

**U.S. Department of Energy
2009 Annual FOIA Report**

I. Basic Information Regarding Report.

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B. An electronic copy of the Freedom of Information Act (FOIA) report can be obtained at http://management.energy.gov/documents/annual_reports.htm. The report can then be accessed by clicking **FOIA Annual Reports**.

C. A paper copy of the report can be obtained at the Headquarters Freedom of Information Public Reading Room located in the Forrestal Building, 1000 Independence Avenue, S.W., Washington, DC 20585, or by submitting a request to the FOIA/Privacy Act Group. 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.

A. 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/foia-pa.htm.

- B. 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. Definitions of Terms, Acronyms, and Exemptions Used in the Report.

- A. Agency specific acronyms or other terms are as follows:

DOE	Department of Energy
Field Offices	DOE offices not located in Washington metropolitan area
HQ	DOE Headquarters
NNSA/AL	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)
BPA	Bonneville Power Administration
CBFO	Carlsbad Field Office
CH	Chicago Operations Office
EMCBC	Environmental Management Consolidated Business Center
GFO	Golden Field Office
ID	Idaho Operations Office
NETL	National Energy Technology Laboratory
NR	Office of Naval Reactors
ORO	Oak Ridge Office

PNSO	Pacific Northwest Site Office
RL	Richland Operations Office
SROO	Savannah River Operations Office
OSTI	Office of Scientific and Technical Information
SEPA	Southeastern Power Administration
SWPA	Southwestern Power Administration
SPR	Strategic Petroleum Reserve
WAPA	Western Area Power Administration

B. Basic terms expressed in common terminology.

1. **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.
2. **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.
3. **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.
4. **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.
5. **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 the review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
6. **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.

7. **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.)

8. **Full Grant** -- an agency decision to disclose all records under the FOIA.
9. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
10. **Median Number** - the middle, not average number. For example, of 3, 7, and 14, the median number is 7.
11. **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 in each track are processed on a first-in/first out basis.
 - a. **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.
 - b. **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.
 - c. **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.

12. **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.
13. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken the final action in all respects.
14. **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.
15. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken a final action in all respects.
16. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
17. **Time limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily 20 working days from receipt of a perfected FOIA request.)

C. Descriptions of the nine FOIA exemptions.

1. Exemption 1: classified national defense and foreign relations information
2. Exemption 2: internal agency rules and practices
3. Exemption 3: information that is prohibited from disclosure by another federal law
4. Exemption 4: trade secrets and other confidential business information
5. Exemption 5: inter-agency or intra agency communications that are protected by legal privileges
6. Exemption 6: information involving matters of personal privacy
7. 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 (F) could reasonably be expected to endanger the life or physical safety of any individual

8. Exemption 8: information relating to the supervision of financial institutions
9. Exemption 9: geological information on wells

IV. Exemption 3 Statutes.

A. The Exemption 3 statutes relied on by DOE during the current fiscal year and a brief description of type (s) of information withheld under each statute are, as follows:

Statute	Type of Info Withheld	Case Citation	Number of Times Relied Upon per Component		Total Number of Times Relied Upon by Agency
National Defense Authorization Act, 41 U.S.C. 253	Contractor Proposals	Hornbostel vs. DOI, 3503.Supp2d 21 (DDC 2003)	NNSA/AL	3	17
			BPA	0	
			CBFO	1	
			CH	1	
			GFO	5	
			ID	1	
			NETL	1	
			NR	0	
			ORO	0	
			EMCBC	1	
			RL	1	
			PNSO	0	
			SRO	0	
			OSTI	0	
			SEPA	1	
			SWPA	0	
			SPR	0	
WAPA	2				
	HQ	0			
Atomic Energy Act of 1954 as amended, 42 U.S.C. 2011 et. seq.	Information classified as Restricted Data, Formerly Restricted Data, or Unclassified Controlled Nuclear Information	n/a	NNSA/AL	10	15
			BPA	0	
			CBFO	0	
			CH	0	
			GFO	0	
			ID	0	
			NETL	0	
			NR	0	
			ORO	0	
			EMCBC	0	
			RL	0	
			PNSO	0	
			SRO	0	
OSTI	0				

