

Department of Energy

2016 Chief Freedom of Information Act (FOIA) Officer Report

Ingrid Kolb, Director, Office of Management

Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.

Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

FOIA Training:

1. Did your agency conduct FOIA training during the reporting period for FOIA professionals?

Yes, the Department conducted training during this reporting period.

2. If yes, please provide a brief description of the type of training conducted and the topics covered.

The Office of Hearings and Appeals (OHA) in tandem with the FOIA Office and the Office of General Counsel (GC) continued to conduct monthly trainings via conference calls for the field and Headquarters (HQ). The training sessions covered a broad area of topics such as FOIA exemptions 2 through 7, agency records vs. personal records, scoping, and fee categories. The FOIA Office also conducted periodic conference calls with field personnel to discuss FOIA issues and developments. The HQ FOIA Office also conducted individual training sessions for various HQ program offices and staff that were new to processing requests. The number of attendees and topics of the sessions varied according to the needs of the office.

3. If no, please explain why your agency did not hold training during the reporting period, such as if training offered by other agencies was sufficient for your agency's training needs.

N/A.

4. Did your FOIA professionals attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?

Yes. During this reporting year DOE FOIA professionals attended DOJ training as well as training provided by the American Society of Access Professionals (ASAP) and the Graduate School.

5. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

Approximately 90% of FOIA professionals attended some form of substantive FOIA training during this period.

6. OIP has directed agencies to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

Although 90% of FOIA professionals attended some form of substantive FOIA training, the DOE plans to expand training to a broader audience by utilizing the DOJ FOIA training modules. With the current state of budgets, and the lack of travel and training money, it is difficult to host major training conferences where the majority of the attendees would be on travel and per diem. Thus, the training modules will be quite cost effective wherein budgets are limited.

Outreach:

7. Did your FOIA professionals engage in any outreach and dialogue with the requester community or open government groups regarding your administration of the FOIA?

The FOIA Officers and offices continue to routinely reach out to requesters from all communities to discuss FOIA requests in general. Our communication consists of clarifying and narrowing requests to reduce processing fees and processing time. Moreover, we discuss the status of pending cases and other issues that enable us to process requests more efficiently. At times, communications include the subject matter experts (SME) for the records requested. They have specialized insight into the technical aspects the records which facilitate a more productive discussion. Open communication with the requester is a practice that has been, and continues to be, encouraged as way to keep the requester apprised of our ongoing processing efforts. On multiple occasions, we worked with the Office of Government Information Services (OGIS) to foster better communication with various requesters. We also actively participate in ASAP meetings which allow us to interact with the requester community.

8. If you did not conduct any outreach during the reporting period, please describe why?

N/A

Discretionary Releases:

9. Does your agency have a distinct process or system in place to review records for discretionary release?

Record holders at all offices of the Department are encouraged to review records and try to ascertain if potentially protectable information under the FOIA, could be released at the DOE's discretion. At the Department, if it is determined by the cognizant office/record holder that responsive information should be protected from release, the documents and rationale for withholding are provided to the Office of General Counsel for review. This potentially protectable information is reviewed to determine if the material meets the threshold of the identified exemption. If the information can be protected by the exemption, counsel and the cognizant office/record holders then determine whether there is a justifiable harm in releasing the information. If there is no justifiable harm, counsel, or the FOIA office advises the cognizant office/record holder that release is warranted. Counsel also provides advice regarding discretionary release of information that could otherwise be protected.

10. During the reporting period did your agency make any discretionary releases of information?

Yes.

11. What exemption(s) would have covered the information that was released as a matter of discretion?

Discretionary releases of information were made for documents that could have been withheld under exemption 5.

12. Provide a narrative description, as well as some examples of, the types of information that your agency released as a matter of discretion during the reporting year.

The types of discretionary releases DOE made are as follows: Pre-decisional deliberative draft discussions; deliberative interagency communications that had either become public knowledge or outdated; Contractor Performance Assessment Reports; monthly progress reports; management monthly reports; safety monthly incident reports; corrective action plans and status reports on safety incidents; QA monthly reports; internal management assessments and actions; outdated pricing information.

13. If your agency was not able to make any discretionary releases of information, please explain why.

N/A.

Other Initiatives:

14. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA?

The Department continues to maintain display posters regarding FOIA responsibility. FOIA responsibilities are discussed at Senior staff meetings. The HQ FOIA Officer and staff have met with specific program offices to advise them of their FOIA responsibilities and to provide guidance on a myriad of FOIA issues. Various sites have issued guidance and/or conducted meetings and conference calls with federal and contractor employees to stress the importance of routing requests for information through the FOIA office expediently. The importance of comprehensive searches for information, and the importance of proactively disclosing information of public interest are also stressed.

The Golden Field Office provided over 20 live FOIA briefings for approximately 300 Golden federal and contractor employees and provided a FOIA slide deck to each attendee for these briefings. Golden also posted FOIA briefing slides to their webpage at http://eere-intranet2.ee.doe.gov/sites/default/files/documents/FOIA%20Briefing%202015_0.pdf.

