



**Defense Nuclear Facilities Safety Board  
Chief Freedom of Information Act (FOIA)  
Report for 2015**



2015 Chief (FOIA) Officer Report  
Defense Nuclear Facilities Safety Board (Board)  
Chief FOIA Officer: Mark Welch, General Manager

**I. Steps Taken to Apply the Presumption of Openness:**

***FOIA Training:***

1. *Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?*

*Answer: Yes.*

2. *Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.*

*Answer: 25%.*

3. *In the [2014 Chief FOIA Officer Report Guidelines](#), OIP asked agencies to provide a plan for ensuring that core, substantive FOIA training is offered to all agency FOIA professionals at least once each year. Please provide the status of your agency's implementation of this plan.*

*Answer: 25% of the Board FOIA professionals and staff attended the DOJ OIP March 24, 2014 Advanced FOIA Seminar and the July 17, 2014 Best Practices Workshop.*

***Discretionary Releases:***

4. *Does your agency have a distinct process or system in place to review records for discretionary release?*

*Answer: No.*

5. *During the reporting period, did your agency make any discretionary releases of information?*

*Answer: Yes.*

6. *What exemption(s) would have covered the material released as a matter of discretion?*

*Answer: Exemption 5, 5 U.S.C. § 552(b)(5).*

7. *Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.*

*Answer: The Board released one record. The type of information released as a matter of discretion concerned opinions and views by staff about office morale.*

8. *If your agency was not able to make any discretionary releases of information, please explain why.*

*Answer: N/A.*

***Other Initiatives:***

9. *If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.*

*Answer: N/A.*

**II. Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests**

***Processing Procedures:***

1. *For Fiscal Year 2014, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2014 Annual FOIA Report.*

*Answer: 18*

2. *If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.*

*Answer: The FOIA Office has created a Case Log template to be used with each FOIA request to track the time line.*

**Requester Services:**

3. *Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at the National Archives and Records Administration?*

*Answer: Yes. The process is noted in the FOIA Office's Processing Checklist.*

4. *When assessing fees, does your agency provide a breakdown of how FOIA fees were calculated and assessed to the FOIA requester? For example, does your agency explain the amount of fees attributable to search, review, and duplication?*

*Answer: Yes. We explain the hours of search time incurred (minus the first two hours of search time) times our hourly rate and add in the amount of copying fees (first 100 pages free) per our current published fee schedule.*

5. *If estimated fees estimates are particularly high, does your agency provide an explanation for the estimate to the requester?*

*Answer: Yes.*

**Other Initiatives:**

6. *If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.*

*Answer: N/A.*

### **III. Steps Taken to Increase Proactive Disclosures**

#### ***Posting Material:***

1. *Does your agency have a distinct process or system in place to identify records for proactive disclosure? If so, please describe your agency's process or system.*

*Answer: Yes. The FOIA Office determines records that are frequently requested and submits a request for posting to the Board's public website.*

2. *Does your process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.*

*Answer: No.*

3. *Describe your agency's process or system for identifying "frequently requested" records that should be posted online.*

*Answer: N/A. We are a small agency.*

4. *Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.*

a. *Board Member Speech*

[http://www.dnfsb.gov/recent-board-activity?type=board\\_member\\_speech](http://www.dnfsb.gov/recent-board-activity?type=board_member_speech)

b. *Board Notational Votes*

[http://www.dnfsb.gov/recent-board-activity?type=board\\_notational\\_votes](http://www.dnfsb.gov/recent-board-activity?type=board_notational_votes)

c. *Correspondence Log*

[http://www.dnfsb.gov/recent-board-activity?type=correspondence\\_log](http://www.dnfsb.gov/recent-board-activity?type=correspondence_log)

d. *Letter*

<http://www.dnfsb.gov/recent-board-activity?type=letter>

e. *Other Federal Register Notices*

[http://www.dnfsb.gov/recent-board-activity?type=other\\_federal\\_register\\_notice](http://www.dnfsb.gov/recent-board-activity?type=other_federal_register_notice)

f. *Press Release*

[http://www.dnfsb.gov/recent-board-activity?type=press\\_release](http://www.dnfsb.gov/recent-board-activity?type=press_release)

g. *Public Hearing*

[http://www.dnfsb.gov/recent-board-activity?type=public\\_hearing](http://www.dnfsb.gov/recent-board-activity?type=public_hearing)

h. *Public Hearing Federal Register Notice*

[http://www.dnfsb.gov/recent-board-activity?type=public\\_hearing\\_fed\\_reg\\_note](http://www.dnfsb.gov/recent-board-activity?type=public_hearing_fed_reg_note)

i. *Public Hearing Presentation*

[http://www.dnfsb.gov/recent-board-activity?type=public\\_hearing\\_presentation](http://www.dnfsb.gov/recent-board-activity?type=public_hearing_presentation)

j. *Public Hearing Transcript*

[http://www.dnfsb.gov/recent-board-activity?type=public\\_hearing\\_transcript](http://www.dnfsb.gov/recent-board-activity?type=public_hearing_transcript)

