

**U.S. Nuclear Regulatory Commission**  
**Chief FOIA Officer Report - 2011**

**I. Steps Taken to Apply the Presumption of Openness**

**The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.**

**1. Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.**

The U.S. Nuclear Regulatory Commission (NRC) views nuclear regulation as the public's business and, as such, believes it should be transacted as openly and candidly as possible to maintain and enhance the public's confidence. Ensuring appropriate openness explicitly recognizes that the public must be informed about, and have a reasonable opportunity to participate meaningfully in, the NRC's regulatory processes. To achieve its strategic goal of openness, the NRC had a proactive program to make discretionary release of information available to the public in the absence of a Freedom of Information Act (FOIA) request before the issuance of the President's FOIA Memorandum. As part of its efforts to achieve the agency's openness strategic goal, the NRC also had a robust, centralized FOIA program that already operated with the presumption of openness before the issuance of the President's FOIA Memorandum and the Attorney General's (AG's) Guidelines.

**a. Describe how the President's FOIA Memorandum and the Attorney General's FOIA Guidelines have been publicized throughout your agency.**

On January 29, 2009, the NRC General Counsel provided a memorandum to the NRC Chairman and the Commissioners, entitled "Presidential Memoranda on Government Transparency and the Freedom of Information Act." This seven-page memorandum provided the highest levels of NRC management with the details and an analysis of the President's FOIA Memorandum.

In response to the President's FOIA Memorandum and the AG's FOIA Guidelines, on March 25, 2009, the NRC published an article in its weekly online publication, *NRC Reporter*, titled "AG Holder Issues FOIA Reminder." The article discussed the AG's memorandum and provided a link to it for all NRC staff and contractors with access to the NRC's Intranet.

On May 19, 2009, the NRC's Chief FOIA Officer, acting for the Executive Director for Operations, issued an agency wide announcement via the NRC Intranet identifying the AG's new FOIA Guidelines and the President's FOIA Memorandum. The announcement, entitled "New Freedom of Information Act Procedures," advised all agency staff and contractors of the President's commitment to accountability, transparency, and increased Governmental openness. It called for all agency personnel to commit to help achieve the President's new era of open Government. It discussed the President's call for agencies to adopt a presumption in favor of disclosure in FOIA decisions. The announcement provided links to both the President's FOIA Memorandum and the AG's FOIA Guidelines.

On May 22, 2009, the FOIA/Privacy Act Officer (FPAO) sent an e-mail to senior management FOIA officials, staff in the Office of the General Counsel (OGC), regional counsels, and FOIA coordinators and alternates informing them that the agency wide announcement had been issued and provided additional guidance regarding "Foreseeable Harm" statements when denying information under FOIA Exemptions 2 and 5 (Deliberative Process). It also required a "Foreseeable Harm" statement when withholding information under Exemptions 1, 3, 4, 6, and 7 when it is not obvious why the agency is citing those exemptions.

**b. What training has been attended and/or conducted on the new FOIA Guidelines?**

The agency updated its FOIA training class to include training about the intent of the President's Memorandum and the AG's FOIA Guidelines, as well as how to implement the procedures at the NRC, including the need for "Foreseeable Harm" statements. The agency's centralized FOIA/Privacy Section (FPS) provided training to two NRC regional offices. The NRC also updated its online FOIA training course to include this information.

The NRC FPAO held training meetings with her staff and staff from NRC offices and regions to ensure their understanding of the new policies and procedures. FOIA staff written guidance was updated. The senior management FOIA officials, OGC staff, regional counsels, and FOIA coordinators and alternates are provided quarterly FOIA statistics regarding agency response times and backlog status along with reminders regarding the AG's FOIA Guidelines.

