

**U.S. Department of Energy
2001 Annual Report**

I Basic Information Regarding Report.

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- B. The World Wide Web address to obtain an electronic copy of the Freedom of Information Act (FOIA) report is www.ma.doe.gov/es/foia.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 Act Public Reading Room located in the Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, or by submitting a request to the FOIA/Privacy Act Division. The hours of the Reading Room at Headquarters are from 9:00 a.m. to 4:00 p.m. daily.

II How to Make a FOIA Request.

- A. ***Officer who receives FOIA requests:*** The Department of Energy FOIA Home Page links to the FOIA Reference Guide, which provides instructions on how to make a FOIA request. The FOIA Home Page address is www.ma.doe.gov/es/foia.htm and the Guide can be accessed by clicking **Reference Guide**. A FOIA request may be submitted electronically through the DOE FOIA Home Page, by facsimile at (202) 586-0575, or by mail to:

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- B. ***Agency Response Times:*** The response time to complete action on FOIA cases ranges from 2 days to 3 years based on the complexity of the request, the need to conduct a classification review of documents that are identified as responsive, or the need to consult and coordinate with other federal agencies on the review of documents.
- C. ***Reasons Requests Are Not Granted:*** A requester may not be granted records that are requested because (1) the requester did not agree to pay fees incurred to process a request; (2) the request does not reasonably describe the records sought; or (3) the information requested is exempt from disclosure.

III **Definitions of Terms and Acronyms Used in the Report.**

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

DOE - Department of Energy.

Access Team - FOIA Division personnel that assist with FOIA related issues.

Field Office - DOE offices that are not located in the Washington metropolitan area.

- C. Basic terms expressed in common terminology.
 - 1. ***Appeal*** - a request to a federal agency asking that it 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 a matter pertaining to fees.
 - 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. ***Complex request*** - a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
 - 4. ***Denial*** - an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt from disclosure under one or more FOIA exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
 - 5. ***Exemption 3 statute*** - separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).

6. ***Expedited processing*** - an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records that warrants prioritization of his or her request over other requests that were made earlier.
7. ***FOIA/PA request*** - Freedom of Information Act/Privacy Act request. A FOIA request is generally a request 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 requester, are included in this report.)
8. ***Grant*** - an agency decision to disclose all records in full in response to a FOIA request.
9. ***Initial request*** - a request to a federal agency for access to records under the FOIA.
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 requester who has an urgent need for records may request expedited processing.
12. ***Nondisclosure*** - an agency procedural reason for not disclosing records, such as “no records exist,” “not an agency record,” or “request canceled.”
13. ***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 FOIA exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
14. ***Processed request or appeal*** - a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
15. ***Segregability review*** - the act of reviewing a document. Removing portions containing information that cannot be released under one or more FOIA exemptions, and then releasing the edited document to the requester. (See “Partial Grant”.)

16. **Simple request** - a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
17. **Time limits** - the time period in the FOIA for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a FOIA request).

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:

National Defense Authorization Act for FY 1997, 41 U.S.C. 253(b)(m). Agency withheld technical, management, and cost proposals submitted in response to the requirements of a solicitation for a competitive proposal.

Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 *et seq.* Agency withheld information that is classified as Restricted Data and Formerly Restricted Data, or determined to be Unclassified Controlled Nuclear Information (UCNI).

Procurement Integrity Act, 41 U.S.C. 423. Agency withheld source selection information.

Internal Revenue Code, 26 U.S.C. 6103. Agency withheld federal tax identification number.

- B. Statement of whether a court has upheld the use of each statute. If so, then cite example. **Case was settled.**

V Initial FOIA/PA Access Requests.

A. Numbers of initial requests.

1.	Number of requests pending as of end of preceding fiscal year	1000
2.	Number of requests received during current fiscal year	3245
3.	Number of requests processed during current fiscal year	2673
4.	Number of requests pending as of end of current fiscal year	1572
	(Enter this number also in Line VII.B.I.)	

