FREEDOM OF INFORMATION ACT ANNUAL REPORT FOR 1996

1. Total number of requests received during calendar year 1996: 2837

2. Total number of determinations to provide all requested records: 1401

3. Total number of initial determinations not to comply with a request for records made under subsection 552(a):

   Total Full Denials 58   Total Partial Denials 535

4. Authority relied upon for each such determination:

   a. Exemptions in 552(b)

       Exemption Invoked           Number of Times Invoked
       1                             9
       2                             3
       3                             62
       4                             231
       5                             70
       6                             202
       7                             58
       8                             0
       9                             0

   b. Statute(s) invoked pursuant to Exemption No. 3:

       Statutory Citation           Number of Times Invoked
       42 U.S.C. 2011                19
       42 U.S.C. 2161-2166           25
       41 U.S.C. 2168                2
       41 U.S.C. 423                 6
       41 U.S.C. 253b                5
       26 U.S.C. 6103                3
       10 U.S.C. 2305                2

   c. Other Authority:
Withdrawn                                  308
Not reasonably described                  29
Not a Freedom of Information              46
Act request                                
No responsive records                      399
Referred to another agency                  240
No agreement to pay fees                    26
Duplicates                                  34

5. Names and titles or positions of individuals responsible for the initial denial of records requested and number of instances participated:

**Field Offices**

Karen K. Randolph  Director, Richland Operations Office  52
J. Phil Hamric     Manager, Ohio Field Office            14
J. M. Shafer       Administrator, Western Area Power Administration  13
E. S. Chaput       Deputy Manager, Savannah River Operations Office  22
Mario P. Fiori     Manager, Savannah River Operations Office  1
Steven Richardson  Assistant Manager, Oak Ridge Operations Office  26
Robert Dempsey     Acting Assistant Manager, Oak Ridge Operations Office  2
James C. Hall      Manager, Oakridge Operations Office    10
Carl R. Robertson  FOIA Officer, Idaho Operations Office  15
Frank Stewart      Manager, Golden Field Office            8
Cherri Langenfeld  Manager, Chicago Operations Office    11
Martin Domagala    Manager, Oakland Operations Office     8
Terry Vaeth        Acting Manager, Nevada                 4
<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Darwin J. Morgan</td>
<td>Director, PAO, Nevada Operations Office</td>
<td>41</td>
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<tr>
<td>Joseph N. Fiore</td>
<td>Acting Deputy Manager, Nevada Operations Office</td>
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<tr>
<td>David L. Geary</td>
<td>Director, Albuquerque Operations Office</td>
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<tr>
<td>Bryan Siebert</td>
<td>Director, Albuquerque Operations Office</td>
<td>20</td>
</tr>
<tr>
<td>Tom Bechtell</td>
<td>Director, Morgantown Energy Technology Center</td>
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<tr>
<td>Rita A. Bajura</td>
<td>Director, Morgantown Energy Technology Center</td>
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<tr>
<td>Michael A. Deihl</td>
<td>Administrator, Southwestern Power Administration</td>
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<tr>
<td>Keith Klein</td>
<td>Deputy Manager, Rocky Flats Office</td>
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<tr>
<td>Jessie Robertson</td>
<td>Assistant Manager, Rocky Flats Office</td>
<td>22</td>
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<tr>
<td>Mary Hammack</td>
<td>FOIA Officer, Rocky Flats Office</td>
<td>2</td>
</tr>
<tr>
<td>Richard Nelson</td>
<td>Manager, Bonneville Power Administration</td>
<td>2</td>
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<tr>
<td>James R. Lewis</td>
<td>Manager, Bonneville Power Administration</td>
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<tr>
<td>Mary Beth Van Buren</td>
<td>Attorney, Bonneville Power Administration</td>
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<tr>
<td>Brian C. Furmasu</td>
<td>Policy Strategist, Bonneville Power Administration</td>
<td>1</td>
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<tr>
<td>Steven G. Hickok</td>
<td>Manager, Bonneville Power Administration</td>
<td>11</td>
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<tr>
<td>Terrence G. Esvelt</td>
<td>Vice President, Energy Services, Bonneville Power Administration</td>
<td>1</td>
</tr>
</tbody>
</table>
Jack Strayer  Manager, Bonneville Power Administration 1
Donald Watkins  Supervisory Engineer, Bonneville Power Administration 1
Paul Majkot  Attorney, Bonneville Power Administration 1
Mary Zeihar  Management Specialist, Bonneville Power Administration 1
Michael Hacskaylo  General Council, Western Area Power Administration 22