			SEPA SWPA SPR WAPA HQ	0 0 0 0 5	
10 U.S.C. 2371	Contractor proposals, proposal abstract and supporting documents	n/a	NNSA/AL BPA CBFO CH GFO ID NETL NR ORO EMCBC RL PNSO SRO OSTI SEPA SWPA SPR WAPA HQ	0 0 0 0 5 0 0 0 0 0 0 0 0 0 0 0 0 0	5
Trade Secrets Act	Cost information	n/a	NNSA/AL BPA CBFO CH GFO ID NETL NR ORO EMCBC RL PNSO SRO OSTI SEPA SWPA SPR WAPA HQ	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 1	1
10 U.S.C. 130	Naval Nuclear Propulsion	n/a	NNSA/AL BPA CBFO	0 0 0	1

	Information		CH	0	
			GFO	0	
			ID	0	
			NETL	0	
			NR	1	
			ORO	0	
			EMCBC	0	
			RL	0	
			PNSO	0	
			SRO	0	
			OSTI	0	
			SEPA	0	
			SWPA	0	
			SPR	0	
			WAPA	0	
			HQ	0	

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
NNSA/AL	***183	309	320	172
BPA	3	53	54	2
CBFO	1	9	9	1
CH	2	51	48	5
GFO	7	68	62	13
ID	2	40	41	1
NETL	3	67	61	9
NR	**3	13	16	0
ORO	14	259	246	27
EMCBC	9	38	40	7
RL	1	71	71	1
PNSO	0	19	19	0
SROO	2	51	48	5
OSTI	0	7	6	1
SEPA	0	8	8	0
SWPA	0	7	7	0
SPR	*1	5	6	0
WAPA	1	32	32	1
HQ	125	702	658	169

TOTALS	****357	1809	1752	414

* Correction – SPR had only 1 request pending instead of 2 at the end of FY08

** NR reported 4 pending last year. It was determined that one is being processed as a Navy request.

*** In the course of manually transferring cases to a new automated system, NNSA determined that there were more cases pending at the end of the last FY than reported in the agency’s Annual FOIA Report for FY08 or were mistakenly closed and had to be re-opened. NOTE: The NNSA is a separately organized agency within the DOE. NNSA operates a separate FOIA tracking system autonomous from the DOE.

**** This number does not match the pending number of 311 from the agency’s Annual FOIA Report for FY08 due to corrections made by the site offices referenced in the bullets 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	No records	Referred to another component or agency	Withdrawn	Fee related reason	Not reasonably described	Improper FOIA request for other reason	Not an agency record	Duplicate	Other *Explain in Chart Below	Total
NNSA/AL	146	58	5	62	10	19	3	2	6	4	5	0	320
BPA	33	18	0	1	1	1	0	0	0	0	0	0	54
CBFO	2	3	0	2	0	2	0	0	0	0	0	0	9
CH	16	1	1	13	1	9	4	2	0	0	0	1	48
GFO	8	17	6	13	7	3	0	2	0	2	4	0	62
ID	22	4	1	8	2	3	1	0	0	0	0	0	41
NETL	29	13	5	10	3	0	0	0	0	0	0	1	61
NR	9	3	0	2	1	0	1	0	0	0	0	0	16
ORO	170	11	0	30	5	11	0	4	11	1	3	0	246
EMCBC	10	6	1	3	5	5	4	2	1	3	0	0	40
RL	30	18	0	10	2	7	3	1	0	0	0	0	71
PNSO	13	1	0	3	2	0	0	0	0	0	0	0	19
SROO	16	13	0	9	8	0	0	0	0	2	0	0	48
OSTI	2	0	0	1	2	0	0	1	0	0	0	0	6
SEPA	5	0	1	2	0	0	0	0	0	0	0	0	8
SWPA	4	3	0	0	0	0	0	0	0	0	0	0	7
SPR	4	2	0	0	0	0	0	0	0	0	0	0	6
WAPA	10	16	0	1	0	3	0	0	1	0	0	1	32
HQ	155	102	7	83	265	45	0	0	0	0	1	0	658
TOTALS	684	289	27	253	314	108	16	14	19	12	13	3	1752

