<u>U.S. Nuclear Regulatory Commission</u>
<u>Chief FOIA Officer Report</u>
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Section 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.

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) is committed to protecting the health and safety of the public, and understands that an open and transparent regulatory process is critical to achieving its safety goals. Prior to the issuance of the President's FOIA Memorandum, the NRC had its own, unmandated program to make discretionary releases of information that would be of interest to the public, even in the absence of a Freedom of Information Act (FOIA) request, and understood that openness should be the guiding principle of FOIA releases.

NRC is currently restructuring its FOIA program to create a more efficient, more responsive, and more transparent process. The new structure will streamline the process for the FOIA staff, and it also intends to better train non-FOIA NRC staff about FOIA legal requirements in order to create broad awareness of the presumption of openness when responding to FOIA requests. NRC is currently piloting voluntary seminars on FOIA law, which will emphasize openness, for which NRC staff can receive professional training credit. NRC is also in the process of procuring technology to enable the public to immediately obtain the status of a FOIA request via an electronic portal.

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period? Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

Yes. The FOIA/Privacy Section (FPS) conducted FOIA training for staff from the following offices and regions: Office of the Inspector General (OIG), Office of Investigations (OI), Region IV, and information technology (IT) staff.

The NRC FPS staff attended multiple FOIA training events. These training events included the following U.S. Department of Justice (DOJ) events:

- Sunshine Week Celebration—The DOJ recognized the NRC as one of five agencies whose efforts in implementing the Attorney General's FOIA Guidelines were particularly exemplary. The NRC's Chief FOIA Officer was invited to speak about the agency's efforts to streamline the review and production process when dealing with voluminous records through the use of new technologies
- Privacy Act for FOIA Professionals

- Director's Lecture Series—FOIA Fundamentals, Achieving FOIA Goals, and Tracking Agency Progress
- Refresher Training Session—Agency Annual FOIA Reports and Chief FOIA Officer Reports

The NRC FPS staff also participated in the following training events:

- American Society of Access Professionals (ASAP) Annual National Training Conference
- ASAP Annual Symposium and Training Conference
- Office of Government Information Services Dispute Resolution Skills Training for FOIA Professionals
- Advanced Information Network Systems (AINS) FOIAXpress Users Group Conference
- AINS FOIA/Privacy Act Training
- AINS Get Familiar with the FOIA Training
- AINS FOIAXpress Basic Users Training
- Department of Homeland Security 2012 Privacy Compliance Workshop
- Federal Chief Information Officer Privacy Committee's Development and Education Sub-Committee, Safeguarding Sensitive Personally Identifiable Information

In his 2009 FOIA Guidelines, the Attorney General strongly encouraged agencies to make discretionary releases of information even when the information might be technically exempt from disclosure under the FOIA. OIP encourages agencies to make such discretionary releases whenever there is no foreseeable harm from release.

2. Did your agency make any discretionary releases of otherwise exempt information?

Yes.

3. 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. The NRC asked subject matter experts (SMEs) to identify harm that could result from the release of information. If no harm was demonstrated, the NRC sought to release this information.

4. Provide a narrative description, or some examples of, the types of information that your agency released as a matter of discretion.

The types of information that the NRC released as a matter of discretion included pre-decisional discussions, recommendations, and drafts.

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

This topic was addressed during the training sessions provided to the OIG, OI, and Region IV. In addition, staff members responding to FOIA requests are instructed to systematically review all information to recognize factors that may suggest the appropriateness for discretionary release, such as the age of the information or its similarity to a final product. When providing responsive records to the NRC's centralized FPS, all offices state on their transmittal memoranda whether or not a discretionary release was made and whether the withholding of

information qualified under Exemption 5. The FPS and the Office of General Counsel complete additional reviews and a final decision is made on whether to make the discretionary release. For Japan-related FOIA requests, the NRC is releasing as much of the information as possible that would have qualified for withholding under Exemption 5. However, these releases have been interim responses to requests that remain open, so the final number of discretionary releases is not yet available.

**Section 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."

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.

Describe here the steps your agency has taken to ensure that its system for responding to requests is effective and efficient. 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.

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

Yes. Each FOIA specialist in the FPS, including contractor support staff, has a computer on the NRC network. These computers have access to the FOIA case-tracking system, which includes an electronic redaction capability. NRC has a dedicated IT support office for NRC equipment problems, and an ongoing maintenance contract with the case-tracking system vendor ensures that software support is readily available. NRC is also in the process of modifying a contract to ensure one-day turnaround on requests to scan documents that are responsive to a FOIA request.

