

DEPARTMENT OF THE INTERIOR

Freedom of Information Act 1997 Annual Report

(January 1, 1997 - September 30, 1997)

1. Requests received.

Number of initial FOIA requests received: 4,610

2. Denials and noncompliances.

a. Number of initial requests fully or partially denied: 711

b. Number of times each exemption under Subsection 552(b) was invoked in making the denial:*

<u>Exemption</u>	<u>Times Invoked</u>
2	30
3	18
4	98
5	161
6	324
7	134
9	2

* In some cases, more than one exemption was cited in denying a single request.

c. List of statutes and number of times invoked under exemption 3:**

Archaeological Resources Protection Act of 1979, 16 U.S.C. 470hh(a);	2
National Defense Authorization Act For Fiscal Year 1997, Pub. L. No. 104-201;	9
National Historic Preservation Act of 1980, as amended, 16 U.S.C. 470w-3;	2
Internal Revenue Code, 26 U.S.C. 6103;	1
Indian Mineral Development Act of 1982, 25 U.S.C. 2103(c); and	2
Rule 6(e), Federal Rules of Criminal Procedure (Grand Jury), 18 U.S.C. Appendix	3

d. List of names and titles of officials denying records and the number of instances for each official:

See Attachment 1.

e. Number of requests not fully complied with (other authority):

Reason	No. of Instances
(1) Requester's failure to adequately identify records.	81

(2) Refusal to pay fees. (3) Nonpossession of records by DOI.	45
(3) Nonpossession of records by DOI (Records do not exist.)	436
(4) Referred to another agency.	124
(5) Request withdrawn.	81
(6) Request referred to another bureau.	69
(7) Requested information previously furnished.	35
(8) Other (explain).	70
Request did not respond to letter requesting written assurance of payment.	(4)
Request outside the scope of FOIA.	(2)
Request referred to tribe.	(64)

**In one case, two statutes were cited in denying a single request.

3. Appeals.

a. Total number received:	217
b. Total number completed:	192
(1) Number granted in full:	4
Prior years:	4
(2) Number denied in full:	33
Prior years:	20
(3) Number granted in part:	11
Prior years:	18
(4) Number closed out: Involving issues of nonresponse, nonpossession, moot issues, other technical matters, and remands.)	75
Prior years:	27

c. Number of times each exemption under Subsection 552(b) was invoked in denying appeals:

Exemption	Times Invoked
2	2
3	1
4	9
5	17
6	20
7	8

d. List of statutes and number of times invoked under exemption 3:

National Defense Authorization Act For Fiscal Year 1997, Pub. L. No. 104-201.	1
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e. List of names and titles of officials denying records and the number of instances for each official:

Name and Title

No. of Instances

Timothy S. Elliot, Deputy Associate Solicitor, Division of General Law, Office of the Solicitor 57

William W. Wolf, Freedom of Information Act Appeals Officer, Office of Information Resources Management 83

f. Number of appeals not fully complied with (other authority):

Reason	No. of Instances
(1) Adequate search conducted.	-
(2) Appeal moot.	1
1995 (1)	
(3) Records do not exist.	27*
1997 (24)	
1996 (3)	
(4) Records released.	48
1997 (43)	
1996 (4)	
1995 (1)	
(5) Remanded for additional review.	32*
1997 (17)	
1996 (14)	
1995 (1)	
(6) Response deemed adequate.	-
(7) Responses provided.	18
1997 (16)	
1996 (2)	
(8) Appeal withdrawn.	16
1997 (3)	
1996 (2)	
1993 (6)	
1992 (4)	
1991 (1)	
(9) Still pending.	230
1997 (93)	
1996 (56)	
1995 (34)	
1994 (29)	
1993 (11)	
1992 (7)	
(10) Other. (Appeals canceled due to litigation and other technicalities)	10
1997 (6)	
1996 (3)	
1995 (1)	

* This figure has been included under number of appeals denied (see 3b(2) and (3), above).

