



U.S. Chemical Safety and Hazard Investigation Board

Freedom of Information Act (FOIA) Report for Fiscal Year 2007

I. Basic Information Regarding This Report

A. Point of contact for questions about this report:

Christopher Kirkpatrick
FOIA Officer
U.S. Chemical Safety and Hazard Investigation Board
2175 K Street, NW
Suite 400
Washington, DC 20037
(202) 261-7600

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

http://www.csb.gov/index.cfm?folder=legal_affairs&page=index.

C. How to obtain a copy of the report in paper form: Please mail a written request to the point of contact listed in section I.A., above.

II. How to Make a FOIA Request

Requests for records believed to be in the possession of the U.S. Chemical Safety and Hazard Investigation Board (CSB) must be made in writing to the address listed in section II.A., below. The request itself, and the envelope containing it, should be clearly marked "FOIA Request." Improperly addressed or unclearly marked correspondence may delay the processing of a request. A request must reasonably describe the desired records in sufficient detail to enable CSB personnel to locate the records with a reasonable amount of effort. Whenever possible, a request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record. A request is considered an agreement by the requester to pay all applicable fees up to \$25, unless the requester seeks a fee waiver. Requesters may specify a willingness to pay a greater or lesser amount.

Additional information on how to make a FOIA request can be found in the [CSB FOIA Reference Guide](#), which is available by request to the address listed in section II.A., below, and on the World Wide Web at:

http://www.csb.gov/legal_affairs/docs/CSB_FOIAGuide.pdf.

- A. All FOIA requests for records believed to be in the possession of the CSB are received at the following address:

FOIA Officer
U.S. Chemical Safety and Hazard Investigation Board
2175 K Street, NW
Suite 400
Washington, DC 20037
(202) 261-7600

- B. Estimated agency response-times:

Simple request: 20 – 30 days.

Complex request: initial response within 20 days; final disposition may take from three to twelve months, depending on volume and complexity of records.

- C. Why some requests are not granted:

- The requested records are exempt from disclosure pursuant to one of the nine exemptions under the FOIA.
- The requested records do not exist or are not yet in existence.
- The requested records were properly disposed of prior to the date of the request.
- The request would require the CSB to compile or create records solely for the purpose of satisfying that request.
- The requester failed to comply with administrative requirements, e.g., reasonable description of records, agreement to pay fees.

III. Definitions of Terms and Acronyms Used in This Report

- A. Agency-specific acronyms or other terms.

CSB – the Chemical Safety and Hazard Investigation Board.

- B. 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 FOIA.
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 FOIA, 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 FOIA 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

A. Exemption 3 statutes relied on by the CSB during Fiscal Year 2007 – NONE.

1. Description of type(s) of information withheld under each statute – N/A.
2. Court approval of the use of each statute – N/A.

V. Initial FOIA/PA Access Requests

A. Numbers of initial requests.

1. Number of requests pending as of end of Fiscal Year 2006 30 .
2. Number of requests received during Fiscal Year 2007 46 .
3. Number of requests processed during Fiscal Year 2007 36 .
4. Number of requests pending as of end of Fiscal Year 2007 40 .

B. Disposition of initial requests.

1. Number of total grants 4 .
2. Number of partial grants 3 .
3. Number of denials 8 .

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 2 .
- (6) Exemption 6 2 .
- (7) Exemption 7(A) 8 .

(8) Exemption 7(B)	<u>0</u>
(9) Exemption 7(C)	<u>1</u>
(10) Exemption 7(D)	<u>1</u>
(11) Exemption 7(E)	<u>2</u>
(12) Exemption 7(F)	<u>0</u>
(13) Exemption 8	<u>0</u>
(14) Exemption 9	<u>0</u>
4. Other reasons for nondisclosure (total)	<u>21</u>
a. No records	<u>6</u>
b. Referrals	<u>0</u>
c. Request withdrawn	<u>10</u>
d. Fee-related reason	<u>0</u>
e. Records not reasonably described	<u>0</u>
f. Not a proper FOIA request for some other reason	<u>2</u>
g. Not an agency record	<u>1</u>
h. Duplicate request	<u>2</u>
i. Other (specify)	<u>0</u>

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals.