B.(2) Disposition of FOIA Requests – “Other” Reasons for “Full Denials Based on Reasons Other than Exemptions” from Section V, B(1) Chart.

Component	Description of “Other” Reasons for Denials from Chart B(1) & Number of Times Those Reasons Were Relied Upon	Total
NNSA/AL		0

BPA		0
CBFO		0
CH	Court Order to Quash FOIA request	1
GFO		0
ID		0
NETL	Information available on website	1
NR		0
ORO		0
EMCBC		0
RL		0
PNSO		0
SRO		0
OSTI		0
SEPA		0
SWPA		0
SPR		0
WAPA	Documents were available online	1
HQ		0
TOTAL		3

B.(3) Disposition of FOIA Requests – Number of Times Exemptions Applied.

FOIA Exemptions

	1	2	3	4	5	6	7A	7B	7C	7D	7E	7F	8	9
NNSA/AL	6	34	13	15	23	28	0	0	0	0	0	0	0	0
BPA	0	0	0	5	6	14	0	0	1	0	0	0	0	0
CBFO	0	0	1	2	1	0	0	0	0	0	0	0	0	0
CH	0	0	1	1	0	1	0	0	0	0	0	0	0	0
GFO	0	0	10	21	5	17	0	1	1	0	0	0	0	0
ID	0	0	1	4	0	0	0	0	0	0	0	0	0	0
NETL	0	0	1	17	0	0	0	0	0	0	0	0	0	0
NR	0	0	1	1	1	2	0	0	0	0	0	0	0	0
ORO	0	0	0	0	0	11	0	0	0	0	0	0	0	0
EMCBC	0	0	1	4	0	2	0	0	0	0	0	0	0	0
RL	0	2	1	1	4	12	0	0	0	0	0	0	0	0
PNSO	0	0	0	0	0	1	0	0	0	0	0	0	0	0
SROO	0	1	0	3	2	8	0	0	0	0	0	0	0	0
OSTI	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SEPA	0	0	1	0	0	0	0	0	0	0	0	0	0	0

SWPA	0	0	0	0	0	3	0	0	0	0	0	0	0	0
SPR	0	0	0	2	0	0	0	0	0	0	0	0	0	0
WAPA	0	0	2	8	3	3	0	0	0	0	0	0	0	0
HQ	4	11	6	30	15	59	2	0	8	2	0	0	0	1
TOTALS	10	48	39	114	60	161	2	1	10	2	0	0	0	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
13	49	58	4

B. Disposition of Administrative Appeals – All Processed Appeals.

Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	Total
28	9	5	16	58

C.(1) Reasons for Denial on Appeal – Number of times Exemptions Applied.

Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
2	4	1	2	7	4	0	0	0	0	0	0	0	0

C.(2) Reasons for Denial on Appeal – Reasons Other than Exemptions.

No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request In Litigation	Appeal Based On Denial of Request for Expedited Processing	Other
7	0	11	2	0	6	0	0	0	1	9

C.(3) Reasons for Denial on Appeal – “Other” Reasons from Section VI, C(2) Chart

Description of “Other” Reasons for Denial on Appeal from Chart C (2) & Number of Times Those Reasons Were Relied Upon	Total
Search Adequate	9

C.(4) Response Time for Administrative Appeals.

Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
15	30	1	351

C.(5) Ten Oldest Pending Administrative Appeals.