2. Do your FOIA professionals work with your agency's Open Government Team?

Yes. The FOIA/Privacy Act (PA) Officer works closely with the NRC's Open Government Team, as well as with its Web Content Management Services Group, to facilitate proactive disclosure of information related to the agency's regulatory activities and timely responses to FOIA/PA requests.

3. Has your agency assessed whether adequate staffing is being devoted to FOIA administration.

The annual budget cycle includes an assessment of the personnel resources and contract money needed for routine and projected staffing needs. The NRC's Chief FOIA Officer and senior management officials oversee the agency's capacity to process requests by reviewing statistical reports, the Annual FOIA Report and budget and hiring processes, and the Chief FOIA Officer Report. NRC is currently restructuring its FOIA program and analyzing the potential benefit of adding staff.

4. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, streamlining consultations, eliminating redundancy, etc.

During July 2012, the agency conducted a Lean Six Sigma business-process improvement (BPI) study of the FOIA process. In December, NRC management approved a series of recommendations intended to improve efficiency by automating processes when possible, creating an end-to-end electronic process for electronic records, creating a dedicated resource for scanning FOIA documents, expanding FOIA training for agency staff, and ensuring that well-trained staff are readily available to consult with staff about FOIA requests.

Section 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 both to increase the amount of material that is available on your agency website, and the usability of such information, including providing examples of proactive disclosures that have been made during this past reporting period (i.e., from March 2012 to March 2013). In doing so, answer the questions listed below and describe any additional steps taken by your agency to make and improve proactive disclosures of information.

The NRC has a longstanding practice of conducting its regulatory, licensing, and oversight activities in an open and transparent manner by proactively keeping the public informed in the absence of FOIA/PA requests.

The NRC was the first Federal agency to give the public 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, the NRC has steadfastly adhered to its policy to make nonsensitive documents proactively available to the public through ADAMS, unless there is a valid and legal reason not to do so. As a result, the agency has made more than 770,000 documents public since 1999 (nearly 74,000 in the past year alone), and it publishes an average of 294 new documents each day.

The NRC also uses its public Web site extensively to share information proactively with the public and other stakeholders. Its public Web site offers information and tools to broaden the public's understanding of the agency's mission, goals, and performance; to increase openness by providing information that enhances stakeholders' ability to participate effectively in its regulatory processes; and to help licensees, private entities, and the public conduct business with the agency electronically. To achieve these goals, the site offers a wealth of information about the NRC's primary mission areas: nuclear reactors, nuclear materials, radioactive waste, and nuclear security and safeguards. For example, the site delivers daily plant status, inspection reports, event reports, enforcement actions, petitions, detailed information on the performance of reactor licensees, and a facility locator that provides easy access to key documents associated with each facility.

During the current reporting period, the NRC also updated 12 of its 29 high-value datasets to increase public knowledge and promote transparency of operating reactors and their performance, significant enforcement actions, dry spent fuel storage licensees and designs, and the status of NRC-regulated materials sites currently undergoing decommissioning. These and other NRC datasets are available through the NRC's public Web site and Data.gov.

The NRC's public Web site also features calendars and detailed information about public meetings, conferences and symposia, and live NRC meeting Webcasts. The agency encourages public scrutiny of its activities through an extensive archive of transcripts from past meetings. To promote openness and transparency, the site also presents extensive information on Commission decisions, speeches, correspondence, transcripts of hearings, and Congressional testimony. The public Web site also gives the public an opportunity to comment on proposed rules and policies, licensing actions, and draft technical documents. Additionally, it encourages the public to seek correction of NRC information under the agency's information quality guidelines.

The NRC Library, available through the NRC's public Web site, encompasses an extensive array of resources, including basic references, collections of Web-based documents (including news releases, *Federal Register* notices, NUREG-series reports, rulemaking documents, and many others), Web-based access to all publicly available documents in ADAMS, a photo and video gallery, and a comprehensive index of all frequently asked questions (FAQs). In addition, the NRC Library provides guidance on how to obtain paper copies of NRC documents and how to take advantage of the resources in the NRC's public document room. Visitors to the NRC Library also can find information about the NRC's records disposition schedules and records management policies and procedures. The NRC Library also provides access to all publicly available information about the FOIA/ PA program and FOIA/PA requests and responses. The only requests currently not proactively 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 subject to frequent change.

