

that an adequate search was not conducted as “DOE employees are known to receive training on how to implement WPN-136.” *Id.*

II. Analysis

In responding to a request for information filed under the FOIA, it is well established that 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). The standard of reasonableness we apply “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 it is evident that the search conducted was in fact inadequate. *See, e.g., Ralph Sletager*, Case No. FIA-14-0030 (2014).¹

NNSA provided our office with information regarding the search it conducted to process the Appellant’s FOIA request. Within NNSA, four separate offices received and reviewed the FOIA request: (1) Office of Defense Programs (NA-10); (2) Office of Defense Nuclear Nonproliferation (NA-20); (3) Office of Defense Nuclear Security (NA-70); and (4) Office of Personnel and Facilities Clearances and Classification (NA-74). NNSA Determination Letter (December 11, 2017). None of these offices were able to locate any responsive records in spite of the searches described below.

NA-10 conducted a one hour search of its computer databases, paper files, and email records using the search terms “Israeli Nuclear” and “WPN-136.” Memorandum of Phone Conversations between NA-10 and OHA (January 16, 2018); NA-10 Search Memorandum, NA-10 (October 26, 2017). Similarly, NA-20 performed a search of its shared network drive using the term “WPN-136.” Email Chain between NA-20 and OHA (January 29, 2018). NA-20 assured OHA “with certainty” that neither it, nor any of its sub-programs, would be in possession of any of the documents requested by the Appellant, as the topic of the request is “outside NA-20’s scope of work.” *Id.*

Upon receiving the request, NA-70 determined that the office within the organization that would be most likely to house such documents would be NA-74. Email Chain between OHA and NA-70 (January 29, 2018). Therefore, NA-70 forwarded the request to NA-74, which conducted a search of its email database, calendar entries, and stored memoranda using the keywords “Israel” and “WNP.”² *Id.*; Search Memorandum, NA-74 (October 25, 2017); Email Chain between OHA and NA-74 (January 17, 2018).

Based on the foregoing, we find that NNSA conducted a search reasonably calculated to uncover the records sought by the Appellant, and that the search was therefore adequate. Thus, we deny the present appeal.

¹ Decisions issued by the Office of Hearings and Appeals (OHA) are available on the OHA website located at www.energy.gov/oha.

² NA-74 indicated that the key words “Israel” and “WNP” would have located responsive records containing the terms “Israeli” and “WNP-136” as well.

III. Order

It is hereby ordered that the Appeal filed on January 8, 2018, by the Institute for Research: Middle Eastern Policy, Inc., FIA-18-0003, is denied.

This is a final order of the Department of Energy from which any aggrieved party may seek judicial review pursuant to the provisions of 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.

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Poli A. Marmolejos
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