	10 th Oldest	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest
Date of Receipt	n/a	n/a	n/a	n/a	n/a	n/a	9/29/09	9/29/09	6/12/08*	6/20/07*
Number of Days Pending	n/a	n/a	n/a	n/a	n/a	n/a	1	1	326	572

* Involve classified records

VII. FOIA Requests: Response Time for Processed and Pending Requests.

A. Processed Requests – Response Time for All Processed Perfected Requests.

	Simple				Complex				Expedited 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
NNSA/AL (a)	15	20	<1	74	48	120	<1	935	0	0	0	0
BPA (b)	16	23	1	156	0	0	0	0	0	0	0	0
CBFO (b)	9	9	7	10	7	12	1	23	0	0	0	0
CH (b)	2	5	1	19	16	16	1	31	0	0	0	0
GFO (b)	16	31	<1	138	0	0	0	0	0	0	0	0
ID (a)	9	9	1	20	28	34	22	58	0	0	0	0
NETL (a)	10	18	1	120	0	0	0	0	0	0	0	0
NR (b)	19	20	1	65	77	77	77	77	0	0	0	0
ORO (a)	13	19	<1	106	50	93	1	309	0	0	0	0
EMCBC (a)	27	35	2	97	0	0	0	0	0	0	0	0
RL (a)	10	12	<1	58	0	0	0	0	0	0	0	0
PNSO (b)	12	12	1	25	0	0	0	0	0	0	0	0
SROO (a)	0	0	0	0	0	0	0	0	0	0	0	0
OSTI (b)	6	7	2	14	0	0	0	0	0	0	0	0
SEPA (b)	12	12	1	31	0	0	0	0	0	0	0	0
SWPA (b)	11	10	2	16	0	0	0	0	0	0	0	0
SPR (b)	7	5	1	8	12	47	6	122	0	0	0	0
WAPA (b)	10	10	1	21	0	0	0	0	0	0	0	0
HQ (b)	16	83	<1	2066	0	0	0	0	50	51	27	77
TOTALS	13	48	<1	2066	46	112	<1	935	50	51	27	77

(a) Certain components' systems could not separate perfected from non-perfected requests.

(b) Component did not have any non-perfected requests to report.

B. Processed Requests – Response Time for Perfected Requests in Which Information Was Granted.

	Simple				Complex				Expedited 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
NNSA/AL	17	19	1	46	41	79	1	935	0	0	0	0
BPA	11	15	1	63	0	0	0	0	0	0	0	0
CBFO	7	7	7	7	2	2	2	2	0	0	0	0
CH	8	8	1	19	20	21	12	31	0	0	0	0
GFO	12	16	<1	35	0	0	0	0	0	0	0	0
ID	4	6	1	18	30	30	30	30	0	0	0	0
NETL	12	13	1	45	0	0	0	0	0	0	0	0
NR	12	12	1	22	77	77	77	77	0	0	0	0
ORO	14	19	1	73	47	85	1	309	0	0	0	0
EMCBC	31	37	7	72	0	0	0	0	0	0	0	0
RL	11	12	<1	30	0	0	0	0	0	0	0	0
PNSO	11	11	1	25	0	0	0	0	0	0	0	0
SROO	13	27	4	97	0	0	0	0	0	0	0	0
OSTI	11	11	8	13	0	0	0	0	0	0	0	0
SEPA	16	16	1	31	0	0	0	0	0	0	0	0
SWPA	5	7	2	15	0	0	0	0	0	0	0	0
SPR	7	5	1	8	122	122	122	122	0	0	0	0
WAPA	11	11	1	21	0	0	0	0	0	0	0	0
HQ	23	93	<1	2066	0	0	0	0	64	64	50	77
TOTALS	15	39	<1	2066	40	78	<1	935	64	64	50	77

