

Chief FOIA Officer Report 2016 – Defense Nuclear Facilities Safety Board

I: Steps Taken to Apply the Presumption of Openness

1. FOIA Training: 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: 100%.

3. OIP has [directed agencies](#) to "take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year." If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

Answer: N/A.

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: No.

6. What exemption(s) would have covered the material released as a matter of discretion? For a discussion of the exemptions that allow for discretionary releases, please see OIP's guidance on [implementing the President's and Attorney General's 2009 FOIA Memoranda](#).

Answer: N/A.

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: N/A

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

Answer: Due to the lack of a process for identifying records for discretionary release along with changes in staff and limited resources, discretionary releases of information were not made. In the next year, we will implement the following policy: when looking at those exemptions subject to discretionary release, we will require a secondary review or peer review of the documents to determine whether there is a foreseeable harm in release of the information. If not, we will release the information as a matter of discretion.

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: DNFSB added new content to its website in order to enhance transparency of its operations to the public, Congress, and key stakeholders. DNFSB began publishing Monthly Site Reports for five defense nuclear facilities in FY2015, and also began posting the Board's notational vote sheets, thereby allowing the public, Congress, and key stakeholders to see what the Board is voting on, its decisions, and its rationale. The links for these items are available at <http://www.dnfsb.gov/board-activities/reports/site-rep-monthly-reports> and http://www.dnfsb.gov/board-activities/voting_record_2015.

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

Processing Procedures:

1. For Fiscal Year 2015, what was the average number of days your agency reported for adjudicating requests for expedited processing?

Answer: 2.25.

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: N/A.

3. On July 2, 2015, OIP issued [new guidance](#) to agencies on the proper procedures to be used in the event an agency has a reason to inquire whether a requester is still interested in the processing of his or her request. Please confirm here that to the extent your agency may have had occasion to send a "still interested" inquiry, it has done so in accordance with the new guidelines for doing so, including affording requesters thirty working days to respond.

Answer: The agency has had no occasion to send a “still interested” inquiry.

Requester Services:

4. Agency FOIA Requester Service Centers and FOIA Public Liaisons serve as the face and voice of an agency. In this capacity they provide a very important service for requesters, informing them about how the FOIA process works and providing specific details on the handling of their individual requests. The FOIA also calls on agency FOIA Requester Service Centers and FOIA Public Liaisons to assist requesters in resolving disputes. Please explain here any steps your agency has taken to strengthen these services to better inform requesters about their requests and to prevent or resolve FOIA disputes.

Answer: The agency receives approximately 20 FOIA requests per year. Because of low demand, there is no need for a service center or a public liaison.

Other Initiatives:

5. 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. Describe your agency's process or system for identifying "frequently requested" records required to be posted online under Subsection (a)(2) of the FOIA. For example, does your agency monitor its FOIA logs or is there some other system in place to identify these records for posting.

Answer: When more than one request is received for the same information, the agency considers whether to post that information online. Because the agency receives so few requests annually, it is easy to determine whether the information has been requested previously.

2. Does your agency have a distinct process or system in place to identify other records for proactive disclosure?

Answer: The Board and Senior Management regularly make recommendations that particular documents be proactively disclosed. As a Sunshine Act agency, we understand our obligation to make our operations as transparent as possible.

3. When making proactive disclosures of records, are your agency's FOIA professionals involved in coding the records for Section 508 compliance or otherwise preparing them for posting? If so, provide an estimate of how much time is involved for each of your FOIA professionals and your agency overall.

Answer: No.

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

Answer: No.

