DEPARTMENT OF ENERGY

FREEDOM OF INFORMATION ACT

ANNUAL REPORT FOR CALENDAR YEAR ENDING

DECEMBER 31, 1995

FREEDOM OF INFORMATION ACT ANNUAL REPORT FOR 1995

1. Total number of requests received during calendar year 1994: 3136

2. Total number of determinations to provide all requested records: 1866

3. Total number of initial determinations not to comply with a request for records made under subsection 552(a):

   Total Full Denials 56 **Total Partial Denials** 516

4. Authority relied upon for each such determination:

   a. **Exemptions in 552(b)**

Exemption Invoked	Number of Times Invoked
1	82
2	11
3	77
4	232
5	91
6	167
7	32
8	0
9	0

   b. **Statute(s) invoked pursuant to Exemption No. 3:**

Statutory Citation	Number of Times Invoked
42 U.S.C. 2011	27
42 U.S.C. 2161-2166	40
41 U.S.C. 401-424	2
41 U.S.C. 423	5
16 U.S.C. 470	1
42 U.S.C. 3262-3266	2

   c. **Other Authority:**

Withdrawn	437
Not reasonably described	37
Not a Freedom of Information Act request	28
No responsive records	374

Referred to another agency	76
No agreement to pay fees	42
Duplicates	83

5. Names and titles or positions of individuals responsible for the initial denial of records requested and number of instances participated:

Field Offices

Karen K. Randolph	Director, Richland Operations Office	55
J. Phil Hamric	Manager, Ohio Field Office	20
J. M. Shafer	Administrator, Western Area Power Administration	38
E. S. Chaput	Deputy Manager, Savannah River Operations Office	15
Mario P. Fiori	Manager, Savannah River Operations Office	6
William C. Gibson	Project Manager, Strategic Petroleum Reserve Mgmt	6
Joe LaGrone	Manager, Oakridge Operations Office	5
James C. Hall	Manager, Oakridge Operations Office	8
Carl R. Robertson	FOIA Officer, Idaho Operations Office	17
Frank Stewart	Manager, Golden Field Office	8
Cherri Langenfeld	Manager, Chicago Operations Office	6
James S. Hirahara	Assistant Manager for Administration, Oakland Operations Office	10
Darwin J. Morgan	Director, PAO, Nevada Operations Office	9
Gloria Inlow	Acting Director, Albuquerque Operations Office	11

David L. Geary	Director, Albuquerque Operations Office	10
Bryan Siebert	Director, Albuquerque Operations Office	20
James W. Culpepper	Deputy Manager, Albuquerque Operations Office	1
Tom Bechtell	Director, Morgantown Energy Technology Center	25
Michael A. Deihl	Administrator, Southwestern Power Administration	2
Charles A. Borchardt	Chief Counsel, Southwestern Power Administration	2
Forrest E. Reeves	Acting Administrator, Southwestern Power Administration	2
Mark Silverman	Manager, Rocky Flats Office	2
Keith Klein	Deputy Manager, Rocky Flats Office	3
Jessie Robertson	Assistant Manager, Rocky Flats Office	3
Veronica Williams	Manager, Bonneville Power Administration	1
Robert A. Rodgers	Manager, Bonneville Power Administration	1
Don Davey	Public Utilities Specialist Bonneville Power Administration	1
Richard Nelson	Manager, Bonneville Power Administration	1
Robert Moulton	Public Utilities Specialist Bonneville Power Administration	2
Kristi Van Lewen	Supervisory Contract Specialist Bonneville Power Administration	4
James R. Lewis	Manager, Bonneville Power Administration	1

Damian J. Kelly	Procurement Analyst, Bonneville Power Administration	1
Roxanne Freeman	Attorney Advisor, Bonneville Power Administration	3
Pamela Kingsbury	Manager, Bonneville Power Administration	1
Nancy Anderson	Contract Specialist, Bonneville Power Administration	2
Steven G. Hickok	Manager, Bonneville Power Administration	4
Paite Perigo	Realty Specialist, Bonneville Power Administration	1

Headquarters Offices

Edward J. McCullen	Director, Office of Safeguards and Security	4
A. Bryant Siebert	Director, Office of Declassification	53
Anton Joe Sinisgali	Director, Document Declassification Division	29
John Nettles	Director, Office of Emergency Management	1
Timothy Dirks	Deputy Assistant Secretary for Human Resources	3
Ann Lavin	Director, Executive Secretariat	4
Jeffrey Rubenstein	Division Director, Human Resources	12
Robert Woytko	Branch Chief, Human Resources	7
Scott Sheffield	Division Director, Human Resources	3
Arnold Gjerstad	Branch Chief, Human Resources	26
Carol Rueter	Branch Chief, Human Resources	15

