

SURFACE TRANSPORTATION BOARD
ANNUAL FOIA REPORT
for
FY 2007 (October 1, 2006 - September 30, 2007¹)

I. Basic Information Regarding Report

A. Name, title, address, and telephone number of person(s) to be contacted with questions about the report.

Marilyn R. Levitt
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0269
FAX (202) 245-0460
e-mail: FOIA.Privacy@stb.dot.gov

B. Electronic address for report on the World Wide Web.

<http://WWW.STB.DOT.GOV/FOIA.HTML>

C. How to obtain a copy of the report in paper form.

Request copy from FOIA officer in "A" above, by letter, FAX, or e-mail.

II. How to Make a FOIA Request

A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

Surface Transportation Board	
FOIA Officer	
395 E Street, SW	TELE. NO. (202) 245-0269
Washington, DC 20423-0001	FAX (202) 245-0460

B. Brief description of the agency's response-time ranges.

Average acknowledgment time less than 2 days. Requests usually filled within 6 working days.

C. Brief description of why some requests are not granted.

¹ As required by Executive Order 13,392, Section XII of this report covers STB activities through January 1, 2008.

Although no FOIA requests were denied during the reporting period, sometimes requests may be denied under Exemption 4 because information submitted to the agency by third parties is deemed to be proprietary and commercially sensitive. Other requests may be denied under Exemption 5 because the requested materials are deemed to be pre-decisional staff communications that are part of the deliberative process, or attorney work-product. In addition, a request may be denied under Exemption (high) 2 if the information requested could increase the agency's vulnerability to "denial of service" internet attacks.

III. Definitions of Terms and Acronyms Used in the Report (to be included in each report)

A. Agency-specific acronyms or other terms.

STB (Surface Transportation Board)

IV. Exemption 3 Statutes

None

V. Initial FOIA/PA Access Requests

A. Numbers of initial requests.

1. Number of requests pending as of end of preceding fiscal year 0
2. Number of requests received during current fiscal year 18
3. Number of requests processed during current fiscal year 17
4. Number of requests pending as of end of current fiscal year 1
(Enter this number also in Line VII.B.1.)

B. Disposition of initial requests.

1. Number of total grants 6
2. Number of partial grants 0
3. Number of denials 0

a. Number of times each FOIA exemption used (counting each exemption once per request)

- (1) Exemption 1 0
- (2) Exemption 2 0
- (3) Exemption 3 0
- (4) Exemption 4 0
- (5) Exemption 5 0
- (6) Exemption 6 0
- (7) Exemption 7(A) 0

- (8) Exemption 7(B) 0
- (9) Exemption 7(C) 0
- (10) Exemption 7(D) 0
- (11) Exemption 7(E) 0
- (12) Exemption 7(F) 0
- (13) Exemption 8 0
- (14) Exemption 9 0

4. Other reasons for nondisclosure (total) 11

- a. no records 3
- b. referrals 5
- c. request withdrawn 3
- d. fee-related reason 0
- e. records not reasonably described 0
- f. not a proper FOIA request for some other reason 0
- g. not an agency record 0
- h. duplicate request 0
- i. other (specify) 0

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals.

- 1. Number of appeals received during fiscal year 0
- 2. Number of appeals processed during fiscal year 0

B. Disposition of appeals.

- 1. Number completely upheld 0
- 2. Number partially reversed 0
- 3. Number completely reversed 0

a. number of times each FOIA exemption used (counting each exemption once per appeal)

- (1) Exemption 1 0
- (2) Exemption 2 0
- (3) Exemption 3 0
- (4) Exemption 4 0
- (5) Exemption 5 0
- (6) Exemption 6 0
- (7) Exemption 7(A) 0
- (8) Exemption 7(B) 0
- (9) Exemption 7(C) 0

- (10) Exemption 7(D) 0
- (11) Exemption 7(E) 0
- (12) Exemption 7(F) 0
- (13) Exemption 8 0
- (14) Exemption 9 0

