

February 19, 2004

Department of Justice  
Office of Information and Privacy  
950 Pennsylvania Avenue, N.W.  
Suite 570, Flag Building  
Washington, DC 20530-0001

Attention: Ms. Pamela Maida

Dear Ms. Maida:

In accordance with 5 U.S.C. 552(e), the Defense Nuclear Facilities Safety Board (DNFSB) encloses its Freedom of Information Act Report for the period October 1, 2002, through September 30, 2003. The DNFSB report complies with the direction and format specified in FOIA Update, summer 1997, and the Supplemental Guidance on Annual FOIA Reports, summer 2001. Please call me at (202) 694-7088 if you have any questions.

Sincerely,

Andrew L. Thibadeau  
Information Officer

Enclosure: FOIA Report

# **DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

## **Freedom of Information Act Report**

**Fiscal Year 2003**

### **I. Basic Information About the Report**

#### **A. For questions about the report, contact:**

Andrew L. Thibadeau  
Information Officer  
Defense Nuclear Facilities Safety Board  
625 Indiana Avenue, NW, Suite 700  
Washington, DC 20004  
Telephone (202) 694-7088  
Email: andrewt@dnfsb.gov

#### **B. Electronic address for FOIA Report FY 2003 on the World Wide Web:**

[http://www.dnfsb.gov/foia/arfa\\_2003.pdf](http://www.dnfsb.gov/foia/arfa_2003.pdf)

#### **C. How to obtain a copy of the report in paper form:**

Contact Mr. Thibadeau by phone or email.

### **II. How to Make a FOIA Request**

A FOIA request to DNFSB can be made by sending the request to Andrew Thibadeau at the addresses given above. For obtaining information from the DNFSB generally, please review the DNFSB Information Handbook and FOIA regulations, both available on the DNFSB website or by request to Mr. Thibadeau.

#### **A. DNFSB Offices Receiving FOIA Requests**

All FOIA requests to the DNFSB should be directed to Mr. Thibadeau at the addresses given above.

#### **B. Agency Response Times**

With few exceptions, the DNFSB responds within the statutory time limits.

#### **C. Why Some Requests Are Not Granted**

The DNFSB generally provides all or most of the documents requested. The most common reason for withholding all or part of document would be the need to protect

classified national security information under Exemption 1.

### **III. Definition of Terms and Acronyms Used in the Report**

#### **A. Agency-Specific Terms**

DNFSB is Defense Nuclear Facilities Safety Board.

#### **B. Basic Terms**

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 Freedom of Information Act.
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 Freedom of Information Act, 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 (see below).
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 which 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 (nonexpedited) 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 of the FOIA's exemptions; or a decision to disclose some records in their entirety, 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 exempt under one or more of the FOIA's 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 Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).
13. **"Perfected" request** -- a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
14. **Exemption 3 statute** -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
15. **Median number** -- the middle, not the average, number. For example, of 3, 7, and 14, the median number is 7.
16. **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

The Board did not rely on any Exemption 3 statutes during the reporting period.

1. Brief description of type(s) of information withheld under each statute. N/A.
2. Statement of whether a court has upheld the use of each statute. If so, cite example. N/A.

## V. Initial FOIA/PA Access Requests

### A. Numbers of initial requests

1.	Number of requests pending as of end of preceding fiscal year:	0
2.	Number of requests received during current fiscal year:	18
3.	Number of requests processed during current fiscal year:	17
4.	Number of requests pending as of end of current fiscal year:	1

### B. Disposition of initial requests

1.	Number of total grants:	10
2.	Number of partial grants:	0
3.	Number of denials:	0

#### a. Number of times each FOIA exemption used (Counting each exemption once per request):

(1)	Exemption 1:	0
(2)	Exemption 2:	1
(3)	Exemption 3:	0
(4)	Exemption 4:	0
(5)	Exemption 5:	0
(6)	Exemption 6:	0
(7)	Exemption 7(a):	0
(8)	Exemption 7(b):	0
(9)	Exemption 7(c):	0
(10)	Exemption 7(d):	0
(11)	Exemption 7(e):	0
(12)	Exemption 7(f):	0
(13)	Exemption 8:	0
(14)	Exemption 9:	0