**Headquarters Offices**

Edward J. McCullen  Director, Office of Safeguards and Security 7
A. Bryan Siebert  Director, Office of Declassification 5
Notra Trulock  Director, Office of Safeguards Energy Intelligence 3
Anton Joe Sinisgali  Director, Document Declassification Division 145
Ann Lavin  Director, Executive Secretariat 4
Jeffrey Rubenstein  Division Director, Human Resources 27
Robert Woytko  Branch Chief, Human Resources 11
Scott Sheffield  Division Director, Human Resources 38
Arnold Gjerstad  Branch Chief, Human Resources 15
Carol Rueter  Branch Chief, Human Resources 9
David Hoel  Manager, Environmental Management 1
Patricia F. Godley  Assistant Secretary for Fossil Energy 1
Allan Hoffman  Deputy Assistant Secretary  1
for Office of Utility Technology

Diane W. Lique  Director, Office of Oil and Gas  2

W. Calvin Kilgore  Director, Office of Energy Markets and End Use  1

Gordon W. Harvey  Principal Deputy, Inspector General  11

Micheal W. Conley  Deputy, Inspector General for Inspections  28

Gregory H. Friedman  Deputy, Inspector for Audit Services  3

William H. Garvie  Assistant, Inspector General Investigations  28

Dr. David B. Nelson  Associate Director, Office of Computational and Technology Research  1

H. A. Cardinali  Manager, PNR  3

P. E. Salm  Manager, SNR  1

GayLa D. Sessoms  Director, FOIA/Privacy Act Office  27

6. Total number of intra-agency appeals from adverse initial decisions made pursuant to subsection (a)(6): 137.
   a. Overturned in full: 4
   b. Affirmed in full: 61
   c. Affirmed in part: 40
   d. Dismissed/cancelled: 32
   e. Pending: 0

7. Authority relied upon for total or partial denials of access on appeal:
a. **Exemptions in 552(b)**

<table>
<thead>
<tr>
<th>Exemption Invoked</th>
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<tr>
<td>1</td>
<td>4</td>
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b. **Statutes Invoked Pursuant to Exemption 552(b)(3):**

<table>
<thead>
<tr>
<th>Statutory Citation</th>
<th>Number of Times Invoked</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 U.S.C. 130</td>
<td>2</td>
</tr>
<tr>
<td>42 U.S.C. 2011-2296</td>
<td>5</td>
</tr>
</tbody>
</table>

8. Pursuant to 10 CFR 1004.8, the Director, Office of Hearings and Appeals, is the person responsible for reviewing all FOIA appeals submitted to the Department. With respect to denials of access pursuant to Exemption 1, the Director, Office of Security Affairs, has been designated as the official responsible for the review of information at the appellate level. The adjudicatory aspects of such appeals are processed by the Department's Office of Hearings and Appeals.

9. There have been no proceedings instituted under the authority of subsection (a)(4)(F).


A change to the regulations regarding the Freedom of Information Reading Room fee schedule was published on March 9, 1982, in Vol. 47, Federal Register, page 9995.

To comply with the Freedom of Information Reform Act of 1986, the Department of Energy published a final rule on

The Department also amended its regulations on Department policy relating to ownership of records generated by DOE contractors on December 12, 1994, in Vol. 59, Federal Register, page 63882.

11. **Fee schedule:** Photoduplication - $.05 per page for paper to paper copies and $.10 per page for microform to paper copies. Pursuant to Section 1004.9 of the final rule (see Section 10 above), fees for search and review will be charged to recoup the full allowable direct cost incurred, i.e., salary rate(s) of the employee(s) performing the search and/or review. Fees are not charged for a request or a series of related requests where they would amount, in the aggregate, to $15.00 or less. The approximate amount of fees collected by the Department of Energy was $90,390.35.

12. Additional report information:

   a. **Availability of Records:** New categories or segregable portions of records are being released upon request. These include documents declassified after October 1, 1994, for Open-Net, human experimentation records, and draft documents. In compliance with the new Executive Order (12958) the Department has declassified and made publicly available thousands of additional documents.

   b. The Department of Energy incurred costs of approximately $5,515,452.96 in administering the Freedom of Information Act in 1996. This figure includes the cost of services of Departmental personnel including salary and fringe benefits, litigation proceedings, overhead costs of such services (i.e., training, travel, subscriptions, printing, duplicating, and mailing), and other associated expenses for all program areas and field operation activities related to administering the Freedom of Information Act.

   c. There were 145 instances in which a formal 10-day extension of time was sought. The reasons for the extensions are as follow:

      1) The need to search for and collect requested
records from field facilities or other establishments that are separate from the office processing the request: 49

2) The need to search for, collect, and appropriately examine a voluminous number of separate and distinct records which are demanded in a single request: 65

3) The need for consultation with another agency having a substantial interest in the determination of the request or between two or more components of the agency having substantial subject-matter interest therein: 31

d. There were three instances in which a court appeal was taken on the basis of exhaustion of administrative procedures because the Department was unable to comply with the requests within the applicable time limits.
e. There were no instances in which a court ruled on the issue of additional time upon a showing of exceptional circumstances.