The FPAO, who is a FOIA Public Liaison; her supervisor, who is also a FOIA Public Liaison; and the FPS staff attended multiple training events. These training events included the US. Department of Justice (DOJ) Interagency Working Groups on Technology and Best Practices, DOJ Chief FOIA Officer and FOIA Professionals Training Conference, DOJ FOIA Public Liaisons Conference, DOJ Annual FOIA Report trainings, DOJ Chief FOIA Officer Reports trainings, Office of Legal Education - Executive Office for United States Attorneys FOIA for Attorneys and Access Professionals Workshops, Office of Government Information Services Dispute Resolution Skills Training, American Society of Access Professionals Annual Symposium and Training Conferences, American University - Washington College of Law Annual FOIA Day Celebrations, Transparency in the Obama Administration, and Federal Privacy Summits.

**c. How has your agency created or modified your internal guidance to reflect the presumption of openness?**

The NRC has revised its management directive (MD) on the FOIA to include the intent of the President's Memorandum, the AG's FOIA Guidelines, and how to implement the procedures at the NRC, including the need for "Foreseeable Harm" statements. The revised MD is currently in the concurrence process and is expected to be published in 2011. The agency has updated materials in both the online and classroom FOIA trainings. In addition, the NRC has updated its guidance document on how to process a FOIA request.

**d. To what extent has your agency made discretionary releases of otherwise exempt information?**

The NRC has increased discretionary releases of otherwise exempt information during this reporting period. However, the agency did not modify its automated FOIA case tracking system to allow tracking of discretionary releases until August 3, 2010. From the time the FOIA case tracking system was modified, through September 30, 2010, the NRC made two discretionary releases of otherwise exempt information. However, there is no data relating to discretionary releases made prior to the modification of the tracking system.

**e. What exemptions would have covered the information that was released as a matter of discretion?**

All of the information released as a matter of discretion was exempt under Exemption 5.

**f. How does your agency review records to determine whether discretionary releases are possible?**

When providing responsive records to the NRC's centralized FPS, all offices indicate on their transmittal memoranda whether or not a discretionary release was made and whether the withholding qualified under Exemption 2 and/or Exemption 5. Additional reviews are completed by the FPS and the OGC and a final decision is made on whether to make the discretionary release.

**g. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.**

During the reporting period, the FPAO sent two e-mails (April 14 and July 20, 2010) to all agency FOIA coordinators and alternates, senior management FOIA officials, OGC FOIA staff, and regional counsels reminding them of the President's Memorandum and the AG's FOIA Guidelines and encouraging discretionary releases.

**2. Report the extent to which the numbers of requests where records have been released in full and the numbers of requests where records have been released in part has changed from those numbers as reported in your previous year's Annual FOIA Report.**

In its fiscal year (FY) 2010 Annual FOIA Report, the NRC reported a decrease in the percentage of requests for which records were released in full compared to those numbers in the previous year's Annual FOIA Report. However, the percentage of requests for which the NRC released records in part increased when compared to those numbers in the previous year's Annual FOIA Report.

To determine these percentages, the NRC first eliminated all requests that were closed for "other" reasons. The agency counted only requests for which records were located and fully processed; thus, the data include only requests that were released in full, released in part, or totally denied.

In FY 2010, the NRC released in full 47 percent of requests, compared to 51 percent in FY 2009. The NRC released 44 percent of requests in part in FY 2010, compared to 39.3 percent in FY 2009. As previously mentioned in response to Question I.1, the NRC has a proactive program to release information to the public in the absence of a FOIA request. We believe that this has reduced the number of FOIA requests the agency would have received in the absence of such a proactive program. However, this also means that a higher percentage of FOIA requests are for information that the NRC would not normally proactively release to the public because the records contain exempt information. Examples are requests for information related to allegations, investigations, proprietary information, and Privacy Act/personally identifiable information.

In FY 2010, the NRC saw an increase in the number of Exemption 4 denials from 19 in FY 2009 to 47. These requests required the NRC to coordinate with the submitters of the proprietary information, thereby contributing to an increase in the amount of information denied in part, as well as an increase in the number of complex requests due to the time required for coordination.

