



Department of Energy

Office of Science
Chicago Office
9800 South Cass Avenue
Argonne, Illinois 60439

OCT 29 2009

Those on Attached List

SUBJECT: DELEGATIONS OF AUTHORITY TO RELEASE AND WITHHOLD INFORMATION AND ACT IN CERTAIN CAPACITIES UNDER THE FREEDOM OF INFORMATION ACT (FOIA) AND DESIGNATIONS TO CARRY OUT PRIVACY ACT (PA) RESPONSIBILITIES

Reference: Memorandum, September 21, 2007, Wunderlich to Addressees, "Responsibilities and Delegations of Authority to Release and Withhold Information and Act in Certain Capacities Under the Freedom of Information Act (FOIA) and Privacy Act (PA)," attached

I. AUTHORITIES

A. FOIA:

The U.S. Department of Energy (DOE) Freedom of Information regulation (10 CFR 1004) defines "Authorizing or Denying Official" as:

...that DOE officer identified by the Directorate of Administration by separate directive, having custody of or responsibility for records requested under 5 U.S.C. 552.... In the Field Offices, the term refers to the head of a field location identified in §1004.2(h) [or his/her delegees] and the heads of field offices to which they *provide administrative support and have delegated this authority.*

10 CFR 1004.2(h) identifies the "Office of Science (SC) Chicago Office (CH)" as a field location.

B. Privacy Act:

The DOE Privacy Act regulation (10 CFR 1008) defines "System Manager" as:

...the DOE official who is responsible for a system of records as designated in the system notice of that system of records published by DOE....

The system notices [a/k/a System of Records notices (SORNs)] for most of the PA systems of records under the SC-CH jurisdiction designate the



Printed on Recycled Paper

SC-CH Manager as System Manager for those systems. Certain other SORNs for PA systems of records under SC-CH jurisdiction designate a specific manager within SC-CH as System Manager for those specific systems of records.

C. Service Plan of the Office of Science Integrated Support Center (ISC):

In accordance with the current Service Plan of the SC-ISC, the SC-CH Manager provides FOIA and PA matter support to the following field locations: the Argonne Site Office (ASO), the Ames Site Office (AMSO), the Berkeley Site Office (BSO), the Brookhaven Site Office (BHSO), the Fermi Site Office (FSO), and the Princeton Site Office (PSO).

Therefore:

- A. With respect to Authorizing and Denying Official authority granted to the SC-CH Manager under the DOE FOIA regulations at 10 CFR 1004, the SC-CH Manager has the authority to delegate such Authorizing and Denying Official authority, including making delegations to heads of field offices, i.e., Site Office managers in accordance with the Service Plan of the SC ISC.
- B. With respect to the System Manager designation under 10 CFR 1008, unless otherwise specifically designated in a SORN to another SC-CH organizational manager, the SC-CH Manager is the System Manager for records under its purview, including those located at the field location Site Offices that it supports in accordance with the SC ISC Service Plan. This includes records in the custody or control of those field location Site Offices and Agency records maintained by contractors under the terms of their contract with DOE. The SC-CH Manager can designate, as appropriate, SC-CH organizational managers to assume System Manager responsibilities on her behalf for records in their respective custody and control.

II. BACKGROUND

In 2007, during the SC Management Systems (SCMS) Reengineering Project workshop sessions, SC-CH and SC Oak Ridge identified certain inconsistencies in their delegations of FOIA and PA-related authorities and designations of responsibilities. To address those inconsistencies, on September 21, 2007, the former SC-CH Manager issued a memorandum (see Reference above) delegating certain FOIA and PA-related authorities to various positions with FOIA/PA responsibility, and clarifying the specific FOIA and PA-related responsibilities assigned to those individuals. Also at that time, the FOIA and PA subject areas of SCMS were constructed to incorporate those delegations and responsibilities.

III. RESCISSIONS

This memorandum replaces the September 21, 2007 memorandum from the former SC-CH Manager, and the September 21, 2007 memorandum is hereby rescinded in its entirety.

IV. DELEGATIONS/DESIGNATIONS

In the interest of maintaining consistency in SC ISC operation of FOIA/PA programs and a high level of efficiency in processing FOIA and PA requests, I am issuing this memorandum to delegate authorities and designate responsibilities consistent with the delegations and designations set forth in the former SC-CH Manager's September 21, 2007 memorandum. The delegations and designations set forth below apply to the processing of FOIA/PA records requests by SC-CH and the six SC site offices supported by CH under the ISC Service Plan. This memorandum will be linked in the SCMS Legal Services FOIA and PA subject areas accordingly for reference.

A. Generally

I hereby grant the following general delegations:

SC-CH FOIA/PA Officer – The SC-CH FOIA/PA Officer is the Paralegal Specialist in the General Law (GL) Division having responsibilities for administering the FOIA and PA. In the absence of the Specialist, the counsel responsible for FOIA/PA matters in GL will serve as the Acting FOIA/PA Officer.

