

**U.S. Department of Energy
2000 Annual Report**

I. Basic Information Regarding Report

A. Abel Lopez, Director
FOIA/Privacy Act Division
Office of the Executive Secretariat
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585
202-586-5955

Sandi Beatty
Information Specialist, MA-73
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585
202-586-5955

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/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, 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.

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

A. Abel Lopez, Director
FOIA/Privacy Act Division
Office of the Executive Secretariat
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585
202-586-5955

- B. 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. 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 and a foreseeable harm to permit withholding of the information has been identified in accordance with the Attorney General's Memorandum for Heads of Departments and Agencies regarding the Freedom of Information Act, October 4, 1993.

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 Office 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. *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.)
 - 2. *Initial Request* -- a request to a federal agency for access to records under the FOIA.
 - 3. *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.
 - 4. *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.

5. **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.
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. **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.
8. **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.
9. **Grant** -- an agency decision to disclose all records in full in response to a FOIA request.
10. **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 entireties, but to withhold others in whole or in part.
11. **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 exempted under one or more of FOIA exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. **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).
13. **Exemption 3 statute** -- separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
14. **Median number** -- the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

15. **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.

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, Formerly Restricted Data, or Uncontrolled Classified 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.

Department of the Interior and Related Agencies Appropriations Act, 1993, P.L. 102-381. Agency withheld trade secret or commercial or financial information resulting from activities conducted by the United States Advanced Battery Consortium and the hybrid vehicle propulsion development program.

- B. Statement of whether a court has upheld the use of each statute. If so, then cite example. No decisions were issue this year

V. Initial FOIA/PA Access Requests

- A. **Numbers of initial requests.**

1.	Number of requests pending as of end of preceding fiscal year	810
2.	Number of requests received during current fiscal year	2935
3.	Number of requests processed during current fiscal year	2649
4.	Number of requests pending as of end of current fiscal year (Enter this number also in Line VII.B.I)	1000

B. Disposition of initial requests.

1.	Number of total grants	1546
2.	Number of partial grants	328
3.	Number of denials	34
a.	Number of times each FOIA exemption used (counting each exemption once per request)	
(1)	Exemption 1	6
(2)	Exemption 2	2
(3)	Exemption 3	41
(4)	Exemption 4	86
(5)	Exemption 5	96
(6)	Exemption 6	120
(7)	Exemption 7(A)	12
(8)	Exemption 7(B)	0
(9)	Exemption 7(C)	25
(10)	Exemption 7(D)	4
(11)	Exemption 7(E)	1
(12)	Exemption 7(F)	0
(13)	Exemption 8	0
(14)	Exemption 9	0
4.	Other reasons for nondisclosure (total)	632
a.	no responsive records	165
b.	referred to other agency	214
c.	withdrawn/cancelled	150
d.	no fee agreement	12
e.	not reasonably described	20
f.	not proper FOIA request	29
g.	not an agency record	22
h.	duplicate request	20
I.	other (specify) - 3 Glomar Determinations	

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Number of appeals.

1.	Number of appeals received during fiscal year	86
2.	Number of appeals processed during fiscal year	83

B. Disposition of appeals.

1.	Number completely upheld	36
2.	Number partially reversed	24
3.	Number completely reversed	1
4.	Number of dismissals	22
a.	Number of times each FOIA exemption used (counting each exemption once per appeal)	
(1)	Exemption 1	0
(2)	Exemption 2	0
(3)	Exemption 3	4
(4)	Exemption 4	2
(5)	Exemption 5	4
(6)	Exemption 6	5
(7)	Exemption 7(A)	2
(8)	Exemption 7(B)	0
(9)	Exemption 7(C)	4
(10)	Exemption 7(D)	1
(11)	Exemption 7(E)	0
(12)	Exemption 7(F)	0
(13)	Exemption 8	0
(14)	Exemption 9	0
5.	Other reasons for nondisclosure (total)	55
a.	no responsive records	9
b.	referred to another agency	0
c.	withdrawn/cancelled	0
d.	no agreement to pay fees	2
e.	not reasonably described	0
f.	not a proper FOIA request	0
g.	not an agency record	0
h.	duplicates	7
I.	Other (specify)	
	Adequacy of Search: 14; Expedited Processing: 1; Appeal Moot, Not Ripe, or Beyond Jurisdiction: 22.	