In summary, because the NRC already had a FOIA program that stressed openness prior to the issuance of the President's FOIA Memorandum and the AG's FOIA Guidelines, the agency does not expect to see significant changes in the percentages of requests that are released in full or released in part because the types of exemptions that are being invoked are not discretionary for the most part.

## **II. Steps Taken to Ensure that Your Agency has an Effective System In Place for Responding to Requests**

**As the Attorney General emphasized in his FOIA Guidelines, "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open Government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests."**

**Describe here the steps your agency has taken to ensure that your system for responding to requests is effective and efficient. This section should include a discussion of how your agency has addressed the key roles played by the broad spectrum of agency personnel who work with FOIA professionals in responding to requests, including, in particular, steps taken to ensure that FOIA professionals have sufficient IT support. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.**

The NRC has an effective and efficient system for responding to FOIA requests, as is evident by the progress it has made in reducing its FOIA backlog and in improving the timeliness of responses to FOIA requesters within the statutory deadlines. The NRC has a centralized FOIA processing system, with the FPS responsible for providing responses to requesters for the entire agency. The FPS has a point of contact (FOIA coordinators and alternates) in all NRC offices and regions. The FOIA coordinators are trained in the FOIA exemptions, administrative aspects of the FOIA, and in the NRC FOIA processes. They assist the staff in their office or region with fee estimates, searches for responsive documents, and recommendations regarding denial and release decisions.

The centralized FPS is responsible for managing and tracking all FOIA requests and appeals received by the NRC. It is comprised of both Federal employees and contractors. The NRC accepts FOIA requests via e-mail, postal mail, courier, and facsimile. Offices and regions know to forward any requests they directly receive to the FPS within 1 working day. Received requests are administratively opened and assigned to a FOIA specialist. A preliminary determination is made in the FPS regarding where the requested information may reside and the request is either hand carried, sent via overnight mail, or transmitted electronically to the FOIA coordinator in the appropriate office(s) or region(s). The FOIA coordinator provides an estimate of the search, review, and duplication effort.

Once the FPS has determined that a request has been perfected (e.g., fee issues have been resolved and the scope of the request clarified), the FPS electronically notifies the appropriate FOIA coordinators to begin the search for records.

Once the request is perfected, the offices and regions have 10 working days to search for and retrieve records, provide them to a subject matter expert within the office or region who makes recommendations on release or denial (by bracketing the information in pencil) of the information, and provide their response to the FPS. The FOIA specialist in the FPS reviews the FOIA response by the offices and regions. Disagreements between the FOIA specialist and the FOIA coordinator and subject matter experts are resolved. After reviews are completed and differences of opinions are reconciled, the FPS scans the documents and makes redactions using a commercial FOIA software product. When specific exemptions are cited, the proposed response to the FOIA requester is forwarded to the OGC for review. After the OGC completes its review, the response is returned for a final review and approval by the FPAO. Upon signature by the FPAO, the response is prepared for release to the requester via postal mail. Most responses are still provided in paper because that is what the requesters want. In some cases, the documents are sent via an attachment to an e-mail or on a computer disc, if the requester asks for it in one of those forms.

In complex requests that involve a voluminous amount of documents or documents from multiple offices or regions, the NRC frequently makes partial releases to requesters. This helps keep the requester satisfied and allows the processing pipeline to continue moving rather than waiting until the entire request is processed and sending all records at the same time.

In FY 2008, the NRC closed 74 percent of its simple FOIA requests in 20 days or less. In FY 2009, the agency increased this percentage to 82 percent and, in FY 2010, increased it to 94 percent.

**a. Do FOIA professionals within your agency have sufficient IT support?**

Yes. Each FOIA specialist, including the contractor support staff, in the FPS has a personal computer on the NRC network. These computers have access to the FOIA case tracking system, which includes an electronic redaction capability. Help desk service is a phone call away.