Additionally, the public Web site provides electronic notification capabilities to enable the public and other stakeholders to keep up with NRC news and information. The NRC currently offers the following services to enable interested parties to subscribe to e-mail updates:

- NRC RSS Feeds

- GovDelivery subscription services

- Lyris subscription services

- Operating Reactor Correspondence

These services create e-mail alerts with headlines, summaries, and links to information about a variety of topics of interest to the NRC's stakeholders. For more information, including a description of each of the subscription resources, see Subscribe to E-mail Updates.

1. **Provide examples of material that your agency has posted this past year.**

In addition to adding nearly 74,000 new documents to the public database ADAMS, the NRC refreshed approximately 20 percent of its public Web site content during the current reporting period, which is consistent with its established policies and procedures for proactive disclosure of

information. This steadily expanding resource currently comprises approximately 42,000 HTML pages and more than 40,000 documents to provide information on a variety of mission-related activities. It incorporates approximately 550 updates and additions monthly.

Notable updates and additions during the current reporting period include the following examples:

- Sharing Information through Social Media
- NRC Blog
- NRC Twitter Feed
- NRC YouTube Channel
- NRC Flickr Gallery
- What's New On Our Site
- Site Index
- Site Map
- Index of All Contact Pages
- Subscribe to E-mail Updates
- Operating Reactor Correspondence
- Electronic Submittals
- Licensee Event Report Search (LERSearch)
- FY 2013 Congressional Budget Justification
- FY 2012 Performance and Accountability Report
- Plan for Retrospective Analysis of Existing Rules
- Plan for Streamlining Service Delivery and Improving Customer Service
- NRC Safety Culture Policy Statement
- Conference Expense Waivers and Reports
- The NRC Approach to Open Government
- Digital Government Strategy at the NRC
- Plain Writing Act Compliance Reports
- Freedom of Information Act & Privacy Act Requests
- NRC Actions in Response to the Japan Nuclear Accident
- FOIAs Related to Japan's Emergency
- Public Meeting Schedule
- Meeting Archives
- NRC Webcast Portal
- Conferences & Symposia
- Commission Meeting Schedule

- Commission Speeches
- News Releases
- NRC Federal Register Notices
- Congressional Documents (testimony, reports, and correspondence)
- Documents for Comment
- FAQ Index
- Generic Communications
- Generic Issues
- Facility Locator
- Radiation Dispersion Maps and Information
- Power Reactor Status Reports (and related dataset)
- Reactor Inspection Reports (and related dataset)
- Reports Associated with Events (and related dataset)
- Enforcement Petition (2.206) Documents
- Issued Significant Enforcement Actions (and related dataset)
- Sanctions for Discrimination Against Employees Who Raise Safety Concerns
- U.S. Commercial Nuclear Power Reactors (dataset Appendix A)
- U.S. Commercial Nuclear Power Reactors Formerly Licensed to Operate (permanently shutdown) (dataset Appendix B)
- Canceled U.S. Commercial Nuclear Power Reactors (dataset Appendix C)
- U.S. Nuclear Research and Test Reactors (Operating) Regulated by the NRC (dataset Appendix I)
- U.S. Nuclear Research and Test Reactors Under Decommissioning Regulated by the NRC (dataset Appendix J)
- Dry Spent Fuel Storage Designs: NRC-Approved for Use by General Licensees (dataset Appendix N)
- Dry Spent Fuel Storage Licensees (dataset Appendix O)
- Native American Reservations or Trust Land Within 50-Mile Radius of a Nuclear Power Plant (dataset Appendix U)
- NRC Ethics
- Civil Rights Program
- Integrated Source Management Portfolio (ISMP)
- Security-Related Rulemaking to Update 10 CFR Part 73
- Security Rulemaking for Independent Spent Fuel Storage Installations
- Cyber-Security Initiative for Fuel Cycle Facilities
- Waste Confidence
- Tribal Protocol Manual

- [Special NRC Oversight at San Onofre Nuclear Generating Station: Steam Generator Tube Degradation](#)

- [NUREG-Series Publications](#)

- [Rulemaking Documents](#) (dockets, petitions, and activities)

- [Potential Rulemakings](#)

- [Regulatory Information Conference (RIC)](#)

- [The Office of Management and Budget (OMB) Exhibit 300s](#)

- [Personal Identity Verification](#)

2. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities on the site, creating mobile applications, providing explanatory material, etc.?