B. Disposition of initial requests.

1.	Number of total grants	1790
2.	Number of partial grants	445
3.	Number of denials	43

a. Number of times each FOIA exemption used (counting each exemption once per request)

(1)	Exemption 1	14
(2)	Exemption 2	7
(3)	Exemption 3	78
(4)	Exemption 4	172
(5)	Exemption 5	93
(6)	Exemption 6	139
(7)	Exemption 7(A)	5
(8)	Exemption 7(B)	0
(9)	Exemption 7(C)	13
(10)	Exemption 7(D)	2
(11)	Exemption 7(E)	2
(12)	Exemption 7(F)	0
(13)	Exemption 8	0
(14)	Exemption 9	0

4. Other reasons for nondisclosure (total) 395

a.	no responsive records	124
b.	referred to other agency	17
c.	withdrawn/cancelled	161
d.	no fee agreement	5
e.	not reasonably described	43
f.	not proper FOIA request	11
g.	not an agency record	12
h.	duplicate request	19
i.	other (specify) -	3

VI Appeals of Initial Denials of FOIA/PA Requests.

A. Number of appeals.

1.	Number of appeals received during fiscal year	83
2.	Number of appeals processed during fiscal year	87

B. Disposition of appeals.

1.	Number completely upheld	39
2.	Number partially reversed	34
3.	Number completely reversed	1
4.	Number of dismissals	13

a. Number of times each FOIA exemption used (counting each exemption once per appeal)

(1)	Exemption 1	1
(2)	Exemption 2	0
(3)	Exemption 3	5
(4)	Exemption 4	2
(5)	Exemption 5	4
(6)	Exemption 6	7
(7)	Exemption 7(A)	0
(8)	Exemption 7(B)	0
(9)	Exemption 7(C)	1
(10)	Exemption 7(D)	0
(11)	Exemption 7(E)	0
(12)	Exemption 7(F)	0
(13)	Exemption 8	0
(14)	Exemption 9	0

5. Other reasons for nondisclosure (total) 30

a.	no responsive records	17
b.	referred to another agency	0
c.	withdrawn/cancelled	0
d.	no agreement to pay fees	4
e.	not reasonably described	0
f.	not a proper FOIA request	0
g.	not an agency record	4
h.	duplicates	0
i.	Other (specify)	

Adequacy of search - 21; non-responsive material - 1; appeal moot, not ripe, or beyond jurisdiction -13.

VII Compliance with Time Limits/Status of Pending Requests.

A. Median processing time for requests processed during the year.

1. Simple requests (if multiple tracks used).

a.	number of requests processed	1434
b.	median number of days to process	211

2. Complex requests (specify for any and all tracks used).

a.	number of requests processed	1151
b.	median number of days to process	1788

- 3. **Requests accorded expedited processing.**
 - a. number of requests processed 88
 - b. median number of days to process 10

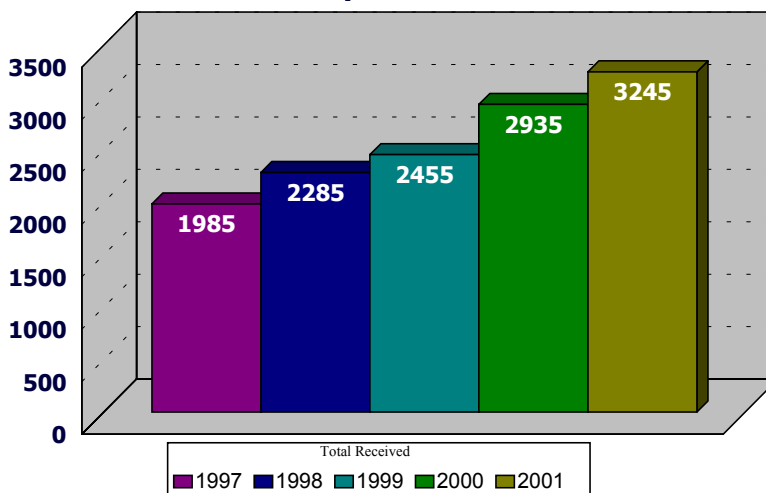
B. Status of pending requests.