I hereby make the following designations:

SC-CH PA System Managers – SC-CH PA System Managers are the following SC-CH personnel (including those in "Acting" capacities) for PA systems of records within their respective jurisdictions: Manager, Deputy Manager, Assistant Managers, Chief Financial Officer, Chief Counsel, Chief Information Officer, Human Capital Officer, and Director of New Brunswick Laboratory.

In addition to the above System Manager designations, the following clarifies authority of other field location System Managers authorized under 10 CFR 1008 for systems of records under their purview and SC-CH FOIA/PA support:

Site Office System Managers – PA System Managers for the six site offices supported by SC-CH in the FOIA/PA area are the respective Site Office Managers (including those in "Acting" capacities), for all systems of records under their purview (including those maintained by their respective management and operating (M&O) contractors pursuant to a contract), except for those systems of records for which a System

Manager other than the CH Manager has been designated in the respective system of records notice as published in the Federal Register.

B. Denying Official

As SC-CH Manager, I will serve as the Denying Official on FOIA requests for agency records in the custody or control of SC-CH or in the custody and control of the six site offices to which SC-CH provides FOIA/PA support (hereinafter "under SC-CH FOIA/PA jurisdiction"), except as provided below:

I hereby grant the following delegations regarding Denying Official authority:

1. To the **SC-CH FOIA/PA Officer**, I delegate Denying Official authority for determinations to withhold agency records under SC-CH FOIA/PA jurisdiction on the basis of FOIA Exemption 6 (5 U.S.C. 552(b)(6)), and on the basis that a reasonable search has revealed no responsive agency records, including those related to the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) claims (FOIA "no records" determinations), except as provided in paragraph 2 below regarding Denying Official authority.
2. To the **Managers of BSO, BHSO, and PSO**, I delegate Denying Official authority for all FOIA "no records" determinations related to those agency records in their custody or control (including those agency records in the custody of their M&O contractors). This does not include those related to EEOICPA claims. My decision to grant these delegations is based solely on logistical efficiencies.

C. Authorizing Official

I hereby grant the following delegations regarding Authorizing Official authority:

1. To the **SC-CH FOIA/PA Officer** I delegate Authorizing Official authority for all FOIA full release requests (requests for which no FOIA exemption is being invoked) for agency records under SC-CH FOIA/PA jurisdiction (including those related to EEOICPA claims), except as provided in paragraph 2 below, regarding Authorizing Official authority.
2. To the **Managers of BSO, BHSO, and PSO**, I delegate Authorizing Official authority relating to all FOIA full release requests (requests for which no FOIA/PA exemption is being invoked) for agency records in their custody or control (including those agency records in the custody of their M&O contractors). This does not include those related to EEOICPA claims. My decision to grant these delegations is based solely on logistical efficiencies.

V. RESPONSIBILITIES

A. FOIA

All FOIA-related responsibilities for the SC-CH FOIA/PA Officer and SC-CH Authorizing and Denying Officials are set out in SCMS Legal Services management system, Administering FOIA Programs subject area, including the related procedures.

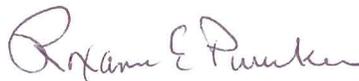
B. PRIVACY ACT

All Privacy Act-related responsibilities for the SC-CH FOIA/PA Officer and SC-CH System Managers are set out in the SCMS Legal Services management system, Records Maintained on Individuals subject area, including the related procedures.

C. EEOICPA

All responsibilities for the SC-CH FOIA/PA Officer related to records requested to support EEOICPA claims are set out in the SCMS Legal Services management system, Administering FOIA Programs and Records Maintained on Individuals subject areas, including the related procedures.

Please direct any questions you may have on SC-CH implementation of FOIA and PA to Mimi Legan at (630)252-2041 or via e-mail to miriam.legan@ch.doe.gov, or Megan Mikhail at (630)252-2036 or via e-mail to megan.mikhail@ch.doe.gov.



Roxanne E. Purucker
Manager

OCT 29 2009

Addressees - Memorandum dated

Patricia Schuneman, ACQ
Eric Simpson, ACQ-OD
James Bieschke, ACQ-SD
Cynthia Baebler, AMSO
Ronald Lutha, ASO
Michael Holland, BHSO
Aundra Richards, BSO
Thomas Foley, CR
Shawna Weekley, CRA
Mary Sunderland, CRB
Joanna Livengood, FSO
Regenia Griswold, HRS
Michael Harvey, HRS-ERBD
Elaine Kocolowski, HRS-OPR
David Frietsch, IMS
Jon Neuhoff, NBL
Usha Narayanan, NBL-SED
Alan Handwerker, OCC
Irene Atney – OCC-GL
Patrick Burke, OCC-GL
Kimberly Donham, OCC-GL
Megan Mikhail, OCC-GL
Vicki Prouty, OCC-GL
Louis Sadler, OCC-GL
Mark Dvorscak, OCC-IPL
Donald Krok, OCI
John Greenwood, OM
John Kennedy, OM
Jeffrey Roberts, OM
Nancy Sanchez, OM
Brian Quirke, OMC
Sara Brunson, OMD
Jerry Faul, PSO
A. Creig Zook, STI
Richard Baker, STI-PSS
Thomas Gradle, STI-SSS
Justin Zamirowski, STI-STS