

May 19, 2003  
DECISION AND ORDER  
OF THE DEPARTMENT OF ENERGY

Appeal

Name of Petitioner: Carole L. Norris  
Date of Filing: December 2, 2002  
Case Number: TFA-0005

On December 2, 2002, Carole L. Norris (Norris) filed an Appeal from a determination issued to her on October 18, 2002, by the Richland Operations Office (Richland) of the Department of Energy. In her Appeal, Norris asserts that Richland failed to perform an adequate search for responsive documents in its possession regarding a Freedom of Information Act (FOIA) Request she submitted on September 24, 2002.

**Background**

On September 24, 2002, Norris filed a FOIA Request with Richland requesting copies of all “employment, occupational health and radiation exposure records of my deceased father, Thomas E. Fleming” (Fleming). Freedom of Information Request submitted by Carole L. Norris to Richland (September 24, 2002). Fleming had worked with a number of contractors at the DOE’s Hanford, Washington site (Hanford). In its response to her FOIA Request, Richland sent Norris copies of a number of health records pertaining to her father.

In her Appeal, Norris asserts that while Richland provided her with some records, it did not provide records pertaining to each of her father’s employers at the site and that consequently, Richland must have performed an inadequate search. *See* Memorandum of Telephone Conversation between Warren Gray, OHA Staff Attorney, and Carole L. Norris (April 18, 2003).

**Analysis**

The FOIA requires that documents held by federal agencies generally be released to the public upon request. Following an appropriate request, agencies are required to search their records for responsive documents. We have stated on numerous occasions that a FOIA request deserves a thorough and conscientious search for responsive documents, and we have not hesitated to remand a case where it is evident that the search conducted was in fact inadequate. *See, e.g., Ashok K. Kaushal*, 27 DOE ¶ 80,189 (1999); *Hobart T. Bolin, Jr.*, 27 DOE ¶ 80,124 (1998).

We contacted an official at Richland's Office of Communications, FOIA and Privacy Act Programs to ascertain the extent of the search that was conducted for responsive documents. When Richland received Norris's FOIA request it was forwarded, along with the enclosed death certificate, to the Hanford Environmental Health Foundation (HEHF). HEHF maintains the occupational health and medical records for employees at the Hanford site. HEHF found 44 pages of medical records all of which were provided to Norris. The request was also sent to Pacific Northwest Laboratory's (PNNL) radiation exposure records group and legal department. The radiation exposure records group maintains the Hanford Radiological Exposure Reporting System, which is the comprehensive database for radiation exposure records at DOE's Hanford site. 1/ The radiation exposure records group ultimately found records for Fleming while he was an employee of Atkinson Jones, a subcontractor at Hanford. The PNNL legal department contacted PNNL's human resources department in order to determine if Fleming was an employee of Battelle (the current prime contractor at Hanford) at PNNL. 2/ PNNL's search indicated that Fleming had not been an employee of Battelle.

The Richland official also forwarded Norris's request to two other Hanford employees who maintained the available Hanford employment records for trade employees, i.e., welders, pipe fitters, etc., and employees of former Hanford prime contractors and major subcontractors. These records are indexed by file cards listing employees' names. Records on Fleming were found in the employee records files of Kaiser Engineers (a Hanford subcontractor) and were provided to Norris. No records were found among the available DuPont records. 3/ The Richland official knew of no other location where responsive documents might exist.

Given this factual background, we find that Richland performed an adequate search in response to Norris's FOIA request. Richland undertook a search using the indexes and databases which were most likely to produce responsive records. The request was forwarded to organizations that were most likely to possess responsive documents and all such documents were forwarded to Norris. We find that Richland's search was reasonably calculated to discover all responsive documents and consequently we will deny Norris's appeal.

It Is Therefore Ordered That:

(1) The Appeal filed by Carole L. Norris on December 2, 2002, Case No. TFA-0005 is denied.

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1/ The database contains records of employees who were monitored for radiation exposure at Hanford. It does not contain a listing for all employees who may have worked at Hanford.

2/ Battelle became the prime contractor at Hanford beginning in 1965.

3/ Richland earlier discovered that DuPont had removed all its personnel records from the Hanford site and these records were subsequently destroyed. *See* Memorandum of telephone conversation between Sarah Prein, Richland, and Richard Cronin, OHA (May 14, 2003).

(2) This is a final Order of the Department of Energy of which any aggrieved party may seek judicial review pursuant to 5 U.S.C. § 552(a)(4)(B). Judicial review may be sought in the district in which the requester resides or has a principal place of business, or in which the agency records are situated, or in the District of Columbia.

George B. Breznay  
Director  
Office of Hearings and Appeals

Date: May 19, 2003