- 1. Number of requests pending as of end of current fiscal year
(Enter this number from Line V.A.4.) 1572
- 2. Median number of days that such requests were pending
as of that date 2009

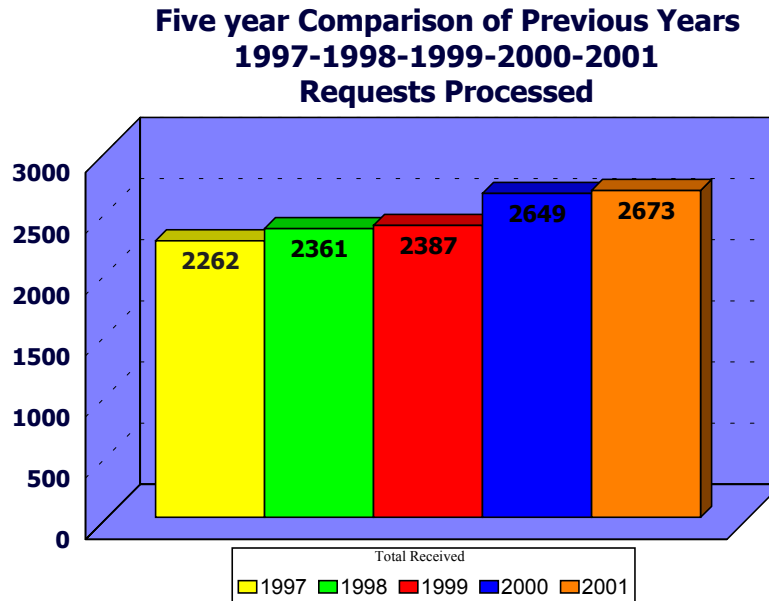
VIII Comparisons with Previous Year(s) (Optional).

- A. Comparison of numbers of requests received.

**Five year Comparison of Previous Years
1997-1998-1999-2000-2001
Requests Received**



B. Comparison of numbers of requests processed.



C. **Optional.**

D. **Optional.**

E. The Headquarters FOIA/PA Division completed several tasks in its project plan to establish an E-FOIA Reading Room accessible through the DOE Home Page. A web hosting agreement was reached with the DOE Office of Chief Information Officer and design characteristics and function requirements for the E-FOIA repository and web page were developed. Elements of the FOIA/PA electronic tracking and case management system were modified to facilitate the export of information to the web page.

A regional meeting of FOIA Officers was held at Headquarters. Topics of discussion included dispute resolution and consulting with customers to resolve processing issues. In addition, there was a discussion on category of requesters and fee issues based on current DOE appeal decisions.

A meeting was held with information professionals, private sector and the government representatives from eastern European countries to discuss the implementation of federal access laws in the United States.

Monthly conference calls involving Headquarters and field FOIA personnel to

share information and discuss issues affecting the FOIA program were continued.

IX Costs/FOIA Staffing.

A. Staffing levels.

1.	Number of full-time FOIA personnel	31
2.	Number of personnel with part-time or occasional FOIA duties (in total work years)	38.7
3.	Total number of personnel (in work years)	69.7

B. Total costs (including staff and all resources).

1.	FOIA processing (including appeals)	\$2,478,599.00
2.	Litigation-related activities (estimated)	701,000.00
3.	Total costs	\$3,179,599.00
4.	Optional	

C. Optional

X Fees.

A.	Total amount of fees collected by agency for processing requests	\$82,365.30
B.	Percentage of total costs	2.6%

XI FOIA Regulation (including Fee Schedule).

To obtain the Department of Energy FOIA regulation, go to www.ma.doe.gov/es/foia.htm and click on **Federal Register and look for US Codes and CFR.**