The NETL drafted and posted an information paper on the responsibilities of responding to a FOIA request on NETL's employee bulletin board. The Oak Ridge FOIA Office encouraged attorneys and technical staff to participate in the monthly FOIA calls held by OHA, HQ FOIA and GC regarding informative FOIA topics. Oak Ridge also provided guidance upon request to program staff, contractors and record custodians on general matters including adequate search, analysis for exempt material, etc.

At OSTI, the FOIA Office trained the Office of Preservation and Technology Assistant Director on the FOIA process. In addition, subject matter experts are trained on generating search results which align with the requester defined keywords and/or search descriptors criteria requirements.

Chicago routinely issues guidance and conducts conference calls, meetings, and forum presentations for all Chicago Office and Office of Science Site Office personnel. This training is focused on FOIA's presumptive disclosure mindset and stresses vigilance in identifying opportunities to proactively disclose non-exempt information of public interest. In addition, Chicago has issued guidance and conducted meetings and conference calls with federal and contractor employees to stress the importance of comprehensive searches for information, and the importance of proactively disclosing information of public interest.

15. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here. If any of these initiatives are online, please provide links in your description.

At the DOE, the FOIA Offices continue to communicate with records holders and SMEs regarding sensitivities contained in responsive documents and the possibility of a discretionary release. Legal counsel reviews, and must concur on all withholdings using a FOIA exemption. If it is determined by the cognizant office/record holder that the responsive information should be protected from release by an exemption, the documents and rationale for withholding are provided to counsel for review. Counsel reviews the documents to first determine if the material meets the threshold of the identified exemption. If the information can be protected by an exemption, counsel then determines whether there is a justifiable harm in releasing the information. If there is no justifiable harm, counsel advises the cognizant office/record holder that release is warranted.

We continue to include language in our response letters referencing the Attorney General's memorandum, our commitment to openness and providing as much information (including segregating releasable information) when full disclosure is not possible. DOE has redistributed the President's and Attorney General's guidance on FOIA and transparency to ensure that all are educated.

Golden has proactively posted the following documents in the FOIA Public Reading Room:

- A) *RFP: Management and Operation of the National Renewable Energy Laboratory - Request for Proposals (RFP) Number DE-RP36-07GO97036: Management and Operation of the National Renewable Energy Laboratory.* This discretionary disclosure consists of the following: Solicitation, Offer and Award (SF-33), Section B: Supplies, Services and Costs, Section C: Description, Specifications and Work Statements, Section D - G: Section D, Packaging and Marketing; Section E, Inspection and Acceptance; Section F, Deliveries and Performance; Section G, Contract Administration, Section H: Special Contract Requirements, Section I: Contract Clause, Section J - K: Documents, Exhibits, and Other Attachments, Section L: Instructions, Conditions, and Notices to Offerors, Section M: Evaluations Factors for Award, Amendments 1 and 2.
- B) *Request for Proposals (RFP) Number DE-RP36-07GO97036: Alliance Prime Contract No. DE-AC36-08GO28308, through modification 1033.* This discretionary disclosure consists of the following: Part I: Amendment of Solicitation/Modification of Contract (SF30), Part II: Section B: Supplies, Services and Costs, Part III: Section C: Description, Specifications and Work Statements, Part IV: Section D: Packaging and Marketing, Part IV: Section E: Inspection and Acceptance, Part IV: Section F: Deliveries and Performance, Part IV: Section G: Contract Administration, Part V: Section H: Special

Contract Requirements, Part VI: Section I: Contract Clause, Part VII: Section J: List of Documents, Exhibits, and Other Attachments: Table of Contents, Part VII: Section J:

List of Documents, Exhibits, and Other Attachments: Attachment C, Part VII: Section J: List of Documents, Exhibits, and Other Attachments: Attachment E, Part VII: Section J: List of Documents, Exhibits, and Other Attachments: Attachment F, Part VII: Section J: List of Documents, Exhibits, and Other Attachments: Attachment G, Part VII: Section J: List of Documents, Exhibits, and Other Attachments: Attachment H, Part VII: Section J: List of Documents, Exhibits, and Other Attachments: Attachment I, Part VII: Section J: List of Documents, Exhibits, and Other Attachments: Attachment J, Part VII: Section J: List of Documents, Exhibits, and Other Attachments: Attachment K, Part VII: Section J: List of Documents, Exhibits, and Other Attachments: Attachment L, Part VII: Section J: List of Documents, Exhibits, and Other Attachments: Attachment M, Part VII: Section J: List of Documents, Exhibits, and Other Attachments: Attachment N, Part VII: Section J: List of Documents, Exhibits, and Other Attachments: Attachment O, Part VII: Section J: List of Documents, Exhibits, and Other Attachments: Attachment P, Part VII: Section J: List of Documents, Exhibits, and Other Attachments: Attachment Q, Part VII: Section J: List of Documents, Exhibits, and Other Attachments: Attachment R, Part VII: Section J: List of Documents, Exhibits, and Other Attachments: Attachment S, Part VII: Section J: List of Documents, Exhibits.

