



**Defense Nuclear Facilities Safety Board
Chief Freedom of Information Act
Report for 2014**



2014 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

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

Answer: No.

2. If so, please provide the number of conferences or trainings held, a brief description of the topics covered, and an estimate of the number of participants from your agency who were in attendance.

Answer: Not applicable.

3. Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

Answer: Yes

4. Provide an estimate of the percentage of your FOIA professionals who attended substantive FOIA training during this reporting period.

Answer: 20%

5. OIP has issued guidance that every agency should make core, substantive FOIA training available to all their FOIA professionals at least once each year. Provide your agency's plan for ensuring that such training is offered to all agency FOIA professionals by March 2015. Your plan should anticipate an upcoming reporting requirement for your 2015 Chief FOIA Officer Reports that will ask whether all agency FOIA professionals attended substantive FOIA training in the past year.

Answer: The Board's FOIA Officer is scheduled to attend the "Advanced Freedom of Information Act Seminar" on March 26, 2014 and the Freedom of Information Act

Administrative Forum on June 11, 2014. Anticipate attendance at the FOIA Requester Roundtables on April 24, 2014 and July 24, 2014 as well as the Freedom of Information Act for Attorneys and Access Professionals on May 13-14, 2014.

6. Did your FOIA professionals engage in any outreach and dialogue with the requester community or open government groups regarding your administration of the FOIA? If so, please briefly discuss that engagement.

Answer: No.

7. Does your agency have a formal process in place to review records for discretionary release? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components at your agency have a process in place for making discretionary releases.

Answer: No.

8. During the reporting period did your agency make any discretionary releases of otherwise exempt information?

Answer: No.

9. What exemptions would have covered the information that was released as a matter of discretion?

Answer: Not applicable.

10. Provide a narrative description, or some examples of, the types of information that your agency released as a matter of discretion.

Answer: The Board has not released information as a matter of discretion.

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

Answer: Office of the General Counsel determined that the nature of the records withheld did not allow for discretionary release of information.

12. Did your agency post all of the required quarterly FOIA reports for Fiscal Year 2013? If not, please explain why not and what your plan is for ensuring that such reporting is successfully accomplished for Fiscal Year 2014.

Answer: No, the Board's FOIA officer retired and, due to manpower issues, the Board only recently placed another FOIA officer in that position. That officer is working closely with OIP to ensure reporting is successfully accomplished for Fiscal Year 2014.

13. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied. If any of these initiatives are online, please provide links in your description.

Answer: None at this time.

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

1. Has your agency converted all of its FOIA professionals to the new Government Information Specialist job series?

Answer: No.

2. If not, what proportion of personnel has been converted to the new job series?

Answer: None.

3. If not, what is your plan to ensure that all FOIA professionals' position descriptions are converted?

Answer: Not applicable.

4. For Fiscal Year 2013 did your agency maintain an average of ten or less calendar days to adjudicate requests for expedited processing? If not, describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

Answer: Yes.

5. Has your agency taken any steps to make the handling of consultations and referrals more efficient and effective, such as entering into agreements with other agencies or components on how to handle certain categories or types of records involving shared equities so as to avoid the need for a consultation or referral altogether, or otherwise implementing procedures that speed up or eliminate the need for consultations. If so, please describe those steps.

Answer: Not at this time.

6. Do you use e-mail or other electronic means to communicate with requesters when feasible?

Answer: Yes.

7. Does your agency notify requesters of the mediation services offered by the Office of Government Information Services (OGIS) at NARA?

Answer: For this reporting year we did not have any appeals; however, for any reporting period where there are appeals that language will be inserted.

8. Describe 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.

Answer: No other steps have been undertaken at this time.

III. Steps Taken to Increase Proactive Disclosures

1. Do your FOIA professionals have a system in place to identify records for proactive disclosures?

Answer: No.

2. If so, describe the system that is in place.

Answer: Not applicable.

3. Provide examples of material that your agency has posted this past reporting period, including links to where this material can be found online.

a. Letter

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

b. Other Federal Register Notices

http://www.dnfsb.gov/recent-board-activity?type=other_federal_register_notice

c. Press Release

http://www.dnfsb.gov/recent-board-activity?type=press_release

d. Public Hearing

http://www.dnfsb.gov/recent-board-activity?type=public_hearing

e. Public Hearing Federal Register Notice

http://www.dnfsb.gov/recent-board-activity?type=public_hearing_fed_reg_note

f. Public Hearing Transcript

http://www.dnfsb.gov/recent-board-activity?type=public_hearing_transcript

- g. Recommendation Implementation Plan
http://www.dnfsb.gov/recent-board-activity?type=rec_implementation_plan
- h. Report to Congress
http://www.dnfsb.gov/recent-board-activity?type=report_to_congress
- i. Staff Issue Report
http://www.dnfsb.gov/recent-board-activity?type=staff_issue_report
- j. 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.

- 4. 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, such as soliciting feedback on the content and presentation of posted material, improving search capabilities on the site, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.?

Answer: Yes.

- 5. If so, provide examples of such improvements.

Answer: The public is able to provide comments via the Board's [Contact Us](#) page on our public website.

- 6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If so, was social media utilized?

