

**U.S. Department of Energy
National Nuclear Security Administration
Nevada Site Office
Freedom of Information Act (FOIA)
2004 Fiscal Year Annual Report**

In October 1996, Congress enacted the Electronic Freedom of Information Act Amendments, one of which (5 U.S.C. 552(e)) requires agencies to make available to the public their yearly FOIA Annual Reports. This information must be included in electronic format on agency Internet web sites, and must be available in print at agency reading rooms.

I. Basic Information Regarding Report

A. *Person(s) to contact with questions about this report:*

Darwin J. Morgan, Director
U.S. Department of Energy
National Nuclear Security Administration
Nevada Site Office
Office of Public Affairs
P.O. Box 98518
Las Vegas, NV 89193-8518
(702) 295-3521

B. *World Wide Web Address:* The World Wide Web address to obtain an electronic copy of the U.S. Department of Energy, National Nuclear Security Administration Nevada Site Office (NNSA/NSO) Freedom of Information Act (FOIA) annual report is: <http://www.nv.doe.gov/programs/foia/foia.htm>

C. *Paper Copy:* A paper copy of the annual report can be obtained at the NNSA/NSO Public Reading Facility, Nuclear Testing Archive, located at 755 E. Flamingo Road, Las Vegas, Nevada, or by submitting a request to the Freedom of Information and Privacy Acts Officer listed in II.A. The hours of the Public Reading Facility are from 7:30 a.m. to 4:30 p.m. Monday through Friday; telephone number (702) 295-1628, fax number (702) 295-1624.

II. How to Make a FOIA Request

FOIA requests to the NNSA/NSO may be submitted in writing, by fax, e-mail, or electronically using our E-FOIA on-line form. The NNSA/NSO home page provides a link to the FOIA home page (<http://www.nv.doe.gov/programs/foia/default.htm>) that provides instructions on how to make a FOIA request.

- A. *Officer who receives FOIA requests:*
 Kevin J. Rohrer
 Freedom of Information and Privacy Acts Officer (*Acting*)
 U.S. Department of Energy
 National Nuclear Security Administration
 Nevada Site Office
 P.O. Box 98518
 Las Vegas, NV 89193-8518
 Telephone (702) 295-3521 or fax (702) 295-0154
 E-mail *foia-pa@nv.doe.gov*
- B. *Agency Response Times:* The response time to complete action on a FOIA case ranges from 2 workdays to 2 years, based upon the complexity of the request, the need to conduct a classification review of responsive documents, and the need to consult and coordinate with other federal agencies on the review of documents.
- C. *Reasons Requests Are Not Granted:* A requestor may not be granted records that are requested because: (1) an assurance to pay fees incurred was not provided; (2) the request does not reasonably describe the records sought; (3) the information requested is exempt from disclosure and a foreseeable harm has been identified to permit withholding of the information.

III. Definitions of Terms and Acronyms Used in the Report

Basic terms expressed in common terminology. Terms are listed alphabetically.

- A. **Appeal** – a request to a federal agency asking that the agency review, at a higher administrative level, a full denial or partial denial of access to records under the FOIA, or any other FOIA determination such as matters pertaining to fees.
- B. **Average Number** – the number obtained by dividing the sum of a group of numbers by the quantity of numbers. For example, of 3, 7, and 14, the average number is 8.
- C. **Complex Request** – a FOIA request that an agency using multi-track processing places on a slower track based upon complexity and/or volume of records. *For purposes of this report, a Complex Request is a request that could not be processed within 30 workdays (20 workdays by statute plus a 10-workday extension).*
- D. **Denial** – an agency decision not to release a part of a record or records in response to a FOIA request because not all the information in the requested records is determined by the agency to be exempted under one or more of the FOIA exemptions.
- E. **Expedited Processing** – an agency will process a FOIA request on an expedited basis when the requestor has shown an exceptional need or urgency for records which warrants prioritization of the request over requests made earlier.