4.	Other reasons for nondisclosure (total)	7
	a. No records	5
	b. Referrals	0
	c. Request withdrawn	0
	d. Fee-related reason	0
	e. Records not reasonably described	0
	f. Not a proper FOIA request for some other reason	0
	g. Not an agency record	0
	h. Duplicate request	2
	i. Other (specify)	0

## VI. Appeals of Initial Denials of FOIA/PA Requests

### A. Numbers of appeals.

- |    |   |   |
|----|---|---|
| 1. | Number of appeals received during fiscal year:  | 0 |
| 2. | Number of appeals processed during fiscal year: | 0 |

### B. Disposition of appeals.

- |    |                             |   |
|----|-----------------------------|---|
| 1. | Number completely upheld:   | 0 |
| 2. | Number partially reversed:  | 0 |
| 3. | Number completely reversed: | 0 |

Number of times each FOIA exemption used (counting  
Each exemption once per appeal):

- |      |  |   |
|------|--|---|
| (1)  | Exemption 1:                                       | 0 |
| (2)  | Exemption 2:                                       | 0 |
| (3)  | Exemption 3:                                       | 0 |
| (4)  | Exemption 4:                                       | 0 |
| (5)  | Exemption 5:                                       | 0 |
| (6)  | Exemption 6:                                       | 0 |
| (7)  | Exemption 7(a):                                    | 0 |
| (8)  | Exemption 7(b):                                    | 0 |
| (9)  | Exemption 7(c):                                    | 0 |
| (10) | Exemption 7(d):                                    | 0 |
| (11) | Exemption 7(e):                                    | 0 |
| (12) | Exemption 7(f):                                    | 0 |
| (13) | Exemption 8:                                       | 0 |
| (14) | Exemption 9:                                       | 0 |
| 4.   | Other reasons for nondisclosure (total)            | 0 |
|      | a. No records                                      | 0 |
|      | b. Referrals                                       | 0 |
|      | c. Request withdrawn                               | 0 |
|      | d. Fee-related reason                              | 0 |
|      | e. Records not reasonably described                | 0 |
|      | f. Not a proper FOIA request for some other reason | 0 |
|      | g. Not an agency record                            | 0 |
|      | h. Duplicate request                               | 0 |
|      | i. Other   | 0 |

**VII. Compliance with Time Limits/Status of Pending Requests**

- A. Median processing time for requests processed during the year.
  - 1. Simple requests.
    - a. Number of requests processed: 16
    - b. Median number of days to process: 1
  - 2. Complex requests.
    - a. Number of requests processed: 0
    - b. Median number of days to process: 0
  - 3. Requests accorded expedited processing.
    - a. Number of requests processed: 1
    - b. Median number of days to process: 3.5
- B. Status of pending requests.
  - 1. Requests pending as of end of current fiscal year: 1
  - 2. Median number of days that such requests were pending as of that date: 0

**VIII. Comparisons with Previous Years (optional).**

We received one request for expedited processing, as opposed to none the previous year.

**IX. Costs/FOIA Staffing**

**A. Staffing Levels**

- 1. Number of full-time FOIA personnel: 0
- 2. Number of personnel with part-time or occasional FOIA duties (in total work-years): .2
- 3. Total number of personnel (in work-years): .2

**B. Total Costs (including staff and all resources)**

1. FOIA processing (including appeals).	\$7000.00
2. Litigation-related activities:	0.00
3. Total costs:	\$7000.00
4. Comparison with previous year(s) (including percentage of change (optional)).	N/A

C. Statement of additional resources needed for FOIA compliance.

There are no additional resources needed at this time.

**X. Fees**

- This includes charges for search, review, document duplication, and any other direct costs permitted under agency regulations.

A. Total amount of fees collected for processing requests:	None
B. Percentage of total costs:	0%

**XI. FOIA Regulations (including fee schedule).**

The Board's electronic link can be found at <http://www.dnfsb.gov/foia/index.html>.