C. Processed Requests – Response Time in Day Increments (Breakdown of total processed in Section 5(A))

(SIMPLE REQUESTS)

	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
NNSA/AL	19	10	3	1	0	0	0	0	0	0	0	0	0	33
BPA	34	13	3	1	1	0	1	1	0	0	0	0	0	54
CBFO	2	0	0	0	0	0	0	0	0	0	0	0	0	2
CH	42	0	0	0	0	0	0	0	0	0	0	0	0	42
GFO	36	11	4	4	0	4	3	0	0	0	0	0	0	62
ID	37	0	0	0	0	0	0	0	0	0	0	0	0	37
NETL	48	7	3	1	0	2	0	0	0	0	0	0	0	61
NR	10	2	2	1	0	0	0	0	0	0	0	0	0	15
ORO	144	43	27	9	0	0	0	0	0	0	0	0	0	223
EMCBC	12	13	9	3	3	0	0	0	0	0	0	0	0	40
RL	59	9	3	0	0	0	0	0	0	0	0	0	0	71
PNSO	17	2	0	0	0	0	0	0	0	0	0	0	0	19
SROO	35	8	3	0	2	0	0	0	0	0	0	0	0	48
OSTI	6	0	0	0	0	0	0	0	0	0	0	0	0	6
SEPA	7	1	0	0	0	0	0	0	0	0	0	0	0	8
SWPA	7	0	0	0	0	0	0	0	0	0	0	0	0	7
SPR	3	0	0	0	0	0	0	0	0	0	0	0	0	3
WAPA	31	1	0	0	0	0	0	0	0	0	0	0	0	32
HQ	361	93	45	39	20	11	8	3	2	3	21	18	31	655
TOTALS	910	213	102	59	26	17	12	4	2	3	21	18	31	1418

(COMPLEX REQUESTS)

	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
NNSA/AL	58	62	49	18	15	8	5	4	6	5	20	15	22	287
BPA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CBFO	5	2	0	0	0	0	0	0	0	0	0	0	0	7
CH	4	2	0	0	0	0	0	0	0	0	0	0	0	6

GFO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ID	0	3	1	0	0	0	0	0	0	0	0	0	0	4
NETL	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NR	0	0	0	1	0	0	0	0	0	0	0	0	0	1
ORO	6	3	4	2	2	1	0	0	0	0	4	1	0	23
EMCBC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RL	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PNSO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SROO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OSTI	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SEPA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SWPA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SPR	2	0	0	0	0	0	1	0	0	0	0	0	0	3
WAPA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HQ	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	75	72	54	21	17	9	6	4	6	5	24	16	22	331

(REQUESTS GRANTED EXPEDITED PROCESSING)

	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
NNSA/AL	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BPA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CBFO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CH	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GFO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ID	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NETL	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NR	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ORO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EMCBC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RL	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PNSO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SROO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OSTI	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SEPA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SWPA	0	0	0	0	0	0	0	0	0	0	0	0	0	0

SPR	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WAPA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HQ	0	1	1	1	0	0	0	0	0	0	0	0	0	3
TOTALS	0	1	1	1	0	0	0	0	0	0	0	0	0	3

D. Pending Requests – All Pending Perfected Requests

	Simple			Complex			Expedited 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
NNSA/AL	14	17	51	158	157	267	0	0	0
BPA	1	27	27	1	87	87	0	0	0
CBFO	0	0	0	1	2	2	0	0	0
CH	2	2	2	3	10	11	0	0	0
GFO	13	20	20	0	0	0	0	0	0
ID	0	0	0	1	16	16	0	0	0
NETL	9	26	22	0	0	0	0	0	0
NR	0	0	0	0	0	0	0	0	0
ORO	15	19	17	12	150	120	0	0	0
EMCBC	7	21	49	0	0	0	0	0	0
RL	1	85	85	0	0	0	0	0	0
PNSO	0	0	0	0	0	0	0	0	0
SROO	5	1	2	0	0	0	0	0	0
OSTI	1	63	63	0	0	0	0	0	0
SEPA	0	0	0	0	0	0	0	0	0
SWPA	0	0	0	0	0	0	0	0	0
SPR	0	0	0	0	0	0	0	0	0