**b. Describe how your agency's FOIA professionals interact with your Open Government Team.**

The FPAO works closely with the NRC's Open Government Team. The [FOIA section of the NRC's Open Government Plan](#) was written jointly by the FPAO and the Open Government Team. This joint effort also updated "The NRC Approach to Open Government" Web page to include a tab in the "Selected NRC Information Resources" section for [FOIA/Privacy Act Requests/Reports](#). This tab provides access to recent FOIA requests, frequently requested records, closed FOIA/Privacy Act requests, Annual FOIA Reports, Annual Chief FOIA Officer Report, and annual FOIA backlog reduction goals. As a result of this interaction, the NRC received the highest points possible on FOIA scores from the Open Government Project. Another result of this collaboration was the development of a new Web page, [Open Government Assessment of the NRC's FOIA Process as a Key Information Dissemination Channel](#). This Web page contains sections on "Improved Information Disclosure through the FOIA Process," "Senior-Level Management Attention to the FOIA/Privacy Section," "FOIA Support from the Office of the General Counsel," and "Role and Responsibilities of the FOIA/Privacy Section." This Web page is also referenced in the NRC's Open Government Plan.

**c. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to responding to FOIA requests.**

The annual budget cycle includes an assessment of the personnel resources and contract money needed for adequate staffing.

**d. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.**

The NRC has reviewed DOJ's "FOIA Best Practices" and has implemented all of the practices that can be applied to the NRC. We are taking additional actions to enhance information exchange between our FOIA professionals and our Chief FOIA officer. Currently, we exchange information between Agency FOIA professionals and the Chief FOIA officer through senior managers in the FOIA chain of command. To enhance this information exchange, for this fiscal year and beyond, the FOIA professionals will be invited at an interval, no less than semiannually, to meetings held by the Chief FOIA Officer and senior managers to provide the FOIA professionals an opportunity for face-to-face discussions.

**III. Steps Taken To Increase Proactive Disclosures**

**Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.**

**Describe here the steps your agency has taken to increase the amount of material that is available on your agency website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA Guidelines. In doing so, answer the questions listed below and describe any additional steps taken by your agency to make proactive disclosures of information.**

As stated earlier in response to Question I.1, the NRC has a longstanding proactive practice of conducting its regulatory responsibilities in an open and transparent manner by keeping the public informed of the agency's regulatory, licensing, and oversight activities in the absence of a FOIA request.

The NRC was the first Federal agency to provide the public with electronic access to all of its public documents through the groundbreaking Agencywide Documents Access and Management System (ADAMS). Since the release of ADAMS in 1999, it has been the NRC's policy to make nonsensitive documents publicly available through ADAMS unless there is a specific reason not to do so. Consequently, since the inception of ADAMS, the agency has made public more than 600,000 full-text documents and is currently publishing more than 300 documents daily.

The NRC public Web site broadens the public's understanding of the NRC's mission, goals, and performance; increases openness by providing information that enhances the ability of stakeholders to participate effectively in the regulatory process; and makes doing business with the NRC easier by enhancing access to agency information and making tools available for conducting business electronically. The public Web site includes the following NRC Web pages: Electronic Reading Room, ADAMS, Document Collections, Basic References, Photo and Video Gallery, Index to All Frequently Asked Question Pages, Public Document Room, FOIA/Privacy Act Requests, How to Obtain Paper Copies, Records Management, Facility Information Finder, Subscribe to E-mail Notices, Operating Reactor Correspondence, Congressional Affairs, and Public Affairs. In addition, the public Web site provides links to NRC news releases and speeches.

Beginning April 15, 2010, the FPS began making more FOIA requests publicly available. This included "no record responses" and requests that had been withdrawn. The only requests that are not made public are (1) first-party requests concerning allegations and investigations, (2) inspector general records, (3) individuals seeking information about themselves (such as personnel files, security investigations, and job applications), and (4) requests for databases that are subject to frequent change.

**a. Has your agency added new material to your agency website since last year?**

Yes. During FY 2010, the NRC added almost 78,000 new documents to the publicly available Web site in accordance with the agency's proactive policies and procedures. These included the [high-value datasets](#) that are available on the NRC's Web page.