Thomas Sietz	Deputy Assistant Secretary for Military Applications and Stockpile Management	6
Thomas O. Mann	Deputy Director, Office of Hearing and Appeals	2
Donald W. Pearman	Associate Deputy Secretary for Field Management	3
Sandra L. Schneider	Director, Office of Contractor Employee Protection	1
Diane W. Lique	Director, Office of Oil and Gas	3
John C. Geidl	Director, Office of Coal, Nuclear, Electric and Alternate Fuels	1
W. Calvin Kilgore	Director, Office of Energy Markets and End Use	1
Gordon W. Harvey	Principal Deputy, Inspector General	13
Micheal W. Conley	Deputy, Inspector General for Inspections	20
Gregory H. Friedman	Deputy, Inspector for Audit Services	1
William H. Garvie	Assistant, Inspector General Investigations	37
Dr. Iran L. Thomas	Acting Associate Director, Office of Basic Energy Sciences	4
Dr. David B. Nelson	Associate Director, Office of Computational and Technology Research	2
Dr. Ari Patrinos	Associate Director, Office of Health and Environmental Research	3
Jim Rannels	Director, Photovoltaic Division, Office of Energy Efficiency	1
GayLa D. Sessoms	Director, FOIA/Privacy Act Office	15

6. Total number of intra-agency appeals from adverse initial decisions made pursuant to subsection (a)(6): 86.

   a. Overturned in full: 4

   b. Affirmed in full: 27

   c. Affirmed in part: 32

   d. Dismissed/cancelled: 20

   e. Pending: 3

7. Authority relied upon for total or partial denials of access on appeal:

   a. **Exemptions in 552(b)**

Exemption Invoked	Number of Times Invoked
1	2
2	0
3	3
4	0
5	9
6	13
7	5
8	0
9	0

   b. **Statutes Invoked Pursuant to Exemption 552(b)(3):**

Statutory Citation	Number of Times Invoked
41 U.S.C. 423	1
42 U.S.C. 2011-2296	2

8. Pursuant to 10 CFR 1004.8, the Director, Office of Hearings and Appeals, is the person responsible for reviewing all FOIA appeals submitted to the Department. With respect to denials of access pursuant to Exemption 1, the Director, Office of Security Affairs, has been designated as the official responsible for the review of information at the appellate level. The adjudicatory aspects of such appeals are processed by the Department's Office of Hearings and Appeals.

9. There have been no proceedings instituted under the authority of subsection (a)(4)(F).

10. Department of Energy regulations implementing the Freedom of Information Act, issued on December 29, 1978, became effective on January 1, 1979, and were published on January 8, 1979, in Vol. 44, Federal Register, page 1908.

A change to the regulations regarding the Freedom of Information Reading Room fee schedule was published on March 9, 1982, in Vol. 47, Federal Register, page 9995.

To comply with the Freedom of Information Reform Act of 1986, the Department of Energy published a final rule on the Uniform Fee Schedule and Administrative Guidelines on May 3, 1988, in Vol. 53, No. 85, Federal Register, page 15660.

The Department also amended its regulations on Department policy relating to ownership of records generated by DOE contractors on December 12, 1994, in Vol. 59, Federal Register, page 63882.

11. **Fee schedule:** Photoduplication - $.05 per page for paper to paper copies and $.10 per page for microform to paper copies. Pursuant to Section 1004.9 of the final rule (see Section 10 above), fees for search and review will be charged to recoup the full allowable direct cost incurred, i.e., salary rate(s) of the employee(s) performing the search and/or review. Fees are not charged for a request or a series of related requests where they would amount, in the aggregate, to $15.00 or less. The approximate amount of fees collected by the Department of Energy was $31,562.48.

12. Additional report information:

    a. **Availability of Records:** New categories or segregable portions of records are being released upon request. These include documents declassified after October 1, 1994, for Open-Net, human experimentation records, and draft documents. In compliance with the new Executive Order (12958) the Department has declassified and made publicly available thousands of additional documents.

    b. The Department of Energy incurred costs of approximately $5,124,366.27 in administering the Freedom of Information Act in 1995. This figure includes the cost of services of Departmental personnel including salary and fringe benefits,

litigation proceedings, overhead costs of such services (i.e., training, travel, subscriptions, printing, duplicating, and mailing), and other associated expenses for all program areas and field operation activities related to administering the Freedom of Information Act.

c. There were 294 instances in which a formal 10-day extension of time was sought. The reasons for the extensions are as follow:

1) The need to search for and collect requested records from field facilities or other establishments that are separate from the office processing the request: 82

2) The need to search for, collect, and appropriately examine a voluminous number of separate and distinct records which are demanded in a single request: 159

3) The need for consultation with another agency having a substantial interest in the determination of the request or between two or more components of the agency having substantial subject-matter interest therein: 53

d. There were 3 instances in which a court appeal was taken on the basis of exhaustion of administrative procedures because the Department was unable to comply with the requests within the applicable time limits.

e. There were no instances in which a court ruled on the issue of additional time upon a showing of exceptional circumstances.