4. Fees.

Total amount of fees collected from the public. \$94,848

(A copy of DOI's fee schedule is included in [Attachment 2.](#))

5. Costs.

Total cost to administer FOIA. \$2,919,221

6. Number of time extensions taken and the reason for each.

a. The need to search for and collect the requested records from another source.	218
b. The need to search for, collect, and examine a voluminous amount of records.	191
c. Consultation with another agency or other components in DOI.	187

7. Availability of records.

None

8. Rules and regulations, manuals/instructional letters, and training regarding FOIA.

a. The following FOIA and Privacy Act training was provided to Department of the Interior employees during CY 1997:

- The **Department and Office of the Secretary** provided training to its employees in Washington, DC (May 19 and September 25); to the Washington Internet Committee in Washington, DC (August 20); to NPS employees in Philadelphia, PA (June 9), in Lowell, MA (June 25), in Olympia National Park, WA (August); to BIA employees in Albuquerque (June 16-17); and to OSM employees in Denver, CO (September 18) and in Pittsburgh, PA (September 24). The Department also provided informal training to employees in Washington, DC throughout the year.

- The **Office of the Solicitor** provided training to FWS employees in Portland, OR (November), and in Houston, TX (November).

- The **Bureau of Land Management** provided training to its employees in Portland, OR (April 1), and to the Washington Internet Committee in Washington, DC (August 20). Informal FOIA/Privacy Act/records management training is provided through "Information Management Tips" sent to all Washington Office employees and to BLM FOIA Coordinators/Records Managers every other month.

- The **Bureau of Reclamation** provided training to its employees in Boulder City, NV (January); in Albuquerque, NM (March); Salt Lake City, UT (March); in Sacramento, CA (June); and in Denver, CO (June).

- The **Bureau of Indian Affairs** provided training to its employees in Albuquerque, NM (June 16-19); in Billings, MT (April 28-29); and in Washington, DC (August 5).

- The **Office of Inspector General** provided training to its employees in Washington, DC (September 22), and in Harpers Ferry, WV (July 16).

- The **U.S. Fish and Wildlife Service** provided training to its employees in Baltimore, MD (March); in Williamsburg, VA (April); in Arlington, VA (April); in Sacramento, CA (April); in Denver, CO (April); in Anchorage, AK (October); and in Houston, TX (November).

- The **Minerals Management Service** provided training to its Royalty Management Program personnel in Denver, CO (September).

- The **National Park Service** provided training to its employees in Philadelphia, PA (June 10-11); in Lowell, MA (June 25-26); in Grand Junction, CO (July 9-10); in Olympia National Park, WA (August 28); and in Albuquerque, NM (September 3-4).

- The **Office of Surface Mining** provided training to its employees in Denver, CO (September 18), and in Pittsburgh, PA (September 24).

b. Copies of instructional letters issued in CY 1997 are included in Attachment 3.

9. **Suits and penalties.**

a. Suits received. 14

 Pending 16

b. Penalties imposed. -

Thursday, 12-Nov-1998 14:13:50 EST

March 3, 1998

**Honorable Newt Gingrich
Speaker of the House of Representatives
Washington, DC 20515**

Dear Mr. Speaker:

Under the Freedom of Information Act, 5 U.S.C. 552(e), enclosed is the Department of the Interior's annual report of activities for calendar year 1997 (January 1 - September 30, only).

Additional information regarding the enclosed report may be obtained by contacting Alexandra Mallus on (202) 208-5342.

Sincerely,

/s/ M. A. Lawler

for

Robert J. Lamb
Deputy Assistant Secretary
Budget and Finance

Enclosure

Identical letter sent to Honorable Albert Gore, Jr.

bcc: Sec Rdg. (2)
PMB
Subj/Rdg.
Mallus
OCI
OCO

PIR:AMallus:mr:2/19/98

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President of the Senate
Washington, DC 20515

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