- F. **FOIA/PA Request** – Freedom of Information Act/Privacy Act request. A FOIA request is generally for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. All requests for access to records, regardless of which law is cited by the requestor, are included in this report.
- G. **Grant** – an agency decision to disclose all records in full in response to a FOIA request.
- H. **Initial Request** – a request to a federal agency for access to records under the FOIA.
- I. **Median Number** – the middle, not the average, number. For example, of 3, 7, and 14, the median number is 7.
- J. **Multi-Track Processing** – a system in which simple requests (requiring minimal work) are placed in one processing track, while more voluminous or complex requests (requiring extensive work) are processed in a first-in/first-out basis. Urgent requests for records may be expedited (see “Expedited Processing”).
- K. **Nondisclosure** – an agency procedural reason for not disclosing records, such as “no records exist,” “not an agency record,” or “request canceled.”□
- L. **Partial Grant** – an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA exemptions, or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
- M. **Processed Request or Processed Appeal** – a request or an appeal with which an agency has taken final action. In this context, “processed” is synonymous with “completed.”□
- N. **Segregability Review** – the act of reviewing a document, removing portions containing information that cannot be released under FOIA exemption(s), and then releasing the edited document to the requestor (see “Partial Grant”).
- O. **Simple Request** – a FOIA request that an agency using multi-track processing places in its fastest track based upon simplicity and/or volume of records. *For purposes of this report, a Simple Request is a request that was processed in 30 calendar days or less (20 workdays by statute plus 10 non-statute days [weekends and holidays] the request remains open).*
- P. **Time Limits** - the time period in the FOIA for an agency to respond to a FOIA request, ordinarily 20 workdays from proper receipt of the request.

IV. Initial FOIA/PA Access Requests

Number of initial requests.

Number of requests received during fiscal year 2004:	47
Number of requests pending at the end of the previous fiscal year:	2
Number of requests processed during fiscal year 2004:	49
Number of requests pending at the end of fiscal year 2004:	0

Disposition of processed requests.

Number of total grants:	19
Number of partial denials:	8
Number of full denials:	3
Number of requests transferred in full:	1

Other reasons for nondisclosure:

1. no records exist:	8
2. referrals:	0
3. request cancelled:	10
4. fee related:	0
5. records not described:	0
6. not FOIA request:	0
7. not agency record:	3
8. duplicate request:	0
9. other:	1

Number of times each FOIA exemption was used,
counting each exemption once per request:

1. Exemption 1:	4
2. Exemption 2:	1
3. Exemption 3:	3
4. Exemption 4:	0
5. Exemption 5:	1
6. Exemption 6:	0
7. Exemption 7:	0
8. Exemption 8:	0
9. Exemption 9:	0

V. Appeals of Initial Denials of FOIA/PA Requests

A. *Number of appeals.*

Number of appeals received during fiscal year 2004: 1
 Number of appeals processed during fiscal year 2003: 0

A. *Disposition of appeals.*

Number completely upheld: 0
 Number partially reversed: 0
 Number completely reversed: 0
 Number of dismissals: 0

VI. Compliance With Time Limits / Status of Pending Requests

Average and Median processing time for requests processed during the year:	Simple Requests	Complex Requests	Expedited Requests
Number processed	48	1	0
Median number of days to process	13	48	0
Average number of days to process	8.3	48	0
Pending Requests	0	0	0

VII. Costs/FOIA Staffing

A. Staffing levels:

Number of full-time FOIA personnel: 1
 Number of part-time FOIA personnel: 1
 Total number of personnel: 2

B. Total costs (*including non-staff costs*): \$ 66,935.50

FOIA staffing costs: \$41,183.00
 FOIA non-staff costs: \$25,752.50

FOIA Processing: \$66,935.50
 Litigations: \$ 108.08
 Total costs: \$67,043.58

VIII. Fees

A. Total amount of fees collected by agency for processing requests: \$108.08

B. Percentage of total costs: < 1%

IX. FOIA Regulations and Fee Schedule:

FOIA regulations for the U.S. Department of Energy are enumerated in Title 10, Code of Federal Regulations (CFR), Part 1004. These regulations can be found on the NNSA/NSO Internet web site at <http://www.nv.doe.gov/programs/foia/foia.htm>. The Fee Schedule is enumerated at 10 CFR § 1004.9. Paper copies of the Code and Fee Schedule can be obtained from the NNSA/NSO Public Reading Facility.