1. Number of appeals received during fiscal year	<u>1</u>
2. Number of appeals processed during fiscal year	<u>1</u>

B. Disposition of appeals.

1. Number completely upheld	<u>1</u>
2. Number partially reversed	<u>0</u>
3. Number completely reversed	<u>0</u>

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

(1) Exemption 1	<u>0</u>
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(2) Exemption 2	<u>0</u>
(3) Exemption 3	<u>0</u>
(4) Exemption 4	<u>0</u>
(5) Exemption 5	<u>0</u>
(6) Exemption 6	<u>0</u>
(7) Exemption 7(A)	<u>1</u>
(8) Exemption 7(B)	<u>0</u>
(9) Exemption 7(C)	<u>0</u>
(10) Exemption 7(D)	<u>0</u>
(11) Exemption 7(E)	<u>0</u>
(12) Exemption 7(F)	<u>0</u>
(13) Exemption 8	<u>0</u>
(14) Exemption 9	<u>0</u>
4. Other reasons for nondisclosure (total)	<u>0</u>
a. No records	<u>0</u>
b. Referrals	<u>0</u>
c. Request withdrawn	<u>0</u>
d. Fee-related reason	<u>0</u>
e. Records not reasonably described	<u>0</u>
f. Not a proper FOIA request for some other reason	<u>0</u>
g. Not an agency record	<u>0</u>
h. Duplicate request	<u>0</u>
i. Other (specify)	<u>0</u>

VII. Compliance with Time Limits/Status of Pending Requests

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

1. Simple requests.

a. Number of requests processed	<u>20</u>
b. Median number of days to process	<u>29</u>

2. Complex requests.	
a. Number of requests processed	<u>16 .</u>
b. Median number of days to process	<u>293 .</u>
3. Requests accorded expedited processing.	
a. Number of requests processed	<u>0 .</u>
b. Median number of days to process	<u>0 .</u>
B. Status of pending requests.	
1. Number of requests pending as of end of Fiscal Year 2007	<u>40 .</u>
2. Median number of days that such requests were pending as of that date	<u>189 .</u>

VIII. Comparisons with Previous Years

A. Comparison of numbers of requests received	
FY 2002	<u>14 .</u>
FY 2003	<u>36 .</u>
FY 2004	<u>46 .</u>
FY 2005	<u>57 .</u>
FY 2006	<u>49 .</u>
FY 2007	<u>46 .</u>
B. Comparison of numbers of requests processed	
FY 2002	<u>8 .</u>
FY 2003	<u>36 .</u>
FY 2004	<u>40 .</u>
FY 2005	<u>46 .</u>
FY 2006	<u>43 .</u>
FY 2007	<u>36 .</u>
C. Comparison of median numbers of days requests were pending as of end of fiscal year	
FY 2002	<u>137 .</u>

	FY 2003	<u>20</u> .
	FY 2004	<u>102</u> .
	FY 2005	<u>124</u> .
	FY 2006	<u>206</u> .
	FY 2007	<u>189</u> .
	D. Other statistics	
	1. Number of requests made for expedited processing	<u>0</u> .
	2. Number of requests for expedited process granted	<u>0</u> .
IX.	Costs/FOIA Staffing	
	A. Staffing levels.	
	1. Number of full-time FOIA personnel	<u>0</u> .
	2. Number of personnel with part-time or occasional FOIA duties (in total work-years)	<u>0.28</u> .
	3. Total number of personnel (in work-years)	<u>0.28</u> .
	B. Total costs (including staff and all resources).	
	1. FOIA processing (including appeals) (estimated)	<u>\$80,000.</u>
	2. Litigation-related activities	<u>\$ 0.</u>
	3. Total costs	<u>\$80,000.</u>
X.	Fees	
	A. Total amount of fees collected by agency for processing requests	<u>\$ 882.</u>
	B. Percentage of total costs	<u>0.01%.</u>
XI.	FOIA Regulations (Including Fee Schedule)	

The CSB's FOIA regulations, which include a fee schedule, are available on the Web at: http://www.csb.gov/legal_affairs/docs/FOIARegulation.pdf.