**b. What types of records have been posted?**

The NRC added documents to all of the following Web pages on the public Web site: Electronic Reading Room, ADAMS, Document Collections, Basic References, Photo and Video Gallery, Index to Frequently Asked Question Pages, Public Document Room, FOIA/Privacy Act Requests, How to Obtain Paper Copies, Records Management, Facility Information Finder, Subscribe to E-mail Notices, Operating Reactor Correspondence, Congressional Affairs, Public Affairs, and Open Government.

To promote transparency and public involvement in the agency's regulatory activities, the NRC also posts NRC [Chairman Gregory B. Jaczko's schedule of meetings and events](#), the [Commission meeting schedule](#), and the [public meeting schedule](#). The public can also review the results of these meetings through the NRC's publicly available [Commission meeting transcripts](#), [Commission speeches](#), [congressional testimony](#), and [public meeting archive](#).

Another significant addition is the recent expansion of reactor-specific pages in the [Facility Information Finder](#) on the NRC's public Web site to improve access to key documents associated with each facility. In addition to basic information about the plant's location, owner, operator, reactor type, and daily plant status, the Facility Information Finder now provides access to relevant NRC press releases, plant diagrams, event notifications, safety performance summaries, inspection reports, enforcement actions, key correspondence, factsheets, briefings, and past and planned meetings, and links to related information and resources.

**c. Give examples of the types of records your agency now posts that used to be available only by making a FOIA request for them.**

All of the [high-value datasets](#) that are available on the NRC's Web page, The NRC Approach to Open Government, were formerly available only by making a FOIA request.

**d. What system do you have in place to routinely identify records that are appropriate for posting?**

Each week, the FPS prepares a Weekly Information Report (WIR) that lists incoming FOIA requests. The WIR is posted on the NRC's public Web site. The records released in response to completed FOIA requests are also posted on the NRC's public Web site. OMB Watch reviewed the NRC's Open Government Web site and stated the NRC "was the only agency to not only link to Freedom of Information Act (FOIA) reports and plans but to also list the FOIA requests received in the last month."

The NRC also has a longstanding system in place to proactively identify and post appropriate records to help the public better understand and interact with the NRC. The key to this system is regular communication and collaboration between the centralized FPS and Web Content Services sections in the Office of Information Services and the Web liaisons in the agency's program offices. Agency MDs and office policies and procedures guide this collaboration to ensure a high level of vigilance and awareness of the agency's mission and program activities; the public site content, standards, and policies; and, most importantly, the needs and interests of the public and other external stakeholders. Through this collaboration, the NRC proactively posted approximately 78,000 new documents to the public Web site in FY 2010 and routinely disseminates more than 300 documents daily through ADAMS.

In addition, the NRC actively engages the public in its system for identifying, prioritizing, and posting appropriate records and high-value datasets. The agency's public Web site offers many "[contact us](#)" pages to encourage public feedback on a variety of mission and program areas. The newest addition is an invitation through the Open Government page to "[Share Your Ideas](#) About the NRC Approach to Open Government." In particular, the agency invites the public to offer the following types of input:



- feedback on the quality of the [NRC's published datasets](#)
- opinions about what additional datasets the NRC should publish
- suggestions about how the NRC can achieve the following objectives:
  - Work better with others, both inside and outside the Government.
  - Solicit feedback from the public.
  - Improve the availability and quality of information.
  - Be more innovative and efficient.
- comments on the agency's [Open Government Plan](#)

The NRC uses this feedback to identify and prioritize [key external audience needs for NRC high-value datasets](#); records, documents, and other information that should be added to the public Web site; and capabilities, such as [Unified Public Web Search](#), that simplifies the public's access to records of interest. In addition, the NRC recently institutionalized a process for identifying, prioritizing, and publishing its high-value datasets in open format, taking into account the public's input on the types of data that would be of value and ensuring that appropriate information security reviews are completed before publication.

