

II. Analysis

In responding to a request for information filed under the FOIA, it is well established that an agency must “conduct a search reasonably calculated to uncover all relevant documents.” *Truitt v. Dep’t of State*, 897 F.2d 540, 542 (D.C. Cir. 1990). “[T]he standard of reasonableness which we apply to agency search procedures does not require absolute exhaustion of the files; instead, it requires a search reasonably calculated to uncover the sought materials.” *Miller v. Dep’t of State*, 779 F.2d 1378, 1384-85 (8th Cir. 1985); *accord Truitt*, 897 F.2d at 542. We have not hesitated to remand a case where it is evident that the search conducted was in fact inadequate. *See, e.g., Todd J. Lemire*, Case No. VFA-0760 (2002).*

In reviewing this appeal, we contacted LM to ascertain the scope of its search for responsive documents. LM informed us that LM’s FOIA processing personnel searched “the DOE-LM’s Electronic Recordkeeping System (ERKS) for all information potentially responsive to the request. The DOE-LM ERKS is an electronic information system database containing records, finding aids, and information for all records in LM’s custody.” *See* LM Response to FOIA Appeal, OHA Case No. FIA-12-0007, received March 16, 2012. LM personnel searched the ERKS database using combinations of the keywords “multispectral,” “scanner survey,” “survey,” and “1989.” *Id.* The ERKS searches indicated that a box stored at a Federal Records Center (FRC) facility contained a document potentially responsive to the request. *Id.* LM retrieved the box from the FRC facility and located the responsive document, “A Multispectral Scanner Survey of the United States Department of Energy’s Rocky Flats Plant, Golden, Colorado.” *Id.* LM’s search yielded no other documents responsive to Mr. Lipsky’s request. *Id.* Based on this information, we find that LM performed an extensive search reasonably calculated to reveal records responsive to Mr. Lipsky’s FOIA request. Accordingly, the search was adequate and the instant Appeal should be denied.

It Is Therefore Ordered That:

- (1) The Appeal filed on February 14, 2012, by Jon Lipsky, OHA Case No. FIA-12-0007, is hereby denied.
- (2) This is a final order of the Department of Energy from 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.

Poli A. Marmolejos
Director
Office of Hearings and Appeals

Date: March 21, 2012

* OHA FOIA decisions issued after November 19, 1996 may be accessed at <http://www.oha.doe.gov/foia1.asp>.