As communication methods evolve, so, too, does the NRC's outreach to engage members of the public as stakeholders in its regulatory, licensing, and oversight activities. The NRC continually seeks new ways to use the Internet as an innovative medium to foster public engagement and implements incremental changes to its public Web site as part of a continuous improvement cycle.

NRC hosts semi-annual ADAMS Users Group meetings to answer questions, discuss system improvements, and receive suggestions and recommendations from the public for enhancing publicly available information. These meetings supplement the information regularly provided by the Public Document Room staff through telephone, e-mail, and on-site visits as well as through their presentation at the annual Regulatory Information Conference. Staff provides guidance and reference assistance to the public for navigating the NRC Internet site, the ADAMS database, the Legacy Library, and all of the various avenues employed by citizens, stakeholders, licensees, and international users to obtain access to publicly available NRC information. They have been commended often by public users for their high level of customer service and their dedication to improve information access for public users.

3. If so, provide examples of such improvements.

In the past year, the NRC has made significant progress in enhancing stakeholder engagement by sharing information through social media, launching its [Digital Government Strategy](#) initiative, publishing and maintaining its high-value datasets, sustaining its [Open Government](#) initiative, focusing on plain writing, and soliciting public feedback.

a. Sharing Information through Social Media

When the NRC published its first [Open Government Plan](#) in April 2010, the agency embraced a [flagship initiative](#) to enhance its engagement and communication with the public and other agency stakeholders. The use of social media was one key aspect of that initiative. Social media enables the NRC to reach a broader audience and to engage, inform, and educate the public better—in real time, through multiple channels. The NRC found that its social media

initiatives have achieved even greater levels of interest than originally anticipated, as demonstrated by its Social Media Metrics and Social Media Trends.

To inform the public and encourage dialogue, the NRC uses WordPress® to publish the NRC Blog. This forum serves as a vehicle for informing, explaining, and clarifying the actions, roles, and responsibilities of the NRC and for raising awareness about the agency and its mission. The NRC blog also enables the public to share ideas with the NRC in a moderated forum. In addition to being accessible through the Web, the blog can be viewed using mobile devices (such as smartphones).

Since the blog debuted on January 31, 2011, the NRC has continued to engage the public by publishing regular posts (nearly 300 to date) on topics ranging from the NRC's role in international nuclear affairs to new ways to find information on its public Web site. Over the past year, the blog has had more than 120,000 visits (an average of 335 per day) and has received more than 1,500 comments. Most important, the blog has proven to be an especially useful way to communicate quickly with the public during and after Hurricane Sandy, the Palisades' Nuclear Power Plant shutdown, earthquakes in California, and other events that affected areas near nuclear power plants in the United States during the past year.

The NRC Twitter Feed announces new blog posts and press releases, meeting notices, *Federal Register* notices, speeches, reports, content posted on the NRC Web site, and other real-time snippets of information. Since the NRC Twitter Feed debuted on August 24, 2011, the NRC issued 658 tweets and has nearly 2,800 followers. Most important, many different organizations and individuals regularly "retweet" NRC's tweets.

The agency's YouTube Channel enables the NRC to publish existing and newly created videos that feature brief topics of interest to inform and educate the public. The NRC anticipates posting small segments of some important Commission briefings, videos previously produced but not extensively distributed, and new content. The NRC hopes the videos will enhance the public's understanding of the agency and its mission and give a face to the people who work hard every day to protect people and the environment. The agency will not be taking comments on YouTube, but has created a YouTube Comments category on the NRC Blog for feedback on its videos. Since the NRC YouTube Channel debuted on September 8, 2011, the agency has posted 59 videos, which have been viewed more than 21,000 times. The agency currently has more than 200 subscribers.

The NRC's latest social media addition is the NRC Flickr Gallery, which it launched on March 1, 2012. This gallery enables the NRC to share new and historical photos and graphics to raise awareness of the agency's activities. It allows the public to browse, view, and download images easily. Among the benefits Flickr offers is the ability for users to "tag" a photo. Tags are keywords associated with each image that make it much easier to search for images. Flickr also allows the NRC to organize its photos into sets, which then can be viewed as a slideshow. These sets are a group of photos, which are categorized under a single heading—such as operating power reactors. Flickr also has a really simple syndication (RSS) Feed option that can notify subscribers whenever the NRC uploads a new photo.