5. If so, please explain those challenges.

Answer: N/A

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

Answer:

a. Board Notational Votes

http://www.dnfsb.gov/board-activities/voting_record_2015

b. Correspondence Log

<http://www.dnfsb.gov/board-activities/letters-and-correspondence>

c. Press Release

<http://www.dnfsb.gov/board-activities/press-releases>

d. Public Hearings and Meetings

<http://www.dnfsb.gov/board-activities/public-hearings>

e. Recommendations

<http://www.dnfsb.gov/board-activities/recommendations>

f. Reports to Congress

<http://www.dnfsb.gov/board-activities/reports/reports-to-congress>

g. Staff Weekly Reports

<http://www.dnfsb.gov/board-activities/reports/site-rep-weekly-reports>

h. Technical Reports

<http://www.dnfsb.gov/board-activities/reports/technical-reports>

i. Staff Issue Reports

<http://www.dnfsb.gov/board-activities/reports/staff-issue-reports>

j. Monthly Site Reports

<http://www.dnfsb.gov/board-activities/reports/site-rep-monthly-reports>

Video streaming of current DNFSB public meetings continues to be provided to the public on the website and on the DNFSB YouTube Channel.

<https://www.youtube.com/channel/UCEPc2iGfNDiygL2ySkO7wCA>

7. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts.

Answer: No.

Other Initiatives:

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

Answer: DNFSB added new content to its website in order to enhance transparency of its operations to the public, Congress, and key stakeholders. DNFSB began publishing Monthly Site Reports for five defense nuclear facilities in FY2015, and also began posting the Board's notational vote sheets, thereby allowing the public, Congress, and key stakeholders to see what the Board is voting on, its decisions, and its rationale. The links for these items are available at <http://www.dnfsb.gov/board-activities/reports/site-rep-monthly-reports> and http://www.dnfsb.gov/board-activities/voting_record_2015.

IV: Steps Taken to Greater Utilize Technology

Making Material Posted Online More Usable:

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

Answer: The agency will be redesigning its website in FY2016 to make it more user friendly.

2. If your agency is already posting material in its most useful format, please describe these efforts.

Answer: N/A.

Other Initiatives:

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2015?

Answer: No.

4. 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 2016.

Answer: We have tasked an employee to work with OIP to get this accomplished, and ensure that future quarterly reports are posted successfully.

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

Answer: Yes, we communicate with requesters via email.

6. If your agency does not communicate electronically with requests 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: N/A.

V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

Simple Track:

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

Answer: Yes.

2. If so, for your agency overall in Fiscal Year 2015, was the average number of days to process simple requests twenty working days or fewer?

Answer: Yes. Simple requests were processed in an average of 10.6 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2015 that were placed in your simple track.

Answer: 75%.

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: N/A.

Backlogs:

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

Answer: Yes. The backlog decreased from 2 requests to 1 request.

6. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

Answer: N/A.

7. 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 2015.

Answer: 5%.

BACKLOGGED APPEALS

8. If your agency had a backlog of appeals at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

Answer: DNFSB's backlog remained at 0, since there was not backlog in FY 2014 or FY 2015.

9. If not, explain why and describe the causes that contributed to your agency not being able to reduce backlog. When doing so, please also indicate if any of the following were contributing factors:

Answer: N/A.

10. 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 2015. If your agency did not receive any appeals in Fiscal Year 2015 and/or has no appeal backlog, please answer with "N/A."

Answer: N/A.

Status of Ten Oldest Requests, Appeals, and Consultations:

TEN OLDEST REQUESTS

11. In Fiscal Year 2015, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

Answer: Yes.

12. 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 2014 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

Answer: N/A.

13. 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: None were closed due to withdrawal.

TEN OLDEST APPEALS

14. In Fiscal Year 2015, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

Answer: Yes.

15. 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 2014 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

Answer: N/A.

TEN OLDEST CONSULTATIONS

16. In Fiscal Year 2015, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

Answer: No consultations were received in FY 2014

17. 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 2014 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:

18. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2014.

Answer: N/A.

19. 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.

20. 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 2016.

Answer: N/A.

Use of the FOIA's Law Enforcement Exclusions:

21. Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2015?

Answer: No.

22. If so, please provide the total number of times exclusions were invoked.

Answer: N/A.