XII. Report on FOIA Executive Order Implementation

A. Description of supplementation/modification of agency improvement plan

Not applicable.

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

Improvement Area 1: Informing the public on how to make more effective FOIA requests (including improvement of agency's FOIA Reference Guide).

To meet FOIA requirements, as well as satisfy competing non-FOIA agency mission demands, with limited staff resources it was necessary to prioritize FOIA request processing and backlog reduction ahead of this improvement area during 2007. See section C., below, for a description of future steps that will be taken to achieve progress in this improvement area.

Improvement Area 2: Automated tracking capabilities.

The CSB made significant progress in this improvement area during 2007, and the achievement of the overall goal for this area is now imminent. The installation of FOIA tracking and process management software was completed at the staff desktop level in October 2007. Staff training is scheduled for the end of February 2008, which will result in the tracking and process management components of the software being in full use as of the beginning of March 2008.

Improvement Area 3: Electronic FOIA – automated processing.

The CSB made significant progress in this improvement area during 2007, and the achievement of the overall goal for this area is now imminent. The installation of FOIA tracking and process management software was completed at the network server level in January 2007 and at the staff desktop level in October 2007. The CSB's FOIA support contractor has been successfully using the software to conduct preliminary reviews of voluminous investigation records. This enabled the CSB to meet a requester's need for quick review and release of an especially important part of the case file it had requested. The contractor also used the software to complete the preliminary review of an investigation case file that is the subject of one of the CSB's oldest pending requests. Staff training is scheduled for the middle of February 2008, which will result in the automated processing components of the software being in full use before the end of that month. This, in turn, will facilitate the completion of processing for, and closure of, two of the CSB's oldest pending requests.

Improvement Area 4: Multi-track processing.

To meet FOIA requirements, as well as satisfy competing non-FOIA agency mission demands, with limited staff resources it was necessary to prioritize FOIA request processing and backlog reduction ahead of this improvement area during 2007. See

section C., below, for a description of future steps that will be taken to achieve progress in this improvement area.

Improvement Area 5: Backlog reduction.

The CSB completed the first implementation step for this goal, which is to “contact every requester with a request in the backlog to verify their continued interest in pursuing the request. Administratively close those requests which the requester no longer wishes to pursue.” This milestone was fully completed as of July 24, 2007. The effort was very successful, resulting in the administrative closure of 10 out of the 16 backlog requests identified for action under this milestone. Because of the time and resources made available by those closures, the CSB was able to complete the processing of and close its oldest pending backlog request in July 2007.

The second implementation step for this goal – “where needed, produce an index of the records in each investigation case file that is the subject of a backlog request that remains open and provide these indices to the requesters” – is almost completely finished. As described in section C., below, the CSB worked to achieve significant progress on this step during 2007. Only one task – providing a final index to one requester – remains to be done to fully complete this step, and that task should be accomplished in March 2008.

The third implementation step for this goal – “hold a telephonic scoping conference with each requester who has a pending backlog request for an investigation case file, and encourage/assist the requester to appropriately narrow the scope of their request based on the index provided” – is also almost completely finished. As described in section C., below, the CSB worked to achieve significant progress on this step during 2007. Only one task – holding a conference with the requester who is awaiting a final index – remains to be done to fully complete this step, and that task should be accomplished in April 2008.

In 2007, the CSB made progress on the implementation step that calls for the agency to “identify two backlog requests for investigation case files received prior to the current fiscal year, develop a specific plan for leveraging available additional resources (e.g., FOIA support contractor, law clerk) to process the requests, and execute the plan to complete the processing of those requests.” The CSB identified and made processing plans for two such requests, including one that is among the oldest pending. For the smaller of the two requests, the CSB identified an additional staff member who agreed to be trained in and available for FOIA review, and assigned the review of the investigation file to that person. That review was completed with a high degree of timeliness and quality, resulting in the anticipated closure of the request before the end of February 2008. For the more voluminous of the two requests, the CSB assigned the preliminary review of the entire investigation file to its FOIA support contractor, which can provide multiple reviewers at the same time. The contractor has completed its review of the first half of the case file and its review of the second half is underway.