OSTI continues to maintain the Department of Energy Public Access Gateway for Energy and Science^{Beta} DOE PAGES^{Beta}. DOE PAGES^{BETA} is a DOE portal that makes scholarly scientific publications resulting from DOE research funding publicly accessible and searchable at no charge to users. The URL address for DOE PAGES^{Beta} is <http://www.osti.gov/pages/>.

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

The Attorney General's 2009 FOIA Guidelines emphasized that "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that your management of your FOIA program is effective and efficient. You should also include any additional information that describes your agency's efforts in this area.

Processing Procedures:

1. For Fiscal Year 2015 what was the average number of days your agency reported for adjudicating requests for expedited processing?

The Department's average time to adjudicate requests for expedited processing was 8.5 days.

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

N/A.

3. If your agency had a decentralized FOIA process, has your agency taken steps to make the routing of misdirected requests within your agency more efficient? If so, please describe those steps.

At the Department, if a request is believed to be misdirected to an office, that office will e-mail the request to the office(s) it believes has jurisdiction to review and claim. Once claimed by the appropriate office, a letter is sent to the requester informing them of the transfer. An official transfer memo is also created and the action is transferred by e-mail. Sending an email eliminates time and the substantial fees associated with using the United States Postal Service.

4. On July 2, 2015, OIP issued new guidance to agencies on the proper procedures to be used in the event an agency has a reason to inquire whether a requester is still interested in the processing of his or her request. Please confirm here that to the extent your agency may have had occasion to send a "still interested" inquiry, it has done so in accordance with the new guidelines for doing so, including affording requesters thirty working days to respond.

The DOE did contact requesters regarding continued interest in their respective FOIA requests. After receiving the DOJ guidance, we began to use the 30 days as the allotted time for a requester to respond. In some cases, we were able to close the case due to lack of response, some requesters voluntarily chose to cancel, and some were willing to negotiate and narrow the scope of their request.

Requester Services:

5. Agency FOIA requester Service Centers and FOIA Public Liaisons serve as the face and voice of an agency. In this capacity they provide a very important service for requesters, informing them about how the FOIA process works and providing specific details on the handling of their individual requests. The FOIA also calls on agency FOIA Requester Service Centers and FOIA Public Liaisons to assist requesters in resolving disputes.

Please explain here any steps your agency has taken to strengthen these services to better inform requesters about their requests and to prevent or resolve FOIA disputes.

At offices which receive a lower volume of FOIA requests, all communication and other interaction is handled by the FOIA Officer and staff to ensure the requester is aware of the request process, ownership of records issues, and the individual handling the respective requests. At HQ, the FOIA requester service center staff is the FOIA Officer and staff. These individuals are trained to assist the requester community with issues or questions regarding their FOIA requests. The FOIA Public Liaison at HQ is the Director over the FOIA Office and is knowledgeable about the FOIA process and other FOIA related matters. He has direct interaction with the FOIA Office on a daily basis and is able to assist the requester community regarding FOIA issues related to requests.

Other Initiatives:

6. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.

High level meetings to discuss FOIA matters are held between the Chief FOIA Officer, FOIA staff, FOIA Managers, and the Office of General Counsel. The FOIA Office continues its monthly status meeting with the Office of General Counsel to resolve pending issues. We continue to communicate and provide suggestions to the contractor on ways to improve the FOIA software utilized at the DOE.

The DOE continues to conduct conference calls with DOE FOIA Officers, during which individual requests, as well as the overall process, are discussed. Our monthly training calls assist in ensuring that FOIA professionals are trained and updated on current procedures. We continue to educate offices on how to conduct searches to decrease the time it takes record holders to locate records. In an effort to eliminate redundancy, we also review our database to determine if previously requested records are responsive to a current request.

Section III: Steps Taken to Increase Proactive Disclosures

Both the President's and Attorney General's FOIA memoranda focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency website. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

Posting Material:

1. Describe your agency's process or system for identifying "frequently requested" records required to be posted online under Subsection (a)(2) of the FOIA. Does your agency monitor its FOIA logs or is there some other system in place to identify these records for posting.

The Department reviews a list of all FOIA requests received each week to determine what has been requested. The FOIA office also conducts key word searches in the FOIA database to identify frequent requests. FOIA analysts advise the FOIA officer of frequently requested documents. If documents are requested twice, it is considered a frequently requested document.

2. Does your agency have a distinct process or system in place to identify records for proactive disclosure? If so, describe your agency's process or system.

The FOIA Office, Office of Public Affairs and the Office of General Counsel discuss FOIA requests to determine what subjects appear to be of greatest interest to the public. This group also discusses other topics of interest it believes would be beneficial to proactively disclose. Recommendations are provided to the Open Government Team to communicate with the various records holders of this information to consider proactive posting on DOE webpages in addition to the datasets it already posts.