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	1001
----	------------------------------	------

b. median number of days to process 133

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

a. number of requests processed 375

b. median number of days to process 531

3. **Requests accorded expedited processing.**

a. number of request processed 32

b. median number of days to process 10.3

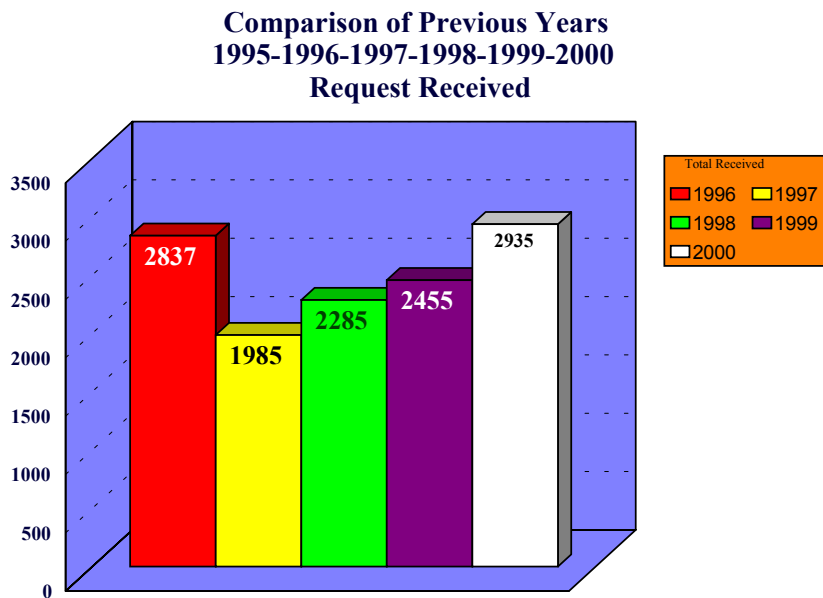
B. **Status of pending requests.**

1. Number of requests pending as of end of current fiscal year
(Enter this number from Line V.A.4.) 1000

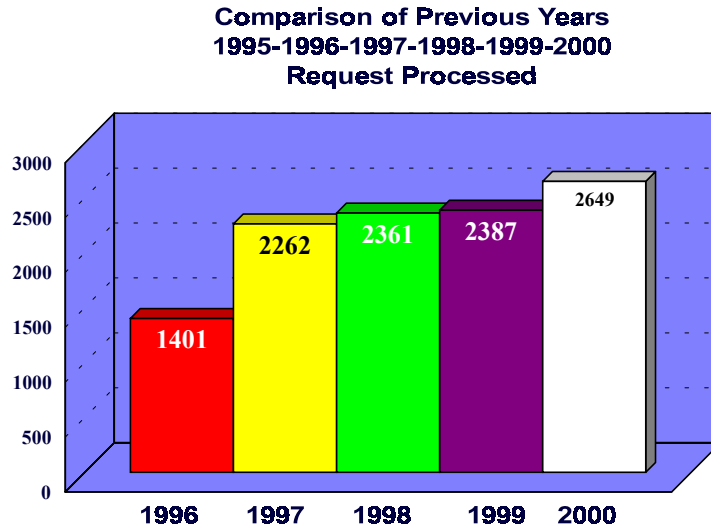
2. Median number of days that such requests were pending
as of that date 2090

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

A. Comparison of numbers of requests received



- B. Comparison of numbers of requests processed.



- C. Optional

- D. Optional

- E. The Headquarters FOIA/PA Office exceeded its goal to reduce its FOIA backlog by 5% in FY 2000.

A regional meeting of FOIA officers to discuss FOIA issues and a case management system was convened at a field office. The Headquarters FOIA/PA electronic tracking and case management system was demonstrated and was installed at that field office. In addition, a new pilot program was developed to include three Headquarters program offices in this new electronic tracking system.

A list of “Frequently Requested Documents” and an index of “Public Reading Room Documents” were made available on the FOIA Web page.

A FOIA/PA training conference also was convened during the fiscal year that provided FOIA and Privacy Act training and information to FOIA contacts, Field FOIA/PA officers, and field and Headquarters staff that process requests for information. The conference included also sessions in Critical Thinking, Alternative Dispute Resolution, Plain Language, and Records Management.

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	45
2.	Number of personnel with part-time or occasional FOIA duties (in total work years)	27
3.	Total number of personnel (in work-years)	58.5

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

1.	FOIA processing (including appeals)	\$2,442,974.10
2.	Litigation-related activities (estimated)	0
3.	Total costs	\$2,442,974.10
4.	Optional	

C. Optional

X. Fees

A.	Total amount of fees collected by agency for processing requests	\$57,078.588
B.	Percentage of total costs	2.33%

XI. FOIA Regulations (including Fee Schedule)

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