In 2007, the CSB also made progress on the implementation step that calls for the agency to “identify two backlog requests for investigation case files received during

the current fiscal year, develop a specific plan for leveraging available additional resources (e.g., FOIA support contractor, law clerk) to process the requests, and execute the plan to complete the processing of those requests.” The CSB identified and made processing plans for two such requests. For the both requests, the plan involved assigning the review of the investigation case files to the additional staff member who had agreed to be trained in and available for FOIA review. The review of one of the case files has already been completed, resulting in the anticipated closure of the request before the end of February 2008. The review of the second case file is approximately half finished, with closure of that request anticipated by July 31, 2008.

C. Identification and discussion of any deficiency in meeting plan milestones

To meet FOIA requirements, as well as satisfy competing non-FOIA agency mission demands, with limited staff resources it was necessary to prioritize FOIA request processing, and backlog reduction ahead of certain improvement areas during 2007. Therefore some milestones in certain improvement areas fell deficient. Further, in the area of backlog reduction, several milestones were more complex, or involved, than originally anticipated.

1. FOIA Improvement Plan area to which the deficient milestone relates.

Improvement Area 1: Informing the public on how to make more effective FOIA requests.

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

- Prepare detailed written descriptions of the kinds of records typically included in investigation case files. To be completed by 3/31/2007.
- Prepare written explanations of the types of investigation records that are, respectively, typically releasable or exempt from disclosure. To be completed by 3/31/2007.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

See the following item for a description of planned corrective steps.

4. Future remedial steps and the dates by which the steps will be completed.

By February 4, 2008, the CSB will formally schedule a specific work date, on which the tasks necessary to complete these milestones will be performed, to ensure that these milestones are completed by March 31, 2008.

1. FOIA Improvement Plan area to which the deficient milestone relates.
Improvement Area 1: Informing the public on how to make more effective FOIA requests.
2. Deficient milestone and the original target date from the FOIA Improvement Plan.
Incorporate the two preceding items [detailed written descriptions of the kinds of records typically included in investigation case files and written explanations of the types of investigation records that are, respectively, typically releasable or exempt from disclosure] into the draft of the revised CSB FOIA Reference Guide. To be completed by 6/30/2007.
3. Steps taken to correct the deficiency and the dates by which the steps were completed.
See the following item for a description of planned corrective steps.
4. Future remedial steps and the dates by which the steps will be completed.
By February 4, 2008, the CSB will formally schedule a specific work date, on which the tasks necessary to complete this milestone will be performed, to ensure that this milestone is completed by June 30, 2008.

1. FOIA Improvement Plan area to which the deficient milestone relates.
Improvement Area 1: Informing the public on how to make more effective FOIA requests.
2. Deficient milestone and the original target date from the FOIA Improvement Plan.
 - Compile list of all changes resulting from the CSB FOIA Improvement Plan, or required by the Executive Order, to be incorporated into the updated CSB FOIA Reference Guide. To be completed by 6/30/2007.
 - Review updated Department of Justice FOIA Reference Guide to identify revisions that may also be appropriate for inclusion in the updated CSB Guide. To be completed by 6/30/2007.
3. Steps taken to correct the deficiency and the dates by which the steps were completed.
See the following item for a description of planned corrective steps.
4. Future remedial steps and the dates by which the steps will be completed.
The CSB has identified an additional staff member who can perform the work necessary to complete these milestones. By February 11, 2008, the completion of these milestones will be formally assigned to that staff member. The CSB now plans to complete these milestones by June 30, 2008.

