National Mediation Board
Freedom of Information Act Annual Report
Fiscal Year 1998

I. Basic Information Regarding Report

A. Questions about the report should be directed to:

Judy A. Femi
FOIA Officer
National Mediation Board
1301 K Street, NW., Suite 250E
Washington, DC 20572
Tel: (202) 692-5040

B. The electronic address for this report on NMB's World Wide Web site is:
http://www.nmb.gov/

C. A copy of this report in paper form may be obtained by contacting the NMB's FOIA Officer (see A, above).

II. How to Make a FOIA Request

A. FOIA requests should be sent to: Stephen E. Crable, Chief of Staff, National Mediation Board, 1301 K Street, N.W., Suite 250E, Washington, DC 20572. The telephone number is (202) 692-5000. The formal rules for the making of FOIA requests to the National Mediation Board are set forth in Chapter 10, Volume 29, of the Code of Federal Regulations.

B. Under the FOIA, all federal agencies are required to respond to a FOIA request within twenty business days.

C. Some requests are not granted based upon the exemptions from disclosure under the FOIA. In some other instances, the record sought does not exist; the request was withdrawn; or the document sought is not an agency record.

III. Definitions of Terms and Acronyms Used in this Report

1. NMB - National Mediation Board
    FOIA - Freedom of Information Act
2. Basic Terms:

    1.   FOIA/PA request -- Freedom of Information Act/Privacy Act request. A
            FOIA request is generally a request for access to records concerning a

third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report).

2.   Initial Request -- a request to a Federal agency for access to records under the Freedom of Information Act.

3.   Appeal -- a request to a Federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.

4.   Processed Request or Appeal -- a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.

5.   Multi-track processing -- a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).

6.   Expedited processing -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.

7.   Simple request -- a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.

8.   Complex request -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.

9.   Grant -- an agency decision to disclose all records in full in response to a FOIA request.

10.   Partial grant -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entireties, but to withhold others in whole or in part.

11. Denial -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).

12. Time limits -- the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).

13. "Perfected" request -- a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

14. Exemption 3 statute -- a separate Federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).

15. Median number -- the middle, not average number. For example, of 3, 7, and 14, the median number is 7.

16. Average number -- the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes
            No Exemption 3 statute was relied upon during fiscal year 1998.

V. Initial FOIA 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: 231
        3. Number of requests processed during current fiscal year: 231
        4. Number of requests pending as of end of current fiscal year: 0

    B. Disposition of initial requests
        1. Number of total grants: 223
        2. Number of partial grants: 7
        3. Number of denials: 7
            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: _2_
        (5) Exemption 5: _3_
        (6) Exemption 6: _7_
        (7) Exemption 7(A): _3_
        (8) Exemption 7(B): _0_
        (9) Exemption 7(C): _7_
        (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): _1_
    a. no records: - _1_
    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: _0_

VI. Appeals of Initial Denials of FOIA 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: _N/A_
    2. Number partially reversed: _N/A_
    3. Number completely reversed: _N/A_
        a. Number of times each FOIA exemption used (counting each exemption once per request)
            (1) Exemption 1: _N/A_
            (2) Exemption 2: _N/A_
            (3) Exemption 3: _N/A_
            (4) Exemption 4: _N/A_
            (5) Exemption 5: _N/A_
            (6) Exemption 6: _N/A_
            (7) Exemption 7(A): _N/A_
            (8) Exemption 7(B): _N/A_
            (9) Exemption 7(C): _N/A_
            (10) Exemption 7(D): _N/A_

(11) Exemption 7(E): N/A
(12) Exemption 7(F): N/A
(13) Exemption 8: N/A
(14) Exemption 9: N/A
4. Other reasons for nondisclosure (total) N/A
    a. no records: N/A
    b. referrals: N/A
    c. request withdrawn: N/A
    d. fee-related reason: N/A
    e. records not reasonably described: N/A
    f. not a proper FOIA request for some other reason: N/A
    g. not an agency record: N/A
    h. duplicate request: N/A
    i. other: N/A

VII. Compliance with Time Limits/Status of Pending Requests
    A. Median processing time for requests processed during the year.
        The agency generally processed each request in the order it was received; we do not have a formal multi-track processing system, however, simple specific requests may receive faster processing than more complicated or broader requests.
    B. Status of pending requests.
        1. Number of requests pending as of end of current fiscal year: 0
        2. Median number of days that such requests were pending as of that date: N/A

VIII. Comparisons with Previous Year(s) (OPTIONAL)
       Comparison of numbers of requests received:
        For this current reporting period (October 1, 1997 through September 30, 1998): 231
        For the previous reporting period (January 1, 1997 through September 30, 1997): 62

IX. Costs/FOIA Staffing
    A. Staffing levels
        1. Number of full-time FOIA personnel: 1
        2. Number of personnel with part-time or occasional FOIA duties (in total work-years): 2 (approx. one tenth of one work year)
        3. Total number of personnel (in work-years): 1.2
    B. Total costs (including staff and all resources).
        1. FOIA processing (including appeals): $64,500+
        2. Litigation-related activities (estimated): 0
        3. Total costs: $64,500+
    C. Statement of additional resources needed for FOIA compliance (optional)

X. <u>Fees</u>
    A. Total amount of fees collected by agency for processing requests:
       Records were made available during this fiscal year without charging fees.
    B. Percentage of total costs: N/A

XI. <u>FOIA Regulations (Including Fee Schedule)</u>
    NMB's FOIA regulations are located at 29 CFR § 1208 (effective August 19, 1998).