

Department of Energy

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

MAR 4 2013

Those on Attached List (Attachment 1 – Delegees/Designees)

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: M

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),"

Memorandum, October 29, 2009, Purucker to Addressees, "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

I. AUTHORITIES

A. FOIA:

The U.S. Department of Energy (DOE) FOIA 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 "Chicago Office (CH)" as a field location.

B. PA:

The DOE PA 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 SC-CH jurisdiction designate the 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. <u>Service Plan of the Office of Science Integrated Support Center (ISC):</u>

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 delegating 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 all 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 respective 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. <u>BACKGROUND</u>

In 2007 during the SC Management Systems (SCMS) Reengineering Project workshop sessions, SC-CH and SC Oak Ridge (OR) 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 first 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.

On October 29, 2009, I rescinded the September 21, 2007 memorandum of the former SC-CH Manager and issued a new memorandum that contained delegations and designations.

III. RESCISSIONS

This memorandum replaces my October 29, 2009 memorandum, and my October 29, 2009 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 my October 29, 2009 memorandum, with revisions to reflect certain position title updates. 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 SC-CH under the ISC Service Plan. This memorandum will be linked in the SCMS Legal Services FOIA and PA subject areas accordingly for reference. Additionally, I am attaching an SC-CH FOIA Delegations/Privacy Act Designations Matrix for clarity of roles and responsibilities (see Attachment 2).

A. Generally

I hereby grant the following general delegations:

SC-CH FOIA/PA Officer – The SC-CH FOIA/PA Officer is the Freedom of Information Act 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: Organizational Managers, Deputy Managers, Assistant Managers, Chief Financial Officer, Chief Counsel, Chief Information Officer, Human Capital Officer, Supervisors, and Director of New Brunswick Laboratory (NBL).

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 & operating (M&O) contractors pursuant to a contract), except for those systems of records for which a System Manager other than the SC-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, including those maintained by their respective management & operating (M&O) contractors pursuant to a contract (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 FOIA Exemption 7(c) (5 U.S.C. 552(b)(7)(c)).

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) and for all "no records" determinations, for agency records under SC-CH FOIA/PA jurisdiction, including those related to Energy Employees Occupational Illness Compensation Program Act (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) and for all FOIA "no records" determinations 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 the 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. <u>EEOICPA</u>

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 Bartos at (630)252-2041 or via e-mail to miriam.bartos@ch.doe.gov, or Jennifer Gilbert at (630)252-2021 or via e-mail to jennifer.gilbert@ch.doe.gov.