WAPA	1	5	5	0	0	0	0	0	0
HQ	168	61	178	0	0	0	1	16	16
TOTALS	237	40	134	176	139	251	1	16	16

E. Pending Requests – Ten Oldest Pending Perfected Requests

	10 th Oldest Request and Number of Days Pending	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest Request and Number of Days Pending
NNSA/AL	3/5/07 646	2/15/07 660	2/12/07 663	11/8/06 726	10/19/06 740	6/6/06 834	4/18/06 868	2/6/06 918	3/5/01 2231	2/7/00 2479
BPA	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	8/21/09 27	5/28/09 87
CBFO	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	9/28/09 2
CH	n/a	n/a	n/a	n/a	n/a	9/29/09 1	9/29/09 1	9/28/09 2	9/8/09 *9	9/1/09 *18
GFO	9/15/09 11	9/14/09 12	9/9/09 15	9/1/09 20	9/1/09 20	8/25/09 25	8/21/09 27	8/20/09 28	8/17/09 31	7/24/09 47
ID	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	9/7/09 16

NETL	n/a	9/23/09	9/4/09	9/4/09	9/2/09	8/24/09	8/24/09	8/19/09	8/19/09	8/18/09
		5	17	17	19	26	26	29	29	30
NR	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
ORO	8/14/09	8/6/09	4/1/09	3/25/09	2/2/09	1/22/09	1/7/09	1/7/09	12/11/08	12/8/08
	32	37	127	131	170	177	187	187	201	204
EMCBC	n/a	n/a	n/a	9/25/09	9/24/09	9/8/09	8/31/09	6/25/09	5/11/09	3/19/09
				3	4	16	21	67	99	136
RL	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	7/15/09
										85
PNSO	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
SROO	n/a	n/a	n/a	n/a	n/a	9/29/09	9/29/09	9/29/09	9/29/09	9/21/09
						1	1	1	1	7
OSTI	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	7/1/09
										63
SEPA	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
SWPA	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
SPR	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
WAPA	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	9/23/09

										5
HQ	2/23/06	12/27/05	8/5/05	8/5/05	2/3/05	12/15/04	10/7/04	6/18/03	3/12/03	2/14/01
	939	981	1083	1083	1214	1250	1299	1640	1710	2250

* Tolled

Agency Overall	10th Oldest Request and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request and Number of Days Pending
	8/5/05	8/5/05	2/3/05	12/15/04	10/7/04	6/18/03	3/12/03	3/5/01	2/14/01	2/7/00
	1083	1083	1214	1250	1299	1640	1710	2231	2250	2479

VIII. Requests for Expedited Processing and Requests for Fee Waiver

A. Requests for Expedited Processing

	Number Granted	Number Denied	Median Number of Days to Adjudicated	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
NNSA/AL	0	3	28	25	1
BPA	0	0	0	0	0
CBFO	0	0	0	0	0

CH	0	0	0	0	0
GFO	0	0	0	0	0
ID	0	0	0	0	0
NETL	0	0	0	0	0
NR	0	0	0	0	0
ORO	0	0	0	0	0
EMCBC	0	0	0	0	0
RL	0	0	0	0	0
PNSO	0	0	0	0	0
SROO	0	0	0	0	0
OSTI	0	0	0	0	0
SEPA	0	0	0	0	0
SWPA	0	0	0	0	0
SPR	0	0	0	0	0
WAPA	0	0	0	0	0
HQ	4	33	5	37	30
TOTALS	4	36	2	7	31