3. When making proactive disclosures of records, are your agency's FOIA professional involved in coding the records for Section 508 compliance or otherwise preparing them for posting? If so, provide an estimate of how much time is involved for each of your FOIA professionals and your agency overall.

The DOE is committed to making its electronic and information technologies accessible to individuals with disabilities in accordance with Section 508 of the Rehabilitation Act (29 U.S.C. 794d), as amended in 1998.

DOE uses Drupal an Open Source Section 508 compliant Content Management System (CMS). FOIA professionals and other web content managers are involved in coding the records for Section 508 compliance. These professionals use a combination of manual methods and built-in accessibility checkers to ensure files adhere to Section 508 Electronic and Information Technology (EIT) standards prior to posting.

The time involved in preparing Section 508 compliant files varies based on the end user's experience, size of file, number of pages, graphs, charts and overall complexity of the document. It can take as little as an hour per document to days based on the aforementioned factors.. It is estimated that it takes each FOIA professional and the overall agency approximately 15% to 25% of time to prepare them for posting.

4. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

No.

5. If so, please briefly explain those challenges.

N/A.

6. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

At the DOE, we continue to focus on using transformative science and technology solutions to ensure America's security and prosperity. Data is a key ingredient to this mission, which is why we remain excited about the Open Data movement. We believe providing open access to energy data can accelerate the pace of scientific discovery and empower entrepreneurs to build new products and services. We have several exciting ongoing initiatives to increase access and use of our data:

Energy.gov/data continues to provide a central location for information about data released by the DOE. In addition, the DOE posted a Department wide data index in .json format that provides metadata and URLs to all public datasets. The data index is available here: <http://energy.gov/data/downloads/open-data-catalogue>.

Alliance for Sustainable Energy, LLC (Alliance) Documents. See, <http://www.energy.gov/eere/golden-reading-room-foia-proactive-disclosures-and-contracts>.

- Strategic planning and performance reports:
 - o FY 2014 Annual Report: <https://www.wapa.gov/newsroom/Publications/Pages/publications.aspx>
 - o 2015 State of Western's Assets: <https://www.wapa.gov/newsroom/Publications/Pages/publications.aspx>
 - o FY 2016 Annual Performance Plan: <https://www.wapa.gov/About/Documents/FY16-Annual-Performance-Plan.pdf>
- Hydropower condition reports: <https://www.wapa.gov/PowerMarketing/Pages/hydropower-conditions.aspx>
- Power marketing and rates initiatives:
 - o Loveland Area Projects 2017 Rate adjustment: <https://www.wapa.gov/regions/RM/rates/Pages/2017-rate-adjustment.aspx>
 - o Sierra Nevada 2025 Power Marketing Program: <https://www.wapa.gov/regions/SN/PowerMarketing/Pages/2025-Program.aspx>
 - o Southwest Power Pool membership: <https://www.wapa.gov/regions/UGP/PowerMarketing/Pages/spp-membership.aspx>
 - o Pick-Sloan 2021 power marketing initiative: <https://www.wapa.gov/regions/UGP/PowerMarketing/Pages/2021-power-marketing-initiative.aspx>

- o Post-2025 Salt Lake City Area Integrated Projects Marketing Plan:
<https://www.wapa.gov/regions/CRSP/PowerMarketing/Pages/power-marketing.aspx>
 - Projects and planning:
 - o Colorado River Storage Project 10-year capital planning -
<https://www.wapa.gov/regions/CRSP/PlanProject/Pages/10-year-plan.aspx>
 - o Desert Southwest Region 10-year capital planning -
<https://www.wapa.gov/regions/DSW/Pages/10-year-plan.aspx>
 - o Desert Southwest Region Boulder Canyon Remarketing -
<https://www.wapa.gov/regions/DSW/PowerMarketing/bouldercanyonproject/Pages/bouldercanyonproject.aspx>
 - o Transmission Infrastructure Program:
<https://www.wapa.gov/transmission/TIP/Pages/tip.aspx>
- Real-time engineers:
 - o Article: <https://www.wapa.gov/newsroom/NewsFeatures/2015/Pages/real-time-analysis.aspx>
 - o Fact Sheet: <https://www.wapa.gov/newsroom/FactSheets/Documents/realtime-engineer-fact-sheet.pdf>

OSTI is the official archival repository for the DOE's STI. During FY 2015, OSTI uploaded 127,609 bibliographic citations and 46,793 full-text records to our publicly available Internet products and services. The URL address to the collection is www.osti.gov.