Since the NRC Flickr Gallery debuted, the agency has posted more than 1,000 photos and graphics, which have been viewed more than 77,000 times by nearly 30,000 visitors. Anyone can view images uploaded on Flickr and find them easily on a variety of search engines, such as Google, Bing, and Dogpile. The NRC hopes this will translate into more traffic to its photos and an increased understanding about the NRC mission and activities. All photos on the site

continue to be free, and anyone can download them for his or her use. In addition, with Flickr, it is extremely easy to create or join an existing community, such as the Official U.S. Government Photostreams, a group comprised of official U.S. Federal, State, and local government image banks on Flickr.

The NRC RSS Feeds are another valuable communication resource for NRC staff and stakeholders. RSS is an easy way for subscribers to keep up with their favorite news and information. The NRC RSS feeds contain headlines, summaries, and links to information on its Web site. Since April 14, 2011, the NRC has launched the following feeds:

- Daily Event Report
- National Source Tracking System Blog
- NRC News Releases
- NRC Web cast: Audio|Video
- NRC Blog
- NRC Flickr Photostream
- Power Reactor Status Report
- What's New On Our Site

The NRC is delighted that these feeds have attracted more than 21,000 unique visitors. In addition, the NRC RSS feeds have had more than 225,000 visits to date, with more than 9,000,000 total page requests.

In addition to enhancing outreach and stakeholder involvement in public meetings, the NRC continues to increase the number of live meeting Webcasts to broadcast public meetings over the Internet, and the agency now has the capacity to Webcast up to 150 meetings per year. The schedule is published through the NRC Webcast Portal, which also provides access to archived Webcasts. The NRC is also continuing to promote the use of virtual meeting technologies (such as Web streaming and Web conferencing) within the agency. Use of these technologies allows members of the public to participate in these meetings regardless of their physical location. In addition, the agency is exploring the use of other collaborative tools—such as wikis—that increase workgroup efficiency and improve results by enabling easy access to reference materials, online brainstorming, and the development of collaborative work products. The NRC also may consider using targeted community portals when registered and secured access is required to participate in discussions and exchanges of nonpublic information.

b. Digital Government at the NRC

As an independent regulatory agency that prides itself on openness, the NRC is pleased to take an active role in Building a 21st Century Digital Government, as prescribed in the Presidential Memorandum, dated May 23, 2012. In issuing this memorandum, President Obama launched a comprehensive Digital Government Strategy, which is intended to ensure that Federal agencies serve the public effectively by making the best possible use of emerging technologies. This strategy recognizes that the American people expect to be able to interact with their Government anytime, anywhere, and on any device. As a result, Federal agencies must ensure that they can live up to these ever-increasing customer demands.

The NRC views this Digital Government Strategy as a natural evolution of the agency's commitment to keeping the public informed of—and involved in—its regulatory, licensing, and oversight activities. The imperatives embodied in the strategy are not new, but they will lead the NRC to implement new solutions using modern digital tools and technologies to change how the

agency serves its customers—both inside and outside the agency. In doing so, the NRC will help to build a 21st century platform to better serve the American people.

On August 6, 2012, the NRC responded to Milestone 2.1 of the Digital Government Strategy by proposing the five existing customer-facing systems that the agency could "Web-enable" using application programming interfaces (APIs). These APIs would give developers ready access to high-value data feeds for subsequent analysis and use. The NRC also responded to Milestone 7.1 of the Digital Government Strategy by proposing the two existing customer-facing services that the agency could optimize for mobile use, consistent with the Mobile NRC flagship Initiative described in Addendum 1 to its Open Government Plan, dated April 2012.

To provide customers with the opportunity to comment on proposed choices, the NRC published a blog posting and related "tweet" on August 22, 2012, to invite the public to Tell Us Your Thoughts. In addition, the NRC used its RSS Feeds on August 15 and 22, 2012, to notify subscribers of the opportunity to provide feedback. The OMB reviewed and endorsed the NRC's prioritized lists. (Feedback and related NRC responses are available in comments on the related blog posting.) On October 22, 2012, the NRC confirmed that these Web-enabled systems and mobile-enabled services are targeted to be available by May 23, 2013. For information about other milestones, please see Evaluating Our Progress in Implementing the Digital Government Strategy.

c. Publication of High-Value Datasets

The Open Government Directive defines high-value information as information that can be used to increase agency accountability and responsiveness, improve public knowledge of the agency and its operations, further the agency's core mission, create economic opportunity, or respond to need and demand as identified through public consultation.