#### **e. How do you utilize social media in disseminating information?**

The NRC is initiating the use of publicly available social media and Web-based interactive technologies, such as blogs, video and photo sharing, and social networks, as another way to enhance public and stakeholder participation in NRC activities and to enable NRC staff to network and interact with professional colleagues.

Use of social media will begin with the implementation of an NRC public blog. Authorized NRC representatives will be posting on a variety of topics with the goal of educating, informing, explaining, raising awareness, generating dialogue, or clarifying NRC actions and procedures. Additional social media capabilities will be implemented over time to further enhance the flow of information to and from both the general public and specifically targeted stakeholder groups.

In the interim, the NRC uses [Live Meeting Webcasts](#) to broadcast public Commission meetings over the Internet as a means of improving communications with the public, and an archive of previous Webcasts is available through the [NRC Webcast Portal](#). In fact, the White House featured the NRC's 2009 Web conferencing pilot on its [Open Government Innovations Web site](#), explaining how the NRC used this technology to more broadly share information about possible changes to emergency preparedness regulations. The NRC subsequently achieved one of its first Open Government milestones by increasing the number of NRC meetings that are Webcast live for public viewing during the meeting and made available in a video archive for viewing after the meeting. In response to the positive public feedback received in this area, the agency is currently working to identify and implement an easily expandable agencywide approach to support future Web conferencing needs.

Also during FY 2010, the NRC piloted the IdeaScale citizen-engagement tool to solicit feedback on its approach to Open Government. The NRC subsequently revised its Open Government Plan to incorporate some ideas generated with the tool and published its [Responses to Submitted Ideas](#) and a [Final Report](#) about the IdeaScale pilot.

In addition, Mr. Darren B. Ash, the agency's Chief Information Officer (CIO) and Deputy Executive Director for Corporate Management, currently represents the NRC as a member of the CIO Council, through which he authors a [CIO.gov blog](#) (also available through the NRC's public Web site). Mr. Ash is also the NRC's Chief FOIA Officer and Senior Accountable Official for Data Quality—positions that make him uniquely qualified to guide the NRC in utilizing social media to disseminate information.

**f. Describe any other steps taken to increase proactive disclosures at your agency.**

In FY 2010, the NRC added the capability for public Web site visitors to [Subscribe to E-mail Notices](#) to receive records and documents such as generic communications, new rulemaking dockets, news releases, speeches, and reports issued by the NRC's Inspector General through an e-mail subscription service. In addition, the agency is moving to Web-based distribution of agency correspondence related to operating reactors. Through this new distribution method, the public can [Subscribe to Operating Reactor Correspondence](#) on a facility-by-facility basis through an interactive Web site, making it easier and faster to obtain the desired information. In a recent 30-day period, the agency distributed more than 17,000 pieces of correspondence to recipients in 16 different countries.

Also, as part of its ongoing public Web site redesign, the NRC is implementing new subscription-based services to enable stakeholders to keep abreast of the most current news and information based on topics of interest. Stakeholders will be able to select their preferred method for receiving NRC updates via notification services such as e-mail, Really Simple Syndication feeds, and enhanced list service capabilities.

In addition, based on its assessment of the recent IdeaScale pilot, the NRC's Open Government Working Group concluded that IdeaScale did not fully meet the agency's need to initiate meaningful dialogue with the public. As a result, the [Final Report](#) concerning the pilot announced that the NRC is initiating two new communication tools to engage the public on topics of interest related to NRC actions and policies:

- The **NRC Blog**, which debuted at the end of January 2011, is located at [www.wordpress.com/nrc](http://www.wordpress.com/nrc) and is available through the NRC's public Web site. It features blog posts from experts throughout the agency and addresses issues related to new reactors, materials, spent fuel, emergency preparedness, and other topics of interest. The blog is intended to educate, inform, explain, and clarify the actions, roles, and responsibilities of the NRC; raise awareness about the agency and its mission; and provide a mechanism for dialogue with the public through moderated comments. The NRC encourages the public and stakeholders to post comments and participate in dialogues through the blog, but the blog will not replace any existing, formal communication method, such as *Federal Register* notices.
- The **NRC Discussion Forum** is still under development, but it will serve as a vehicle for live questions and answers between the public and NRC staff online. It will allow a more dynamic dialogue on important and timely topics of interest to the NRC and the public. Technical details are still being worked out, and there is no timeframe for the debut of this tool. Announcements of when it will become available and which topics are scheduled for discussion will be made on the public Web site in the future.

#### **IV. Steps Taken To Greater Utilize Technology**

**A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests. In 2010 agencies reported widespread use of technology in handling FOIA requests. For this section of your Chief FOIA Officer Report for 2011, please answer the following more targeted questions:**

**1. Electronic receipt of FOIA requests:**

**a. What proportion of the components within your agency which receive FOIA requests have the capability to receive such requests electronically?**

The NRC does not have decentralized components receiving FOIA requests. All electronic requests are received by the centralized FPS.

**b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?**

N/A. The NRC has one, centralized component for the agency.

**c. What methods does your agency use to receive requests electronically?**

The NRC currently receives requests electronically via e-mail and facsimile. The e-mail address for submitting FOIA requests, [FOIA.resource@nrc.gov](mailto:FOIA.resource@nrc.gov), appears on the NRC public Web site and in NUREG/BR-0010, "Citizen's Guide to U.S. Nuclear Regulatory Commission Information," issued August 2003. The Citizen's guide is available via a link from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/foia-privacy.html>. The facsimile and telephone numbers for submitting FOIA requests are also available on the NRC Web site.

**2. Electronic tracking of FOIA requests:**

**a. What proportion of components within your agency which receive FOIA requests have the capability to track such requests electronically?**

The centralized FPS receives all FOIA requests and tracks them electronically.

**b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?**

N/A. The NRC has one, centralized component for the agency.

**c. What methods does your agency use to track requests electronically?**

The NRC uses a commercial FOIA software product to track requests electronically. Requests are logged in and electronically assigned a case number. The status of each request is updated every time it changes (i.e., when it is tolled, when it is perfected, when it is closed). Data are captured in order to produce the Annual FOIA Report and other ad hoc reports.

**3. Electronic processing of FOIA requests:**

**a. What proportion of components within your agency which receive FOIA requests have the capability to process such requests electronically?**

The centralized FPS receives all FOIA requests and processes them electronically.

**b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?**

N/A. The NRC has one, centralized component for the agency.

**c. What methods does your agency use to process requests electronically?**

Since April 2007, the NRC has used commercial software to electronically redact information from documents. The FPS staff scans documents to create files in Portable Document Format. The NRC is currently using the redaction software that is part of a commercial FOIA software product.

**4. Electronic preparation of your Annual FOIA Report:**

**a. What type of technology does your agency use to prepare your agency Annual FOIA Report, i.e., specify whether the technology is FOIA-specific or a generic data-processing system.**

The NRC uses a commercial FOIA software product to prepare its Annual FOIA Report.

**b. If you are not satisfied with your existing system to prepare your Annual FOIA Report, describe the steps you have taken to increase your use of technology for next year.**

N/A.

**V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests**

Improvements to timeliness in responding to pending FOIA requests and reductions in backlogs are both ongoing agency efforts. The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. Section XII of your Annual FOIA Report includes figures that show your agency's backlog of pending requests and administrative appeals for the past two fiscal years. You should

refer to those numbers when completing this section of your Chief FOIA Officer Report. In this section you should address the following elements.