B. Requests for Fee Waiver

	Number Granted	Number Denied	Median Number of Days to Adjudicated	Average Number of Days to Adjudicate
NNSA/AL	6	1	30	29
BPA	2	1	4	3
CBFO	2	0	13	13
CH	3	0	1	1
GFO	1	0	5	5
ID	0	0	0	0

NETL	0	0	0	0
NR	0	0	0	0
ORO	4	0	1	1
EMCBC	1	2	7	8
RL	6	14	5	2
PNSO	0	0	0	0
SROO	0	0	0	0
OSTI	0	0	0	0
SEPA	2	0	3	3
SWPA	0	0	0	0
SPR	0	0	0	0
WAPA	0	0	0	0
HQ	21	1	2	3
TOTALS	48	19	7	7

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	FOIA Processing Costs	Litigation Related Costs	Total Costs
NNSA/AL	6	1.50	7.50	\$562,910.10	\$229,280.00	\$792,190.10
BPA	1	.35	1.35	\$92,300.00	0	\$92,300.00
CBFO	0	.15	.15	\$12,750.00	0	\$12,750.00
CH	0	.45	.45	\$39,683.75	0	\$39,683.75
GFO	1	.50	1.50	\$124,500.00	0	\$124,500.00

ID	0	1.00	1.00	\$104,525.00	0	\$104,525.00
NETL	0	.49	.49	\$75,000.00	0	\$75,000.00
NR	0	.05	.05	\$1,443.03	0	\$1,443.03
ORO	4	3.00	7.00	\$506,888.00	0	\$506,888.00
EMCBC	1	1.00	2.00	\$140,500.00	0	\$140,500.00
RL	1	2.00	3.00	\$91,734.97	0	\$91,734.97
PNSO	0	.05	.05	\$5,050.00	0	\$5,050.00
SROO	0	.75	.75	\$75,322.00	0	\$75,322.00
OSTI	0	.02	.02	\$2,304.00	0	\$2,304.00
SEPA	0	.03	.03	\$1,872.00	0	\$1,872.00
SWPA	0	.02	.02	\$571.10	0	\$571.10
SPR	0	.03	.03	\$2,200.00	0	\$2,200.00
WAPA	0	.65	.65	\$53,381.25	0	\$53,381.25
HQ	6	26.53	32.53	\$2,465,571.37	\$165,749.00	\$2,631,320.37
TOTALS	20	38.57	58.57	\$4,358,506.57	\$395,029.00	\$4,753,535.57

X. Fees Collected for Processing Requests.

	Total Amount of Fees Collected	Percentage of Total Costs
NNSA/AL	\$1,680.17	.002
BPA	\$502.78	.01
CBFO	0	0
CH	\$278.05	.01
GFO	\$2,906.70	.02
ID	0	0
NETL	\$100.00	.001
NR	0	0
ORO	\$624.00	.001
EMCBC	\$103.60	.001

RL	\$770.30	.01
PNSO	0	0
SROO	0	0
OSTI	0	0
SEPA	\$500.00	.27
SWPA	0	0
SPR	\$1,030.70	.47
WAPA	\$3,655.76	.07
HQ	\$2,118.91	.001
TOTALS	\$14,270.97	.003

XI. FOIA Regulations.

The DOE FOIA regulation can be found at http://www.access.gpo.gov/nara/cfr/waisidx_06/10cfr1004_06.html.

XII. Backlogs, Consultations, and Comparisons

A. Backlog 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
NNSA/AL	140	0
BPA	2	0
CBFO	0	0
CH	0	0
GFO	5	0
ID	0	0
NETL	5	0
NR	0	0
ORO	11	0

EMCBC	4	0
RL	1	0
PNSO	0	0
SROO	0	0
OSTI	1	0
SEPA	0	0
SWPA	0	0
SPR	0	0
WAPA	0	0
HQ	128	2
TOTALS	297	2

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

	Number of Consultations Received from Other Agencies that Were Pending at your Agency 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 your Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that Were Pending at Your Agency as of End of the Fiscal Year
NNSA/AL	5	0	5	0
BPA	0	0	0	0
CBFO	0	0	0	0
CH	0	0	0	0
GFO	0	0	0	0
ID	0	0	0	0
NETL	0	0	0	0
NR	0	0	0	0
ORO	0	0	0	0
EMCBC	0	0	0	0