Roxanne E. Purucker

Manager

Attachment 1 -

Delegees/Designees

SC-CH Manager

SC-CH Deputy Manager

SC-CH FOIA/PA Officer

NBL Director

Manager, Ames Site Office

Manager, Argonne Site Office

Manager, Brookhaven Site Office

Manager, Fermi Site Office

Manager, Berkeley Site Office

Manager, Princeton Site Office

SC-CH Assistant Manager, STI

SC-CH Chief Financial Officer, CR

SC-CH Chief Information Officer, IMS

SC-CH Human Capital Officer, HRS

SC-CH Assistant Manager, ACQ

SC-CH Manager STI Safeguards and Security Services

SC-CH Chief Counsel, OCC

SC-CH Employee Concerns Program Manager

SC-CH Supervisors, including NBL Supervisors

Director, Office of Counterintelligence, located at SC-CH

cc: List for Informational Purposes – Non-Delegees/Non-Designees

cc: SC-CH Organizational Deputies

SC-CH Senior Federal Project Director

SC-CH Communications Director

SC-CH Diversity Manager

SC-CH HR Lead Specialist - Organization, Planning and Recruitment

SC-CH HR Lead Specialist - Employee Relations, Benefits, and Development

SC-CH Manager STI Program Support Services

SC-CH Manager, Account and Finance, CRA

SC-CH Manager, Budget, CRB

SC-CH Manager, ACQ Acquisitions Group

SC-CH Manager, ACQ Financial Assistance Group

SC-CH Manager, ACQ Support Division

OCC GL Assistant Chief Counsels

OCC IPL Assistant Chief Counsels

NBL Chief Operations Officer

NBL Chief Scientist

NBL Director, Facility Operations Division

NBL Director, Standards and Evaluation Division

SC-CH MATRIX OF FOIA DELEGATIONS AND PRIVACY ACT DESIGNATIONS

	Delegation/Designation							
Position	FOIA Authorizing/Denying Official Delegation	FOIA Authorizing/Denying Official Records Jurisdiction	FOIA Denying Official Exemptions/Determinations Applicable	Privacy Act System Manager Designation	Privacy Act System Manager Records Jurisdiction	Privacy Act Systems of Records for System Manager Designation		
SC-CH Manager (or Deputy when "Acting")	Denying Official	Denying - SC-CH, SC- CH ISC Service Matrix Site Offices and M&O Labs, NBL	All, except Exemption 6 and 7(c)	Yes	SC-CH, NBL	*DOE-35 - Personnel Radiation Exposure DOE-56 - Congressional Constituent Inquiries DOE-57 - Congressional Profile Records DOE-60 - General Correspondence DOE-75 - Call Detail Records		
SC-CH FOIA-PA Officer (or FOIA Counsel when "Acting")	Authorizing Official Denying Official	Authorizing – SC-CH, AMSO, Ames, ASO, ANL, FSO, FNAL, NBL Denying – SC-CH ISC Service Matrix Site Offices, M&O Labs, and NBL	Exemption 6 and 7(c)	Yes	SC-CH	DOE-55 – FOIA/PA Requests for Records		

^{*}In accordance with the Privacy Act, System of Records Notices (SORNs) are compiled and published in the Federal Register periodically by the HQ Privacy Officer. The last SORN compilation was published on January 9, 2009. The SORN for each Privacy Act system designates the System Manager for that system. Certain Privacy Act systems under SC-CH purview directly designate System Manager responsibilities to the Manager or Officer of the SC-CH suborganization responsible for the subject matter of the records in the SORN (e.g., Human Resources, Security, CFO, etc.). Other SORNs designate the SC-CH Manager as the System Manager (see SC-CH Manager systems listed). In those cases the SC-CH Manager, pursuant to Privacy Act provisions has re-designated the Privacy Act System Manager responsibilities for systems located at the Site Office and corresponding M&O Lab to the respective Site Office Manager.

	Delegation/Designation							
Position	FOIA Authorizing/Denying Official Delegation	FOIA Authorizing/Denying Official Records Jurisdiction	FOIA Denying Official Exemptions/Determinations Applicable	Privacy Act System Manager Designation	Privacy Act System Manager Records Jurisdiction	Privacy Act Systems of Records for System Manager Designation		
Manager, Ames Site Office (or Deputy when "Acting")	None	None	n/a	Yes	AMSO, Ames	*See Privacy Act systems listed for SC-CH Manager. The SC-CH Manager has re- designated System Manager responsibilities for the portion of those Privacy Act systems located at Ames and AMSO. Additionally, AMSO supervisors maintain DOE-2 Supervisor Maintained Personnel Records.		
Manager, Argonne Site Office (or Deputy when "Acting")	None	None	n/a	Yes	ASO, ANL	*See Privacy Act systems listed for SC-CH Manager. The SC-CH Manager has re- designated System Manager		

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	Delegation/Designation							
Position	FOIA Authorizing/Denying Official Delegation	FOIA Authorizing/Denying Official Records Jurisdiction	FOIA Denying Official Exemptions/Determinations Applicable	Privacy Act System Manager Designation	Privacy Act System Manager Records Jurisdiction	Privacy Act Systems of Records for System Manager Designation		
						responsibilities for the portion of those Privacy Act systems located at ASO or ANL. Additionally, ASO supervisors maintain DOE-2 Supervisor Maintained Personnel Records		
Manager, Brookhaven Site Office or (Deputy when "Acting")	Authorizing Official	BHSO, BNL	Authorizing – All, except EEOIOCPA-related requests	Yes	BHSO, BNL	*See Privacy Act systems listed for SC-CH Manager. The SC-CH		
	Denying Official		Denying - None			Manager has redesignated System Manager responsibilities for the portion of those Privacy Act systems located at BNL and BHSO. Additionally, BHSO supervisors maintain DOE-2 Supervisor Maintained Personnel		