1. FOIA Improvement Plan area to which the deficient milestone relates.
Improvement Area 1: Informing the public on how to make more effective FOIA requests.
 2. Deficient milestone and the original target date from the FOIA Improvement Plan.
Prepare updated CSB FOIA Reference Guide and post on CSB Web site. To be completed by 9/30/2007.
 3. Steps taken to correct the deficiency and the dates by which the steps were completed.
See the following item for a description of planned corrective steps.
 4. Future remedial steps and the dates by which the steps will be completed.
By June 30, 2008, the CSB will formally schedule specific work dates, on which the tasks necessary to complete this milestone will be performed, to ensure that this milestone is completed by September 30, 2008.
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1. FOIA Improvement Plan area to which the deficient milestone relates.
Improvement Area 2: Automated tracking capabilities.
Improvement Area 3: Electronic FOIA – automated processing.
 2. Deficient milestone and the original target date from the FOIA Improvement Plan.
Install and test FOIA tracking and process management software, which includes integrated electronic review, redaction, and production capabilities. To be completed by 10/1/2006. Completion date revised to 8/31/2007 in Updated Status Report of August 1, 2007.
 3. Steps taken to correct the deficiency and the dates by which the steps were completed.
The software installation and testing was completed as of October 18, 2007.
 4. Future remedial steps and the dates by which the steps will be completed.
This milestone has been completed, so no further remedial steps are necessary.
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1. FOIA Improvement Plan area to which the deficient milestone relates.
Improvement Area 2: Automated tracking capabilities.
 2. Deficient milestone and the original target date from the FOIA Improvement Plan.
 - Train CSB FOIA personnel on the request tracking components of the software. To be completed by 10/1/2006. Completion date revised to 9/30/2007 in Updated Status Report of August 1, 2007.

- Begin using the software to track the processing of all newly received FOIA requests. To be completed by 10/1/2006. Completion date revised to 9/30/2007 in Updated Status Report of August 1, 2007.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

By December 21, 2007, the CSB completed the internal consultations necessary to identify available dates for training on the request tracking components of the software. By February 1, 2008, the CSB confirmed that this part of the software training will be held on February 29, 2008.

4. Future remedial steps and the dates by which the steps will be completed.

The training on the request tracking components of the software will take place on February 29, 2008, thus completing that milestone. This will allow the CSB to begin using the software to track the processing of all newly received FOIA requests, as of March 1, 2008, resulting in the completion of that milestone, as well.

1. FOIA Improvement Plan area to which the deficient milestone relates.

Improvement Area 3: Electronic FOIA – automated processing.

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

- Train CSB FOIA personnel on the electronic review, redaction, and production components of the software. To be completed by 12/31/2006. Completion date revised to 9/30/2007 in Updated Status Report of August 1, 2007.
- Begin using the software’s electronic review, redaction, and production tools in the processing of complex FOIA requests for voluminous records. To be completed by 12/31/2006. Completion date revised to 9/30/2007 in Updated Status Report of August 1, 2007.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

By December 21, 2007, the CSB completed the internal consultations necessary to identify available dates for training on the electronic review, redaction, and production components of the software. By February 1, 2008, the CSB confirmed that this part of the software training will be held on February 15, 2008.

4. Future remedial steps and the dates by which the steps will be completed.

The training on the electronic review, redaction, and production components of the software will take place on February 15, 2008, thus completing that milestone. This will allow the CSB to begin using the software in the processing of complex FOIA requests, as of February 19, 2008, resulting in the completion of that milestone, as well.

1. FOIA Improvement Plan area to which the deficient milestone relates.
Improvement Area 4: Multi-track processing.
2. Deficient milestone and the original target date from the FOIA Improvement Plan.
 - Write precise definitions for the simple track and the complex track, to include objective parameters (e.g., estimated number of responsive records, estimated hours of search and/or review time, etc.) to guide the placement of requests in one track or the other. To be completed by 3/31/2007.
 - Create “moderately complicated” and “highly complicated” subdivisions within the complex track and write precise definitions for each, to include objective parameters (e.g., estimated number of responsive records, estimated hours of search and/or review time, etc.) to guide the placement of requests in one subdivision or the other. To be completed by 3/31/2007.
 - Begin applying the refined track definitions and the complex track subdivisions to all newly received FOIA requests. To be completed by 3/31/2007.
3. Steps taken to correct the deficiency and the dates by which the steps were completed.
See the following item for a description of planned corrective steps.
4. Future remedial steps and the dates by which the steps will be completed.
By February 29, 2008, the CSB will formally schedule specific work dates, on which the tasks necessary to complete these milestones will be performed, to ensure that these milestones are completed by May 30, 2008.