RL	0	1	1	0
PNSO	0	0	0	0
SROO	0	0	0	0
OSTI	0	0	0	0
SEPA	0	0	0	0
SWPA	0	0	0	0
SPR	0	0	0	0
WAPA	0	0	0	0
HQ	*104	174	192	86
TOTALS	**109	175	198	86

* Our ending number for FY08 was 124. However, it was determined that 20 cases were in-house consultations and already being counted in the direct pending numbers.

** This number does not match the pending number of 129 from the agency's Annual FOIA Report for FY08 due to corrections made by the offices referenced in the bullet above.

C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency

	10th Oldest Consultation and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation and Number of Days Pending
NNSA/AL	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
BPA	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
CBFO	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

CH	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
GFO	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
ID	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
NETL	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
NR	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
ORO	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
EMCBC	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
RL	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
PNSO	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
SRO	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
OSTI	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
SEPA	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
SWPA	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

SPR	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
WAPA	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
HQ	7/20/04	7/7/04	6/13/03	7/22/02	7/3/02	8/29/01	6/14/01	1/26/01	1/25/01	6/11/98
	*1206	1214	1462	1669	1681	*1877	*1925	*2013	*2014	*2623

* This case was listed last year and reflected calendar days which was a higher number.

Agency Overall	10 th Oldest Consultation and Number of Days Pending	9 th	8 th	7 th	6 th	5 th	4 th	3 rd	2 nd	Oldest Consultation and Number of Days Pending
	7/20/04	7/7/04	6/13/03	7/22/02	7/3/02	8/29/01	6/14/01	1/26/01	1/25/01	6/11/98
	1206	1214	1462	1669	1681	1877	1925	2013	2014	2623

D. Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged

	Number of Requests Received		Number of Requests Processed	
	Number Received During Fiscal Year from Last Fiscal Year's 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
NNSA/AL	354	309	321	320
BPA	60	53	62	54
CBFO	12	9	11	9

CH	47	51	47	48
GFO	48	68	43	62
ID	39	40	40	41
NETL	48	67	50	61
NR	9	13	7	16
ORO	277	259	323	246
EMCBC	33	38	28	40
RL	90	71	98	71
PNSO	8	19	10	19
SROO	37	51	47	48
OSTI	6	7	6	6
SEPA	2	8	2	8
SWPA	7	7	7	7
SPR	10	5	8	6
WAPA	14	32	15	32
HQ	504	702	589	658
TOTALS	1605	1809	1714	1752

	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
NNSA/AL	*163	140
BPA	2	2
CBFO	0	0
CH	1	0
GFO	1	5
ID	1	0
NETL	2	5
NR	2	0
ORO	10	11
EMCBC	2	4

RL	0	1
PNSO	0	0
SROO	1	0
OSTI	0	1
SEPA	0	0
SWPA	0	0
SPR	1	0
WAPA	0	0
HQ	108	128
TOTALS	**294	297

* In the course of manually transferring cases to a new automated system, NNSA determined that there were more cases backlogged at the end of the last FY than reported in the agency's Annual FOIA Report for FY08 or were mistakenly closed and had to be re-opened. NOTE: The NNSA is a separately organized agency within the DOE. NNSA operates a separate FOIA tracking system autonomous from the DOE.

** This number does not match the backlogged number of 247 from the agency's Annual FOIA Report for FY08 due to corrections made by the NNSA site office referenced in the bullet above.

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

	Number of Appeals Received		Number of Appeals Processed	
	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
Agency Overall	55	49	51	58

	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
Agency Overall	6	2