**1. If your agency has a backlog, report here whether that backlog is decreasing. That reduction should be measured in two ways. First, report whether the number of backlogged requests and backlogged administrative appeals that remain pending at the end of the fiscal year decreased or increased, and by how many, when compared with last fiscal year. Second, report whether your agency closed in Fiscal Year 2010 the ten oldest of those pending requests and appeals from Fiscal Year 2009, and if not, report how many of them your agency did close.**

The number of NRC backlogged cases increased by one from FY 2009 to FY 2010, resulting in a backlog of six requests at the end of FY 2010. The number of backlogged administrative appeals decreased from three to one from FY 2009 to FY 2010.

During FY 2010, the NRC closed all of its 10 oldest pending requests and administrative appeals from FY 2009.

**2. If there has not been a reduction in the backlog as measured by either of these metrics, describe why that has occurred. In doing so, answer the following questions and then include any other additional explanation:**

**a. Is the backlog increase a result of an increase in the number of incoming requests or appeals?**

The NRC experienced an increase of 40 requests received in FY 2010 compared with FY 2009. In spite of this 13 percent increase in received requests, the NRC's backlog of pending requests increased by only one. The number of backlogged appeals decreased from three in FY 2009 to one in FY 2010.

**b. Is the backlog increase caused by a loss of staff?**

The backlog increase was not caused by a loss of staff.

**c. Is the backlog increase caused by an increase in the complexity of the requests received?**

Yes. Of the six backlogged requests, five were complex requests. In FY 2010, the NRC experienced a significant increase in the number of complex requests compared to FY 2009. In FY 2009, the NRC received 32 complex requests. That number more than doubled to 70 in FY 2010. Ironically, we believe that the ratio of complex requests to overall requests has increased because of the additional amount of information the NRC proactively makes publicly available. Because the NRC already releases much publicly available information proactively, there is a higher ratio of requests for information, such as allegation, investigative, and proprietary

information, that the agency does not proactively make publicly available. Requests for this type of information are almost always complex and require more processing time for the FOIA staff, time that could have been used to reduce the backlog if these requests had been simple requests.

**d. What other causes, if any, contributed to the increase in backlog?**

Requesters' refusal to reduce the scope of requests, especially requesters who have been granted fee waivers, contributed to the complexity of requests. Requests for "any and all" information on a particular subject frequently increase the complexity of the request and its processing time.

**3. Describe the steps your agency is taking to reduce any backlogs and to improve timeliness in responding to requests and administrative appeals. In doing so answer the following questions and then also include any other steps being taken to improve timeliness.**

**a. Does your agency routinely set goals and monitor the progress of your FOIA caseload?**

Yes. The NRC established two performance measures for FOIA processing that senior managers throughout the agency are responsible for meeting. The first goal is that the NRC must respond to simple FOIA requests within 20 working days 75 percent of the time. The NRC has exceeded this goal in each of the last two years. The second goal is that offices must provide records to the FPS within 10 working days 90 percent of the time. The NRC has exceeded this goal in each of the last three years. The performance measures are posted quarterly by offices and regions. If problem areas arise, corrective measures are discussed and, if possible, actions are taken to resolve the issues. The performance goals are reviewed quarterly and annually and provided to the Office of the Executive Director for Operations.

**b. Has your agency increased its FOIA staffing?**

The NRC did not increase FOIA staffing in FY 2010.

**c. Has your agency made IT improvements to increase timeliness?**

Yes. The NRC constantly makes information technology improvements that contribute to increased FOIA response timeliness. These improvements include installation of a commercial FOIA software product upgrades and periodic refreshing of computers.

**d. Has your agency Chief FOIA Officer been involved in overseeing your agency's capacity to process requests?**

The NRC's Chief FOIA Officer oversees the agency's capacity to process requests by reviewing statistical reports, the Annual FOIA Report, the budget and hiring processes, and the Chief FOIA Officer Report.

**Spotlight on Success**

**Out of all the activities undertaken by your agency in this last year to increase transparency, describe here one success story that you would like to highlight as emblematic of your efforts.**

As stated earlier in response to Question III.c, the availability of the high-value datasets on the NRC's Web site has increased the transparency of the NRC's operations and functions. In the past this information was available only by making a FOIA request.