1. FOIA Improvement Plan area to which the deficient milestone relates.
Improvement Area 4: Multi-track processing.
2. Deficient milestone and the original target date from the FOIA Improvement Plan.
Review all pending complex track requests and assign each one to either the moderately complicated or highly complicated subdivision. To be completed by 6/30/2007.
3. Steps taken to correct the deficiency and the dates by which the steps were completed.
See the following item for a description of planned corrective steps.
4. Future remedial steps and the dates by which the steps will be completed.
By May 30, 2008, the CSB will formally schedule a specific work date, on which the tasks necessary to complete this milestone will be performed, to ensure that this milestone is completed by July 31, 2008.

1. FOIA Improvement Plan area to which the deficient milestone relates.
Improvement Area 5: Backlog reduction.
2. Deficient milestone and the original target date from the FOIA Improvement Plan.
Contact every requester with a request in the backlog to verify their continued interest in pursuing the request. Administratively close those requests which the requester no longer wishes to pursue. To be completed by 9/30/2006.
3. Steps taken to correct the deficiency and the dates by which the steps were completed.
This milestone was fully completed as of July 24, 2007, as reported in the Updated Status Report of August 1, 2007.
4. Future remedial steps and the dates by which the steps will be completed.
This milestone has been completed, so no further remedial steps are necessary.

1. FOIA Improvement Plan area to which the deficient milestone relates.
Improvement Area 5: Backlog reduction.
2. Deficient milestone and the original target date from the FOIA Improvement Plan.
Where needed, produce an index of the records in each investigation case file that is the subject of a backlog request that remains open. Provide these indices to the requesters. To be completed by 12/31/2006. Completion date revised to 8/31/2007 in Updated Status Report of August 1, 2007.
3. Steps taken to correct the deficiency and the dates by which the steps were completed.
With respect to this milestone, the CSB previously had identified five investigation case files that should be indexed. For one of those case files, complete indices were prepared and provided to the requester in October 2006, prior to the original milestone date. For the second such case file, the request was administratively closed in August 2007, as a result of the CSB's effort to contact requesters and assess their continued interest. For the third such case file, an index of the portion that was already stored in the investigation electronic records management (ERM) program was provided to the requester in May 2007. Based on feedback from that requester, and the availability of contractor processing resources, the CSB determined that it was preferable to commence review of the remaining portion of the case file not stored in the ERM program, rather than produce an index of that portion. Similarly, for the fourth identified case file, the availability of an additional staff member for FOIA processing work led the CSB to conclude that it was preferable to commence review of the entire case file, rather than produce an index of it. For the fifth identified case file, an index of the primary portion of the file was provided to the requester in March 2007.

4. Future remedial steps and the dates by which the steps will be completed.

For this milestone, all that remains to be done for completion is the finalization of a single index for the secondary portion of the fifth identified case file. By February 15, 2008, the CSB will formally schedule a specific work date, on which this last task necessary to complete this milestone will be performed, to ensure that this milestone is completed by March 31, 2008.

1. FOIA Improvement Plan area to which the deficient milestone relates.

Improvement Area 5: Backlog reduction.

2. Deficient milestone and the original target date from the FOIA Improvement Plan.

Hold a telephonic scoping conference with each requester who has a pending backlog request for an investigation case file, and encourage/assist the requester to appropriately narrow the scope of their request based on the index provided. To be completed by 12/31/2006. Completion date revised to 9/30/2007 in Updated Status Report of August 1, 2007.

