



Department of Energy
Washington, DC 20585

July 21, 2009

Ms. Marian Wilcox
586 Morrvue Drive
Cincinnati, OH 45238

Re: FOIA-2009-000569

Dear Ms. Wilcox:

This is in further response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. 552. You asked for the position description, including grade, of all current FOIA Officers and FOIA/Privacy Act Officers at the DOE. In our conversation, you amended the subject of the request to include position descriptions for other individuals in FOIA Offices who process FOIA requests. You also excluded records for the Environmental Management Consolidated Business Center.

At Headquarters, the request has been assigned to the Office of the Chief Human Capital Officer to conduct a search of its files for responsive documents. The request also has been sent to the FOIA Officers at all other DOE field locations to conduct a search. Upon the completion of the searches and the review of any records located, you will be provided a response.

In your letter you agreed to pay up to \$25.00 for fees associated with the processing of the request. For purposes of assessment of any fees, you have been categorized under the DOE regulation that implements the FOIA at Title 10, Code of Federal Regulations, Section 1004.9(b)(4), as an "other" requester. In this category, you are entitled to two free hours of search time and 100 pages of duplication at no cost.

The above referenced number has been assigned to the request and you should refer to it in correspondence with the DOE about this matter. If you have questions about the processing of the request, please contact Ms. Teri Heinicke in the Office of the Chief Human Capital Officer (HC-33) on (202) 586-8469, and Ms. Joan Ogbazghi in this office (MA-90) on (202) 586-3595. Ms. Heinicke and Ms. Ogbazghi also can be contacted at U.S. DOE, 1000 Independence Avenue, SW, Washington, DC 20585.

I appreciate the opportunity to assist you.

Sincerely,

Joan Ogbazghi

for Alexander C. Morris
FOIA Officer
Office of Information Resources





Department of Energy

Washington, DC 20585

July 21, 2009

MEMORANDUM TO: FIELD FOIA OFFICERS

FROM:

for ALEXANDER C. MORRIS *Joan Ogbazghi*
FOIA OFFICER
OFFICE OF INFORMATION RESOURCES

SUBJECT: FOIA REQUEST OF MARIAN WILCOX (FOIA-2009-000569)

The attached request submitted by Ms. Marian Wilcox is transferred to your office for action. Ms. Wilcox submitted the request under the Freedom of Information Act.

For your information, I have attached a copy of our correspondence to Ms. Wilcox. If you have any questions about this transmittal, please contact Ms. Joan Ogbazghi of my staff on (202) 586-3595.

Attachments



memorandum

Date: July 21, 2009

Reply to: MA-90

Subject: Request FOIA-2009-000569 from Marian Wilcox

To: Teri Heinicke, Human Resources Specialist
Office of the Chief Human Capital Officer, HC-33

The attached Freedom of Information Act (FOIA) request is being sent to you for action as responsive records appear to be within your organization. If your organization does not have jurisdiction over the responsive records, please inform me to whom you are forwarding the request.

PLEASE ENSURE THAT THE DOCUMENTS YOU LOCATE ARE SPECIFICALLY RESPONSIVE TO THIS REQUEST, PARTICULARLY IF THEY ARE CLASSIFIED.

If other divisions, offices or field organizations also have relevant records, you are responsible for requesting their participation and for coordinating the response. It is important that an appropriate response be forwarded to the requester within 20 working days as failure to respond can be deemed a denial.

The attached "Reminder of Procedures for Handling FOIA Requests" should assist your staff. **Please see new Item 11.** For your information, I also have attached a copy of correspondence to the requester from this office. If you have any questions, please contact me at (202) 586-3595.

Thank you for your cooperation and assistance.



Joan Ogbazghi
Information Access Specialist
Office of Information Resources

Attachments

REMINDER OF PROCEDURES FOR HANDLING FOIA REQUESTS

All Department of Energy (DOE) employees should be aware that there are consequences for failure to comply with the FOIA. The Department must process all proper FOIA requests within the statutory defined period and provide responsive documents that are not exempt from disclosure under the provisions of the FOIA. If a court orders the production of records improperly withheld from a requester, it may assess the agency with "reasonable attorney fees and other litigating costs." The court also may find that the withholding of information raises questions on whether the determination by the Authorizing Official to deny the records was made "arbitrarily or capriciously."