OSTI's legacy collection also can be found at www.osti.gov. This web site provides individuals from the general public, other government agencies, DOE, and other entities one-stop service for our gray literature, journal articles, conference proceedings, technical reports, multimedia, books, etc. Examples of publicly available full-text scientific and technical reports for downloading from OSTI's SciTech Connect Web site are as follows:

- <http://www.osti.gov/scitech/biblio/5630882-screening-identification-sites-proposed-monitored-retrievable-storage-facility>
- <http://www.osti.gov/scitech/biblio/4074500-status-small-pipe-tube-disconnects-msre-auxiliary-lines-interim-report>
- <http://www.osti.gov/scitech/biblio/4010217-operation-egcr-purification-system-prototype>

Chicago's posted their current list of Purchase Card Holders; SC Categorical Exclusion Determinations for FY15; SC Acquisition and Assistance Major Contract awards and revisions for FY15; SC Management and Operating Contracts modified in FY15, the Laboratory Appraisal Process, as revised, the FY14 and FY15 national laboratory report cards with performance ratings, link to revised SC procedures on its SCMS site, and updated SC Integrated Support Center Organizational Charts. These can be found at: <http://science.energy.gov/isc/foia/electronic-reading-room/>

Hanford continues to make progress in environmental cleanup of the Site. Accomplishments, announcements, and updated information from previous news releases are regularly distributed to members of the public, media, and stakeholders through a variety of sources. One of the most popular methods of proactively distributing information is through our electronic newsletter called “Hanford Forward” which is released quarterly and covers the recent activities at the Site. The link to RL’s most recent edition is http://www.hanford.gov/hanfordforward/index_full.html#&l=1.

Further, Tri-Party Agreement Milestone changes, budget information, Records of Decision regarding cleanup, progress materials regarding cleanup, letters to regulators, letters to contractors, contractor fee determinations, contract changes, etc., are posted on RL’s external website. The links are as follows:

http://pdw.hanford.gov/arpir/index.cfm/advancedSearch?advanced_search=&DocType_criteria=TPA%20CHANGE%20NOTICES

<http://www.hanford.gov/c.cfm/tpa/>

<http://www.hanford.gov/page.cfm/TriParty/TPAProjectManagersLists>

<http://pdw.hanford.gov/arpir/pdf.cfm?accession=0082937H>

<http://www.hanford.gov/page.cfm/Documents> In addition the DOE continues to monitor and update these major data sets on its Open Government Page:

(1) **Deepwater Horizon Response Datasets:** Due to the high level of interest in the oil spill in the Gulf of Mexico, Data.gov features data from the DOE, the Environmental Protection Agency (EPA), the National Oceanic and Atmospheric Administration (NOAA), the Department of the Interior (DOI), and the states of Florida and Louisiana related to the spill, its effects, and the cleanup effort. Data includes oil and gas flow and recovery measurements, air and water sample data, oil spill-related exposure information, and other data of interest to scientists, recovery workers, and citizens;

(2) **DOE Patents Database:** DOE’s central collection of patent information contains bibliographic data for a database of patents resulting from sponsored research by the DOE and predecessor agencies. This data service allows the downloading of bibliographic records in a format that can be used to load the records into other databases or search tools. A request for data returns the first 100 records. See Technical Documentation for instructions on obtaining additional records; and

(3) **Geothermal Technologies Database:** Contains geothermal technical and programmatic reports dating from the 1970’s to present day. These “legacy” reports are among the most valuable sources of DOE-sponsored information in the field of geothermal energy technology. This data service allows the downloading of bibliographic records in formats that can be used to load the records into other databases

or search tools. A request for data returns the first 25 records. See Technical Documentation for instructions on obtaining additional records.

7. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts.

The Western Area Power Office (WAPA) sends monthly emails that include updates on hydropower reports, local happenings within WAPA's service territory and WAPA-wide program updates. WAPA also launched a Twitter account in June 2015 to increase social connection on topics in which the public and media are interested.

In addition to OSTI's array of publicly available products and services, which are located at www.osti.gov, OSTI also utilizes other announcement vehicles to highlight/showcase not only technical reports of interest to the public but also scientific and technological advancements. The established mechanism for information broadcasts are as follows:

<http://www.osti.gov/home/newsletter> (OSTI.GOV Newsletter)

<http://www.osti.gov/home/scienceshowcase> (DOE Science Showcase)

<http://www.osti.gov/home/newsfeeds> (RSS and Podcast News Feeds)

Information about Hanford is regularly distributed for public awareness through a number of sources. One of the most successful avenues for distribution is via the E-Gov Delivery system. This system is a subscription service which allows us to maintain an e-mail list of interested parties whereby we may send announcements and news releases to large groups of individuals simultaneously. RL also regularly sends out news releases to members of the media that detail current activities at the Site. RL's subscription "ListServ" service identifies approximately 2500 other organizations and individuals who regularly receive notifications from Hanford. RL's lead agency, Office of Environmental Management (EM), also provides materials about activities taking place throughout the DOE-EM complex. RL may forward EM information to interested parties through these e-mail systems. We have expanded our social media presence as well, and regularly post and maintain information about Hanford on Facebook, Twitter, and YouTube.

Other Initiatives:

8. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

At Golden, the Environmental Office posts disclosures on the Golden Public Reading Room, including National Environmental Policy Act (NEPA) documents consisting of Categorical Exclusions (CX), Environmental Assessments (EA), Environmental Impact Statements (EIS) and other NEPA documents. See, <http://www.energy.gov/eere/golden-field-office-reading-room>. WAPA regularly meets with the public to share information

and continues to respond to public and media queries in a timely fashion. Additionally, relevant content is shared proactively on WAPA's newsroom website: <https://www.wapa.gov/newsroom/Pages/newsroom.aspx>.