3. Steps taken to correct the deficiency and the dates by which the steps were completed.

As to this milestone, the telephonic scoping conferences were intended to be held with the requesters who received an index pursuant to the preceding milestone. The requester who received indices in October 2006, prior to the original milestone date, did not require a conference because she significantly reduced the scope of her request on her own initiative. The administrative closure, in August 2007, of the second request identified for indexing made a scoping conference with that requester unnecessary. For the third request identified for indexing, a scoping conference based on the partial index provided was completed in May 2007. The decision to review rather than index the remaining portion of the case file makes a further scoping conference unnecessary. Similarly, for the fourth request identified for indexing, the decision to commence review of the entire case file, rather than indexing it, makes a scoping conference unnecessary. For the fifth request identified for indexing, a scoping conference was completed in March 2007 after an index of the primary portion of the case file was provided to the requester.

4. Future remedial steps and the dates by which the steps will be completed.

For this milestone, all that remains to be done for completion is a follow-up scoping conference with the requester seeking the fifth identified case file. This will be done in conjunction with the finalization of the index for the secondary portion of that case file. Based on the timetable for finalizing and providing that index, the CSB will ensure that this milestone is completed by April 11, 2008.

1. FOIA Improvement Plan area to which the deficient milestone relates.
Improvement Area 5: Backlog reduction.
2. Deficient milestone and the original target date from the FOIA Improvement Plan.
In FY 2007, identify two backlog requests for investigation case files received prior to the current fiscal year, develop a specific plan for leveraging available additional resources (e.g., FOIA support contractor, law clerk) to process the requests, and execute the plan to complete the processing of those requests. To be completed by 3/31/2007.
3. Steps taken to correct the deficiency and the dates by which the steps were completed.
The substantive work for this milestone has been underway, as described in section B., above. The only deficiency is in meeting the original target date.
4. Future remedial steps and the dates by which the steps will be completed.
The CSB will continue to execute its processing plan for the two identified requests, and give this processing a higher priority level, to ensure that this milestone is fully completed by June 30, 2008.

1. FOIA Improvement Plan area to which the deficient milestone relates.
Improvement Area 5: Backlog reduction.
2. Deficient milestone and the original target date from the FOIA Improvement Plan.
In FY 2007, identify two backlog requests for investigation case files received during the current fiscal year, develop a specific plan for leveraging available additional resources (e.g., FOIA support contractor, law clerk) to process the requests, and execute the plan to complete the processing of those requests. To be completed by 6/30/2007.
3. Steps taken to correct the deficiency and the dates by which the steps were completed.
The substantive work for this milestone has been underway, as described in section B., above. The only deficiency is in meeting the original target date.
4. Future remedial steps and the dates by which the steps will be completed.
The CSB will continue to execute its processing plan for the two identified requests, and give this processing a higher priority level, to ensure that this milestone is fully completed by July 31, 2008.

1. FOIA Improvement Plan area to which the deficient milestone relates.
Improvement Area 5: Backlog reduction.
2. Deficient milestone and the original target date from the FOIA Improvement Plan.
For each fiscal year, identify two backlog requests for investigation case files for which a substantial amount of processing has already been done, determine what remains to be done to close out the requests, and apply additional resources (e.g., FOIA support contractor, law clerk) to complete the processing of those requests. To be completed by 9/30/2007.
3. Steps taken to correct the deficiency and the dates by which the steps were completed.
One request was identified for this milestone, additional resources were applied, and processing was completed on July 26, 2007, in advance of the original target date. However, a second request was not identified by the target date.
4. Future remedial steps and the dates by which the steps will be completed.
By February 15, 2008, the CSB will identify a second request for action under this milestone. By February 29, 2008, the CSB will determine what additional tasks and resources are necessary to complete the processing of that request. The CSB will then apply those resources to complete processing and ensure that this milestone is fully completed by July 31, 2008.

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

Not applicable.

E. Concise description 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					Oct. 15	May 2 Aug. 19 Oct. 17 Nov. 18 Nov. 30 Dec. 28	Mar. 16 May 30 June 20	

2. Consultations

a.) Number of Consultations Received, Processed, and Pending

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	0	0

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 (in current form)

The CSB FOIA Improvement Plan is available on the Web at:
http://www.csb.gov/legal_affairs/docs/CSBFOIAImprovementPlan.pdf.