4. Other reasons for nondisclosure (total) 0

- a. no records 0
- b. referrals 0
- c. request withdrawn 0
- d. fee-related reason 0
- e. records not reasonably described 0
- f. not a proper FOIA request for some other reason 0
- g. not an agency record 0
- h. duplicate request 0
- i. other (specify) 0

VII. Compliance with Time Limits/Status of Pending Requests

A. Median processing time for requests processed during the year.

1. Simple requests (multiple tracks not used).

- a. number of requests processed 14 (not counting the 3 withdrawn requests)
- b. median number of days to process 6

2. Complex requests (specify for any and all tracks used). N/A

3. Requests accorded expedited processing. N/A

B. Status of pending requests.

1. Number of requests pending as of end of current fiscal year 1 (Enter this number from Line V.A.4.)

2. Median number of days that such requests were pending as of that date N/A

VIII. Comparisons with Previous Year(s)

A. Requests received increased by one.

B. Requests processed decreased (because 3 requests were withdrawn and one request was received near the end of the reporting period and was still pending).

C. Average processing time decreased.

D. One request for expedited processing was received.

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel 0
2. Number of personnel with part-time or occasional FOIA duties (in total work-years) 30%
3. Total number of personnel (in work-years) 30%

B. Total costs (including staff and all resources).

1. FOIA processing (including appeals) \$40,639
2. Litigation-related activities (estimated) None
3. Total costs \$40,639
4. Comparison with previous year(s) (including percentage of change) (optional)

C. Statement of additional resources needed for FOIA compliance (optional) None.

X. Fees

- A. Total amount of fees collected by agency for processing requests \$ 00.00
- B. Percentage of total costs 0%

XI. FOIA Regulations (Including Fee Schedule)

Regulations may be found at <http://www.stb.dot.gov/stb/foia.html> which links to:

http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=4193b60a1f48249ab956b83e1885b1ca&tpl=/ecfrbrowse/Title49/49cfr1001_main_02.tpl

Fees may be found at <http://www.stb.dot.gov/stb/foia.html> which links to:

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=c1cbfc2c7ab1977c53c86668e727522a&rgn=div5&view=text&node=49:8.1.1.1.4&idno=49>

XII. Report on Executive Order 13,392 Implementation

This section of the annual FOIA report contains the STB's description of its progress in implementing the milestones and goals of the agency's FOIA Improvement Plan. The reporting period of Section XII is different from that used for the rest of this report, which is based on data compiled for Fiscal Year 2007. The reporting period for this section concerning Executive Order implementation activities includes progress made through January 1, 2008.

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

As reported in the Updated Status Report issued in July 2007, the STB has met all of the goals that it set for itself under its FOIA Improvement Plan. In addition, during this reporting period, the STB periodically reviewed its FOIA-webpage to ensure that it remains up-to-date.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

N/A

D. Additional narrative statements regarding other executive order-related activities (optional)

E. Concise descriptions of FOIA exemptions

The nine exemptions to the FOIA authorize Federal agencies to withhold information covering: (1) classified national defense and foreign relations information; (2) internal agency rules and practices; (3) information that is prohibited from disclosure by another Federal law; (4) trade secrets and other confidential business information; (5) inter-agency or intra-agency communications that are protected by legal privileges; (6) information involving matters of personal privacy; (7) records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual; (8) information relating to the supervision of financial institutions; and (9) geological information on wells.

F. Additional Statistics:

1. Ten oldest pending FOIA Requests.

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests	0	0	0	0	0	0	0	0

2. Consultations

a) Number of consultations received, processed, and pending in FY 07.

Consultations Received From Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (includes those received prior to FY07)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (includes those received prior to FY07)
0	N/A	N/A

b) Ten oldest pending consultations received from other agencies.

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received	0	0	0	0	0	0	0	0	0

G. Attachment: Agency Improvement Plan