DOE PAGES^{Beta} contain an initial collection of journal articles and accepted manuscripts as a demonstration of its functionality and eventual expanded content. Over the next year, additional metadata and links to articles and accepted manuscripts will be added as they are submitted to OSTI. The anticipated annual growth is expected to be between 20,000-30,000 publicly-accessible articles and manuscripts. When DOE PAGES move beyond the "beta" period, it will offer distributed full-text access to all DOE-affiliated accepted manuscripts or articles after an administrative interval of 12 months.

Hanford holds open public meetings that include the Hanford Advisory Board. Hanford Site management regularly provides updated information about cleanup work and responds to questions from board members about ongoing activities. Site employees also staff an active Hanford Speakers' Bureau, with the goal of reaching out to schools, civic service organizations, and university students with new information related to the work at the Site. Hanford Site public tours are scheduled each year, providing yet another avenue for interested individuals to see the work that is occurring and an opportunity to ask questions of the current employees.

Section IV: Steps Taken to Greater Utilize Technology

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that describes your agency's efforts in this area.

Making Material Posted Online More Useful:

1. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

Steps can include soliciting feedback on the content and presentation of posted material, improving search capabilities on your agency website, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.

Yes.

2. If yes, please provide examples of such improvements.

DOE has taken steps to make the web posted information more useable to the public while improving our web search capabilities to provide more relevant results for our users. In addition to becoming Section 508 compliant, the Department of Energy's website is mobile responsive so the content is accessible on any mobile device. DOE uses mobile applications such as Good and Good Reader to make the information more usable.

DOE highlights the importance of making our Electronic and Information Technologies (EIT) accessible to all individuals and more usable to the public. Please see the Accessibility Standard Statement found at URL: <http://energy.gov/cio/accessibility-standard-statement>. The website provides a disclosure statement and solicits feedback or concerns related to the accessibility. Complaints are sent directly to DOE Section 508 Coordinator mailbox.

Over the past three years, much of the Department's lab presence has been consolidated from separate websites onto Energy.gov — the Department's central public-facing website. This allows "one-stop shopping" for visitors to Department of Energy websites. For example, visitors can enter a search term and find that information on Energy.gov. Previously, the relevant information might have been scattered across numerous standalone programs and staff office websites that would not have been searchable from Energy.gov.

The new Energy.gov represents a commitment to principles of open government, accessibility and usability to the agency's contents in a number of ways, including:

Energy.gov Blog. This blog highlights timely content featuring the many exciting innovations across the Energy Department complex, from program offices to the National Labs. Energy.gov blog entries provide plain language summaries of complex scientific processes and discoveries that are written in a conversational style for the public.

Training Energy.gov content providers are encouraged to follow the principles of critical Section 508 elements and Plain Language. They receive content guidelines, and training on using Plain Language and following web best practices for making content accessible. In addition, agency-wide digital training sessions are held on a variety of topics — including how to use multimedia to visually craft a digital narrative.

The Department of Energy's Web Council allows Department web staff and digital communications specialists to collaborate across programs and share best practices for improving web content, including the enforcement of Plain Language guidelines.

Plain Language Working Group. The Center for Plain Language graded each department in two categories:

Compliance (Does the Department fulfill the requirements of the Plain Writing Act of 2010?) Writing & Information Design (Do writing samples consistently demonstrate plain writing principles — for example, clear style and organization, and effective visual elements — to make documents easier to read and understand?) DOE received an A in Compliance and a B+ in Writing & Information Design, which is an improvement above the B received last year.

WAPA is planning a redesign of its public facing website with the next year, and will incorporate feedback from analytics and key search word reports to ensure WAPAN is providing the most useful information that the public is seeking on the website.

The improvement enhancements OSTI implemented during FY 2015 to facilitate ease of accessibility to the DOE community and the general public are as follows:

- Conducted a pilot usability study of DOE PAGES^{Beta} to gather feedback from users. The information was utilized to improve the overall user experience.
- Create FAQ page (<http://www.osti.gov/pages/faq>) to aid users in efficiently searching DOE PAGES^{BETA} to find relevant information.
- Overhauled the underlying search architecture of DOE PAGES^{Beta} and SciTech Connect, resulting in a more efficient and relevant search for the user.
- Implemented single record page navigation to DOE PAGES^{BETA}, which provides the user with an easier way to move between records.
- Upgraded Detail View selection of products to provide more sort options and improved performance for record discovery and utilization.
- Multiple metadata and search fields were added to products to allow for greater access to content via increased options.
- Created Science Cinema FAQ to provide information regarding the processes behind audio indexing and navigation of the site.
- Updated SciTech FAQ to include more recent changes and clarify existing information.

Chicago and ORO continue to update and improve the joint Chicago-Oak Ridge-Office of Science EFOIA website and electronic FOIA submission page which allowed requesters to choose electronically among all of the sites and laboratories for the Office of Science which might have records. <http://science.energy.gov/isc/foia/>.