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8						Records.		
Manager, Fermi Site Office (or Deputy when "Acting")	None	None	n/a	Yes	FSO, FNAL	*See Privacy Act systems listed for SC-CH Manager. The SC-CH Manager has re- designated System Manager responsibilities for the portion of those Privacy Act systems located at FNAL and FSO. Additionally, FSO supervisors maintain DOE-2 Supervisor Maintained Personnel Records.		
Manager, Berkeley Site Office (or Deputy when "Acting")	Authorizing Official	BSO, LBNL	Authorizing – All, except EEOIOCPA-related requests	Yes	BSO, LBNL	*See Privacy Act systems listed for SC-CH Manager. The SC-CH		
	Denying Official		Denying – None			Manager has re- designated System Manager		

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						responsibilities for the portion of those Privacy Act systems located at LBNL and BSO. Additionally, BSO supervisors maintain DOE-2 Supervisor Maintained Personnel Records.		
Manager, Princeton Site Office (or Deputy when "Acting")	Authorizing Official	PSO, PPPL	Authorizing – All, except EEOIOCPA-related requests	Yes	PSO, PPPL	*See Privacy Act systems listed for SC-CH Manager. The SC-CH		
	Denying Official		Denying – None			Manager has redesignated System Manager responsibilities for the portion of those Privacy Act systems located at Ames or AMSO. Additionally, AMSO supervisors maintain DOE-2 Supervisor Maintained Personnel		

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						Records.		
SC-CH Assistant Manager, Acquisition and Assistance (or Deputy when "Acting")	None	None	n/a	Yes	SC-CH, Site Offices, and M&O Labs	DOE-14 – Report of Compensation		
SC-CH Human Capital Officer (or Deputy when "Acting")	None	None	n/a	Yes	SC-CH, Site Offices, NBL	DOE-1 – Grievance Records DOE-8 – Intergovernmental Personnel Act Agreements DOE-16 – Federal Employee Subsidy Program Records DOE-28 – General Training Records DOE-34 – Employee Assistance Program (EAP) Records		
SC-CH Assistant Manager, Safety and Technical Infrastructure (or Deputy when "Acting")	None	None	n/a	Yes	SC-CH, Site Offices, M&O Labs, NBL for all; PNSO and	DOE-10 ~ EEOICPA Program Act Files DOE-33 ~ Personnel Medical Records		

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					PNNL for Personnel Security Files only	DOE-38 – Occupational and Industrial Accident Reports		
SC-CH Manager, Safeguards and Security Services	None	None	None	Yes	SC-CH, Site Offices, NBL	DOE-31 – Firearms Qualifications Records DOE-43 – Personnel Security Clearance Files DOE-46 – Administrative Review Files DOE-48 – Security Education and/or Infraction Reports DOE-51 Employee and Visitor Access Control Records DOE-52 – Access Control Records of Foreign Visits and Assigns DOE-63 – Personal Identity Verification (PIV) Files		

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						DOE-77 – Physical Fitness Test Records		
SC-CH Chief Financial Officer (or Deputy when "Acting")	None	None	n/a	Yes	SC-CH, Site Offices, NBL	DOE-13 – Payroll and Leave Records DOE-18 – Financial Accounting System DOE-26 – Official Travel Records		
SC-CH Chief Counsel (or Deputy when "Acting")	None	None	n/a	Yes	SC-CH, Site Offices, M&O Labs, NBL	DOE-41 – Legal Files (Claims, Litigation, Criminal Violations, Patents, and Other)		
SC-CH Employee Concerns Program Manager	None	None	n/a	Yes	SC-CH, Site Offices, M&O Lab and NBL Employee Concerns	DOE-3 – Employee Concerns Program Records		
Manager, Office of Counterintelligence at SC- CH	None	None	n/a	Yes	SC-CH, Site Offices, M&O Labs, NBL	DOE-81 – Counterintelligence Administrative and Analytical Records and Reports		

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						DOE-84 – Counterintelligence Investigative Records		
SC-CH, Site Office, and NBL Supervisors	None	None	n/a	Yes	SC-CH for SC- CH Supervisors, Site Offices for Site Office Supervisors, NBL for NBL Supervisors	DOE-2 – DOE-Personnel Supervisor Maintained Personnel Records		

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