In the event of such a finding, the Office of Special Counsel may initiate proceedings to determine whether disciplinary action is warranted against the officer or employee primarily responsible for the withholding. If the Office of Special Counsel determines that disciplinary action is necessary, the DOE shall take the corrective actions recommended. (See 5 USC 552 (a)(4)(F)).

The following are reminders of some of the procedures for handling requests for information. These reminders are not intended to be substituted for or augment the requirements of the regulation detailed at Title 10, Code of Federal Regulations, Part 1004, "Freedom of Information."

1. If it appears that you cannot meet the 20 day requirement to comply with a request because of an unusual circumstance, you should consult with the Office of General Counsel and, if appropriate, contact the requester to determine if an extension of time is possible. The agreement must be confirmed in writing and a copy of the correspondence to the requester that memorializes the agreement should be sent to the FOIA Officer.

If an agreement with the requester to extend the processing period beyond the 20 day statutory period cannot be reached, the FOIA permits the Authorizing Official to take 10 additional days to process the request. The extension must be confirmed in writing and a copy of the correspondence to the requester should be provided to the FOIA Officer.

2. If you deny access to a record in part or in its entirety, the Office of General Counsel must review and concur in the determination before a response is sent to the requester. A response that informs a requester that no responsive documents exist or that deny access to any record must include inform the requester of the right to appeal the agency's determination. However, if no documents exist that are responsive to the request, it is not necessary to obtain review and concurrence by the Office of General Counsel.

3. You must consult the Office of Classification about records that contain information classified by the DOE pursuant to an Executive Order or the Atomic Energy Act, or if the classified information was received from another agency or foreign government. (See 10 C.F.R. 1004.6)

4. You must consult with other federal agencies, foreign governments or private organizations before disclosure of any information found in DOE files that they have designated as "privileged or confidential."

5. If the fees to process the request are more than the amount that the requester has stipulated he or she is willing to pay, the Authorizing Official will notify the requester in writing of the estimated cost within the 20 day period. The letter will provide the requester an opportunity to agree to the additional cost or to narrow the scope of the request to minimize the costs. However, no charges will be assessed if the total fees to process the request is \$15.00 or less. (See 10 C.F.R. 1004.9(a)(7)).

6. The FOIA Officer may waive all or part of the costs to process a request if the criteria for a fee waiver are satisfied. (See 10 C.F.R. 1004.9(a)(8)).

7. Checks and money orders for fees assessed to process a request shall be sent to the DOE, Cash Management Branch, P.O. Box 500, Germantown MD 20874-0500.

8. With the exception of letters that provide responsive documents, all correspondence will be sent by certified mail with a return receipt requested.

9. FOIA requests received directly by a program office should be sent immediately to the appropriate FOIA Officer.

10. A copy of all correspondence, including enclosures, should be sent to the analyst assigned to manage the request in the FOIA Office. A copy of the final response to the requester should be sent expeditiously to the FOIA Office.

11. Pursuant to the Open Government Act, requesters shall be given an estimated completion date for requests received on or after December 31, 2008. Therefore, you must provide an estimated completion date to the assigning Specialist within 24 hours of receipt of the request.

(PLEASE PLACE THE FOIA CASE NUMBER ON ALL CORRESPONDENCE)

Morris, Alexander

From: FOIA-Central@hq.doe.gov
Sent: Tuesday, July 14, 2009 8:49 PM
To: FOIA-Central
Subject: DOE Headquarters FOIA Request

Name: (Marian Wilcox)

Organization:

Address:

586 Morrvue Drive
Cincinnati, OH 45238

Phone: (513) 325-1460

FAX:

Email: wilcmm2002@yahoo.com

Record Description:

(Copy of position description - to include grade - of all current Department of Energy Freedom of Information Act and/or Freedom of Information Act/Privacy Act Officers.)

Preferred Form or Format: Hard Copy

Type of Requester (if provided):

An individual seeking information for personal use and not for commercial use.

Fees and Fee Waivers:

I agree to pay up to a specified amount for fees. Enter amount \$ 25.00

Waiver or Reduction of Fees Factors (if provided):

Expedited Processing:

Specific Justification for Expedited Processing:

JUL 15 2009 10
OTHER 2 HOURS SEARCH FREE. 100 FREE PAGES

Requester seeks to exclude FMCBC. Also would like copies of PD's for other individuals in the FOIA Offices that process FOIA Requests. ACM

FOIA - 2009 - 000569

Jan