: 1-877-684-6448

Poli A. Marmolejos
Director
Office of Hearings and Appeals

Date: March 6, 2014