



I. Steps Taken to Apply the Presumption of Openness

1. All Office of Surface Mining (OSM) employees were provided with a copy of the President's FOIA Memorandum and Attorney General's FOIA Guidelines along with Department of the Interior (DOI) policy guidance. The Appalachian Region processed two FOIA requests in FY09 for draft reports regarding the safety of sludge dams in the Appalachian coal regions. These reports did not represent a final agency decision because there was neither a final decision nor a final document. The reports consisted of a voluminous amount of documentation from multiple offices. The OSM segregated and released as much of the draft reports as possible by conducting an extensive line by line review in consultation with the Solicitor's Office. Previously, this information would have been withheld under exemption 5, deliberative process privilege.

2. In OSM, the number of requests where records were released either in full or in part decreased between FY08 and FY09. In FY08, the OSM received 56 requests (29 were full grants and 10 were partial grants). In FY09, the OSM received 35 requests (26 were full grants and 2 were partial grants).

II. Steps Taken to Ensure an Effective System for Responding to Requests

When the OSM receives a request in writing (via mail, e-mail, or fax), the incoming request is logged into the DOI electronic FOIA tracking system (EFTS) by the FOIA Officer or Regional Coordinator immediately upon receipt and assigned to the appropriate office for response. It is the Regional Coordinator's responsibility to notify the OSM's FOIA Officer of any new request(s) received in that particular region.

Regional FOIA Coordinators are responsible for tracking and ensuring that FOIA requests are responded to within the statutory timeframe for FOIA requests assigned to offices in their respective region. All FOIA contacts are updated as changes occur in FOIA procedures and policies. The OSM has a national help desk which provides assistance to the FOIA staff on any IT issues that arise.

III. Steps Taken to Increase Proactive Disclosures

Yes, the OSM has posted information online proactively since the issuance of the Administration's new FOIA guidelines. The OSM's webpage was last updated on 11/03/2009.



Office of Surface Mining

Department of the Interior

Chief FOIA Officer Report to the Attorney General

The OSM continues to make enhancements to its websites to make information readily available to the public. Each OSM Regional Office has been working to redesign their websites consistent with the main website in a way that will allow each region the flexibility to meet local and regional needs.

The OSM regularly identifies and posts additional frequently requested documents at <http://www.osm.gov/foia/foia/shtm>. The OSM's electronic reading room at <http://www.osm.gov/foia/eReadingRoom.shtm> also provides public access to the bureau organization, history, policies, guidance, and directives. Other program offices provide proactive disclosures on the following websites:

OSM PROACTIVE DISCLOSURES WEBSITES	
Applying Sound Science	http://www.osm.gov/science/Science.shtm
"Fact Sheets" are being added to the OSM's Applied Science Final Reports on various completed projects	http://www.techtransfer.osmre.gov/NTTMainSite/appliedscience/AScompleted.shtm
Regulating Coal Mines	http://www.osm.gov/rcm/rcm.shtm
Reclaiming Abandoned Mine Lands	http://www.osm.gov/aml/AML.shtm
The "Tools & Quick Links" page provides users with information on various topics including technology transfer and training, reference material, and abandoned mine lands	www.osmre.gov/fif/QuickLinks.shtm

IV. Steps Taken to Greater Utilize Technology

1. Yes, the OSM receives requests via e-mail and facsimile.
2. Not Applicable
3. Yes, the OSM tracks requests electronically using the EFTS.
4. Not Applicable
5. Yes, the FOIA Officer and Regional Coordinators have been provided with redaction software.
6. Not Applicable
7. Yes, the OSM uses the EFTS to prepare its annual report.



8. Not Applicable

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

1. At the end of FY08, the OSM reported 0 backlog requests; there was one pending request, but it was not considered backlog. At the end of FY09, the OSM had 3 backlog requests. The oldest pending FOIA request in FY08 was received on 3/24/2008 and was completed on 10/31/2008. The oldest request for FY09 was received on 7/21/2008 is still pending due to its complex nature. Two of the three requests in the FY09 backlog are from the same requester. The OSM has been processing these requests during the past year. Due to the complexity and voluminous nature of the requests, the OSM has been making partial releases to the requester as records have become available for release. These releases have been made on a monthly basis.

2. The OSM did not have a permanent FOIA Officer for 4 months during FY09, and this may have caused delays in responding to FOIA requests.

3. The OSM will take the necessary steps to improve the timeliness of its responses. The OSM has hired a FOIA Officer to take lead on all FOIA requests. The current pending/backlog number is due to the complex nature of the requests. The OSM FOIA Officer will regularly meet with the Regional FOIA Liaisons to ensure processing is completed in a timely manner.