As mentioned earlier, Hanford has just completed and launched a new website, (www.hanford.gov). This website has been in development for approximately two years. Redesign of the website makes it more useable to the public and easier to update. . Accomplishments, announcements, and updated information from previous news releases are regularly distributed to members of the public, media, and stakeholders through a variety of sources.

3. Have your agency's FOIA professionals interacted with other agency staff (such as technology specialists or public affairs or communications professionals) in order to identify if there are any new ways to post agency information online?

Yes. The FOIA Office and other FOIA professionals routinely discuss with information technology specialists, the Open Government Team, and other communications professionals new ways to publicly post information more efficiently for the public.

Use of technology to facilitate processing of requests:

4. Did your agency conduct training for FOIA staff on any new processing tools during the reporting period, such as for a new case management system, or for search, redaction, or other processing tools?

At ORO, FOIA staff was trained on a new Document Management System which stores FOIA case files.

5. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes, describe the technological improvements being made.

Yes. In the Office of Classification, requirements engineering is underway for a successor to the current classified action tracking tool, which is nearing end of life. It is currently envisioned that the new tool will integrate document review, sanitization, and file room functions, along with all of the workflow functions of the existing tool. It is expected that fusion of these activities into a single platform will improve information security as well as efficiency at all steps of review. An industry survey conducted using current baseline concepts has concluded that an existing COTS tool may be able to meet system requirements. A SharePoint portal is now operational for returning sanitized documents and related correspondence to NNSA Albuquerque. This has resulted in a more consistent delivery method and reduced dispatch cycle time for these actions by over a week compared to physical mailing. The Office of Classification now performs consultations with some agencies of the Intelligence Community exclusively over the JWICS classified network. This has reduced dispatch and return cycle times by weeks for these cases.

NETL recently started using a new software program which allows the FOIA Officer to access email records of all NETL employees to conduct searches for responsive records to a request. At Oak Ridge access was added to SF135 indices, legal document management system, EEOICPA case files stored electronically, and other records outside the FOIA case files to aid in searches for electronic records that already exist and clues to where more records may be found.

At OSTI, many of the requests received during FY 2015 pertain to document searches for published R&D STI reports that are either in a hard copy or a digitized format. OSTI's mandated core mission is to disseminate and make available results of the research and development (R&D) funded or sponsored by DOE to the general public and/or the STI community. As a result, OSTI has always embraced technology to advance the dissemination of STI to all appropriate users. In like manner, today's technology is the principal driver in creating resource tools to expedite the delivery of STI reports via various media platforms, tablets, smart phones, social media, etc.

Savannah River Office (SRO) continues to evaluate software that will sort and de-duplicate documents due to FOIA and eDiscovery requirements. Chicago continues to use a document sharing platform to process responsive records. To the extent possible, all FOIA activities from cradle to grave are processed electronically at Chicago. At RL, electronic databases that store, record, and copy material to be easily searched by using keywords, authors, dates, etc., are continually improved upon.

6. Are there additional tools that could be utilized by your agency to create further efficiencies?

We are currently looking at technologies that would expand our search capabilities. We believe a technological tool of this nature would make our FOIA process more efficient.

Other Initiatives:

7. Did your agency successfully post all four quarterly reports for Fiscal year 2015?

Yes.

8. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2015.

N/A.

9. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible?

Yes, the DOE continues to communicate with requesters by e-mail. Our communications may concern status of request, discussion of fees, need to clarify or narrow scope, provide responses, and so forth. It is a preferred method at the DOE as it is more time efficient and cost effective to communicate by e-mail rather than ground mail.

10. If your agency does not communicate electronically with requesters as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations?

N/A.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

The President's FOIA Memorandum and the Attorney General's 2009 FOIA Guidelines have emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officers Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use those contained in the specified sections of your agency's 2015 Annual FOIA Report and, when applicable, your agency's 2014 Annual FOIA Report.

Simple Track Requests:

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

1. Does your agency utilize a separate track for simple requests?

Yes.

2. If so, for your agency overall, for Fiscal Year 2015, was the average number of days to process simple requests twenty working days or fewer?

No.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2014 that were placed in your simple track?

Seventy-one percent of FOIA requests processed by the agency in Fiscal Year 2015 were processed in the simple track.

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

N/A.

Backlogs:

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your annual FOIA reports for both Fiscal Year 2014 and Fiscal Year 2015 when completing this section of your Chief FOIA Officer Report.

Backlogged Requests:

5. If your agency had a backlog of requests at the close of Fiscal Year 2015, did that backlog decrease as compared with Fiscal Year 2014?

Yes. The DOE achieved a 17% decrease in the number of backlogged requests from 341 in FY2014 to 281 in FY2015.

6. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors: .

- An increase in the number of incoming requests.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

N/A.

7. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2015.

The DOE received 2,356 requests in FY2015. Our backlog at the end of FY2015 was 281. Thus, the backlog at the end of FY2015 was 12% of the total requests received.