k. *Recommendation*

<http://www.dnfsb.gov/recent-board-activity?type=recommendation>

- l. Recommendation Federal Register Notice*  
[http://www.dnfsb.gov/recent-board-activity?type=rec\\_federal\\_register\\_notice](http://www.dnfsb.gov/recent-board-activity?type=rec_federal_register_notice)
- m. Recommendation Implementation Plan*  
[http://www.dnfsb.gov/recent-board-activity?type=rec\\_implementation\\_plan](http://www.dnfsb.gov/recent-board-activity?type=rec_implementation_plan)
- n. Report to Congress*  
[http://www.dnfsb.gov/recent-board-activity?type=report\\_to\\_congress](http://www.dnfsb.gov/recent-board-activity?type=report_to_congress)
- o. Staff Issue Report*  
[http://www.dnfsb.gov/recent-board-activity?type=staff\\_issue\\_report](http://www.dnfsb.gov/recent-board-activity?type=staff_issue_report)
- p. Vacancy Announcement*  
<http://www.dnfsb.gov/recent-board-activity?type=vacancy>

*Video streaming of current Board public meetings continues to be provided to the public on the website. The videos are available for ninety days following the meetings.*

**Other Initiatives:**

- 5. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.*

*Answer: N/A.*

**IV. Steps Taken to Greater Utilize Technology**

**Making Material Posted Online More Useful:**

- 1. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?*

*Answer: No.*

- 2. If yes, please provide examples of such improvements.*

*Answer: N/A.*

- 3. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?*

*Answer: No.*

- 4. If so, please briefly explain what those challenges are.*

*Answer: N/A.*

**Other Initiatives:**

5. *Did your agency successfully post all four quarterly reports for Fiscal Year 2014?*

*Answer: No.*

6. *If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2015.*

*Answer: DNFSB posted quarterly reports but technical issues which are being addressed with OIP prevent the information from appearing on FOIA.gov. Technical issues will have been resolved by Fiscal Year 2015*

7. *Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible?*

*Answer: Yes.*

8. *If your agency does not communicate electronically with requesters as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations?*

*Answer: Not applicable.*

**V. Steps Taken to Improve Timeliness in Responding to Requests and Reduce Backlogs**

***Simple Track:***

1. *Does your agency utilize a separate track for simple requests?*

*Answer: No.*

2. *If so, for your agency overall in Fiscal Year 2014, was the average number of days to process simple requests twenty working days or fewer?*

*Answer: N/A*

3. *Please provide the percentage of requests processed by your agency in Fiscal Year 2014 that were placed in your simple track.*

*Answer: N/A.*

4. *If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?*

*Answer: No. The Board does not have a separate track for complex requests. The Board had a complex request that was significantly delayed because of the need to consult with Department of Energy entities. Ultimately the report was released in full. However, the extensive time delay with consultations skewed the Board's average number to release.*

**Backlogs:**

**BACKLOGGED REQUESTS**

5. *If your agency had a backlog of requests at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?*

*Answer: Yes.*

6. *If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2014. If your agency did not receive any requests in Fiscal Year 2014 and/or has no request backlog, please answer with "N/A."*

*Answer: 6.67%*

**BACKLOGGED APPEALS**

7. *If your agency had a backlog of appeals at the close of Fiscal Year 2014, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2013?*

*Answer: No. Contributing causes are that the appeal occurred towards the end of the Fiscal Year on September 3<sup>rd</sup>, 2014.*

8. *If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2014. If your agency did not receive any appeals in Fiscal Year 2014 and/or has no appeal backlog, please answer with "N/A."*

*Answer: 100%*



**Status of Ten Oldest Requests, Appeals, and Consultations:**

**TEN OLDEST REQUESTS**

9. *In Fiscal Year 2014, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2013 Annual FOIA Report?*

*Answer: Yes.*

10. *If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2013 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.*

*Answer: N/A.*

11. *Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?*

*Answer: 0.*

**TEN OLDEST APPEALS**

12. *In Fiscal Year 2014, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2013 Annual FOIA Report?*

*Answer: N/A.*

13. *If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2013 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.*

*Answer: N/A.*

**TEN OLDEST CONSULTATIONS**

14. *In Fiscal Year 2014, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2013 Annual FOIA Report?*

*Answer: N/A.*

15. *If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year*

*2013 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.*

*Answer: N/A.*

***Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:***

16. *Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2013.*

*Answer: N/A.*

17. *If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.*

*Answer: N/A.*

18. *If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2015.*

*Answer: N/A.*

**Use of FOIA's Law Enforcement "Exclusions"**

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

1. *Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2014?*

*Answer: No.*

2. *If so, what was the total number of times exclusions were invoked?*

*Answer: N/A.*

### **Spotlight on Success**

Out of all the activities undertaken by your agency since March 2014 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency's efforts.

*Answer: On the Board's Home public webpage <http://www.dnfsb.gov/> we have included, in the drop down menu under "Type", two additional selections – Board Notational Votes and Correspondence Log.*