Answer: No.

- 7. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post? If so, please briefly explain what those challenges are.

Answer: Not at this time

- 8. Describe any other steps taken to increase proactive disclosures at your agency.

Answer: No other steps are being taken at this time.

IV. Steps Taken to Greater Utilize Technology

1. Can a FOIA requester track the status of his/her request electronically?

Answer: Not at this time.

2. If yes, how is this tracking function provided to the public? For example, is it being done through regularly updated FOIA logs, online portals, or other mediums?

Answer: Not applicable.

3. Describe the information that is provided to the requester through the tracking system. For example, some tracking systems might tell the requester whether the request is "open" or "closed," while others will provide further details to the requester throughout the course of the processing, such as "search commenced" or "documents currently in review." List the specific types of information that are available through your agency's tracking system.

Answer: Not applicable.

4. In particular, does your agency tracking system provide the requester with an estimated date of completion for his/her request?

Answer: Not applicable.

5. If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability? If not, please explain why.

Answer: The Board is comprised of fewer than 125 employees. Since the Board receives a small number of FOIA requests (nineteen in 2011 and twelve in 2012), we are able to respond to each FOIA request well within the twenty-day requirement for processing requests.

6. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?

Answer: Yes. The IT staff is currently holding meetings to discuss more advanced software to improve record search capabilities.

7. If so, describe the technological improvements being made.

Answer: The improvements are currently under review.

8. Are there additional technological tools that would be helpful to achieving further efficiencies in your agency's FOIA program?

Answer: Not at this time.

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

1. Section VII.A. of your agency's Annual FOIA Report, entitled "FOIA Requests-Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested. If your agency does not utilize a separate track for processing simple requests, answer the question below using the figure provided in your report for your non-expedited requests.

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

Answer: Yes.

- b. If so, for your agency overall, for Fiscal Year 2012, was the average number of days to process simple requests twenty working days or fewer?

Answer: Yes.

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

Answer: Not applicable.

2. Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2012 and Fiscal Year 2013 when completing this section of your Chief FOIA Officer Report.

- a. If your agency had a backlog of requests at the close of Fiscal Year 2013, did that backlog decrease as compared with Fiscal Year 2012?

Answer: No, the backlog increased by two requests.

- b. If your agency had a backlog of administrative appeals in Fiscal Year 2013, did that backlog decrease as compared to Fiscal Year 2012?

Answer: Not applicable.

- c. In Fiscal Year 2013, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2012?

Answer: Yes.

- d. 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 2012 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. For example, if you only had seven requests listed as part of your "ten oldest" in Section VII.E. and you closed two of them, you should note that you closed two out of seven "oldest" requests.

Answer: Not applicable.

- e. In Fiscal Year 2013, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2012?

Answer: Not applicable.

- f. If no, please provide the number of these appeals your agency was able to close, as well as the number of appeals your agency had in Section VI.C.(5) of your Fiscal Year 2012 Annual FOIA Report.

Answer: Not applicable.

- g. In Fiscal Year 2013, did your agency close the ten oldest consultations received by your agency and pending as of the end of Fiscal Year 2012?

Answer: Yes.

- h. If no, please provide the number of these consultations your agency did close, as well as the number of pending consultations your agency listed in Section XII.C of your Fiscal Year 2012 Annual FOIA Report.

Answer: Not applicable.

3. If you answered "no" to any of the questions in item 2 above, describe why your agency was not able to reduce backlogs and/or close the ten oldest pending

requests, appeals, and consultations. In doing so, answer the following questions then include any additional explanation:

- a. Was the lack of a reduction in the request and/or appeal backlog a result of an increase in the number of incoming requests or appeals?

Answer: Not applicable.

- b. Was the lack of a reduction in the request and/or appeal backlog caused by a loss of staff?

Answer: Not applicable.

- c. Was the lack of a reduction in the request and/or appeal backlog caused by an increase in the complexity of the requests received?

Answer: Not applicable.

- d. What other causes, if any, contributed to the lack of a decrease in the request and/or appeal backlog?

Answer: Not applicable.

- e. Briefly explain the obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2012.

Answer: Not applicable.

- f. If your agency was unable to close any of its ten oldest requests or appeals 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: Not applicable.

4. If your agency did not close its ten oldest pending requests, appeals, and consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2014.

Answer: Not applicable.

5. If your agency had a backlog of more than 1000 pending requests and did not reduce that backlog in Fiscal Year 2013, provide your agency’s plan for achieving backlog reduction in the year ahead.

Answer: Not applicable.

6. Does your agency have a system in place to provide interim responses to requesters when appropriate?

Answer: No.

7. If your agency had a backlog in Fiscal Year 2013, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

Answer: 0

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 during Fiscal Year 2013?

Answer: No.

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

Answer: 0

Spotlight on Success

Out of all the activities undertaken by your agency since March 2013 to increase transparency and improve FOIA administration, 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 Contact Us public webpage <http://www.dnfsb.gov/website-tools/contact> we have modified our business process to include, in the drop down menu under "Category: *", the option "Public Comments for FOIA Fee Schedule Update" for the public to choose when the Federal Register Notice is published. This option is only available during the 30 day comment period.*