Backlogged Appeals:

8. If your agency had a backlog of administrative appeals in Fiscal Year 2015, did that backlog decrease as compared to Fiscal Year 2014?

No. At the end of FY2014 there were five backlogged appeals. At the end of FY2015 there were nine backlogged appeals.

9. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Any other reasons – please briefly describe or provide examples when possible.

The backlogged appeal cases all involve classified records.

10. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2015. If your agency did not receive any appeals in Fiscal Year 2015 and/or has no appeal backlog, please answer with “N/A”.

The DOE received 76 appeals in FY2015. The appeal backlog at the end of FY2015 was nine. Thus, the appeal backlog at the end of FY2015 was 12 % of the total appeals received.

Backlog Reduction Plans:

11. In the 2015 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 request in Fiscal Year 2014 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency’s efforts in implementing the plan and not if your agency was able to achieve backlog reduction in Fiscal Year 2014?

N/A.

12. If your agency had a backlog of more than 1000 requests in Fiscal Year 2015, what is your agency’s plan to reduce this backlog during Fiscal Year 2016?

N/A.

Status of Ten Oldest Requests, Appeals, and Consultations: Section VII.E, entitled “Pending Requests – Ten Oldest Pending Requests,” Section VI.C.(5), entitled “Ten Oldest Pending Administrative Appeals,” and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten

oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2013 and Fiscal Year 2014 when completing this section of your Chief FOIA Officer Report.

Ten Oldest Requests

13. In Fiscal Year 2015, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2014 Annual FOIA Report?

No.

14. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2013 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. For example, if you only had seven requests listed as part of your "ten oldest" in Section VII.E., and you closed two of them, you should note that you closed two out of seven "oldest" requests.

The agency completed five of its ten oldest cases from the FY2014 report.

15. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

The requests that were closed were not withdrawn.

Ten Oldest Appeals

16. In Fiscal Year 2015, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2014 Annual FOIA Report?

No.

17. If no, please provide the number of these appeals your agency was able to close, as well as the number of appeals your agency had in Section VI.C.(5) of your Fiscal Year 2014 Annual FOIA Report.

In the FY2014 Annual FOIA Report, we reported a total of ten backlogged appeals. Six of those appeals were completed during FY2015.

Ten Oldest Consultations

18. In Fiscal Year 2015, did your agency close the ten oldest consultations received by your agency and pending as of the end of Fiscal Year 2014 Annual FOIA Report?

No.

19. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in XII.C. of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

In FY2015, we closed five of the ten oldest pending consultations from FY2014.

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2013.

Requesters continue to ask for any and all records. The subjects of the requests typically are complex in nature, classified, or may require searches and reviews by multiple components or agencies. The requests also may involve a voluminous amount of material. Moreover, budget considerations across the DOE continue to affect the ability of other programs to hire personnel dedicated to, and experienced in, processing FOIA cases. With the exception of the HQ FOIA Office and a handful of other offices, most personnel processing FOIA cases within the DOE do so as a collateral duty.

21. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

N/A.

22. If your agency did not close its ten oldest pending requests, appeals, and consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2015.

The agency will continue to monitor on a weekly basis the ten oldest cases. We will continue to meet on a monthly basis with the offices processing those requests to determine status and any issues that are affecting the closure of these cases.

Interim Responses:

OIP has issued guidance encouraging agencies to make interim releases whenever they are working on requests that involve a voluminous amount of material or require searches in multiple locations. By providing rolling releases to requesters agencies facilitate access to the requested information.

23. Does your agency have a system in place to provide interim responses to requesters when appropriate?

Yes. The DOE encourages interim responses to requesters. The DOE HQ and field sites, with the exception of the NNSA, issue partial responses whenever possible. By providing partial responses, a requester is aware that his/her case is proactively being processed. This fosters a positive relationship with the requester community. Moreover, by issuing partial responses you can gauge a requester's continued interest in pursuing the remainder of the case. In other words, some requesters determine or realize the information they requested is either no longer needed or not what they were actually seeking.

24. If your agency had a backlog in Fiscal Year 2014, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

We estimate that partial responses have been made in at least 60% of the backlogged cases.

Use of FOIA's Law Enforcement "Exclusions"

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

1. Did your agency invoke a statutory exclusion during Fiscal Year 2015?

No.

2. If so, what was the total number of times exclusions were invoked?

N/A.

Spotlight on Success

Out of all the activities undertaken by your agency since March 2014 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of a key achievement. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

- The DOE has continued to address its backlogged cases by engaging senior leadership at DOE and other agencies, as necessary. As a result, we were able to reduce our backlog by 17% in FY2015.

- This is the third year in a row that the Department has been able to decrease its FOIA backlog.
- The DOE FOIA Officer participated as a panel member on the DOJ workshop for Reducing Backlog and Timeliness.
- The DOE continues to test resources that transmit large volumes of classified documents electronically. This effort will improve processing times for cases involving certain types of classified records.