Toward that end, in January 2011, the agency formalized its process for identifying, prioritizing, and publishing NRC high-value datasets. The agency's Open Government Advisory Council reviewed and approved the process. Because of the nature of the NRC's mission and the chance that some types of agency information could be used for malevolent purposes, information security screening of all datasets is of high importance. NRC staff follows administration guidance to screen for potential risks when combining NRC information with information published by other Federal agencies. In some cases, security concerns may limit the publication of agency information.

To foster public use of the NRC's high-value datasets to increase knowledge and promote transparency, the NRC publicized the availability of its datasets at its annual RIC on March 13-15, 2012, and will do so at other conferences and public meetings as appropriate, as well as through the NRC's Open Government Web site. Furthermore, stakeholders can receive an e-mail notification whenever the agency adds a new dataset or application to Data.gov by subscribing to updates on the NRC's main Open Government page. (To do so, select "Subscribe to Page Updates" beneath the page title.)

During the current reporting period, the NRC updated 12 of its 29 high-value datasets to increase public knowledge and promote transparency of operating reactors and their performance, significant enforcement actions, dry spent fuel storage licensees and designs, and the status of NRC-regulated materials sites currently undergoing decommissioning. These and other NRC datasets are available through the NRC's public Web site and Data.gov.

The NRC will continue to maintain the currency of its published datasets and will regularly post Dataset Metrics to monitor their usage and assess their value to the agency's stakeholders. In addition, the NRC will publish additional high-value datasets in open formats as opportunities are presented.

d. Sustaining Our Open Government Initiative

As reported in Addendum 1 to the NRC's Open Government Plan, dated April 2012, the agency continued to build on its accomplishments during the current reporting period in the following ways:

- Strengthen its use of social media, maintain its high-value datasets, deliver mobile access to key agency content, and provide APIs to give developers ready access to high-value data feeds for subsequent analysis and use (as previously described).

- Increase its focus on the use of plain language (as described in the next section).

- Fulfill its Open Government Milestone Commitments (as described in the following paragraphs).

A particularly favorable review in the *Bulletin of the Atomic Scientists* (January 2012) attests to the NRC successes to date:

> *…the Nuclear Regulatory Commission's (NRC) website is a gold mine of information.*
> *It has comprehensive collections of documents, organized by topic area as well as*
> *by facility location. Searches generate results that include titles and descriptions*
> *of the documents available. And in December, the NRC announced enhancements—*
> *be still my heart!—that include a more powerful and versatile search engine*
> *and the ability for users to save searches as web links for streamlined access*
> *to frequently used documents. The NRC even has a free service that automatically*
> *notifies subscribers about new documents on selected topics.*

During the current reporting period, the NRC continued to focus on transparency by identifying opportunities to improve the customer experience for users of its Public Document Room (PDR). The PDR staff helps the public find NRC documents in the agency's extensive electronic, paper, and microfiche collections. The PDR staff also assists the public in using public ADAMS, the agency's online document and records management repository. Key customer groups include members of the general public; licensees; stakeholders; official visitors to the NRC; Federal, State, and local Government officials; and contractors of Federal agencies.

Until recently, the PDR has been faced with the challenge of lacking a systematic way to identify customers' desires for improvements to PDR services. As a result, during the current reporting period, the NRC developed a voluntary survey for customers to offer feedback about their PDR experience. The agency will publish the rating percentages and feedback comments from the survey on its public Web site twice each year (in May and November), and the Chief of the Technical Information Center Section will receive monthly summaries of the survey results.

During the current reporting period, the NRC also worked to streamline and automate its paper-based materials licensing process and to make the new system easy to use for applicants and Agreement States (States that have signed agreements with the NRC that authorize them to regulate certain uses of radioactive materials). Toward that end, in June 2012, the NRC deployed the Integrated Source Management Portfolio (ISMP). This set of IT tools will support the NRC's Radioactive Material Security Program and related radioactive materials licensing

and tracking activities. The key systems that will comprise the ISMP include the National Source Tracking System and the future Web–Based Licensing (WBL) System and License Verification System. When integrated, these systems will form a comprehensive program to ensure the security and control of radioactive material by tracking information on all NRC and Agreement State licensees and more than 75,000 high-risk radioactive sources that approximately 1,300 licensees possess.

Key users of this system include current and potential materials licensees, Agreement States, and other Federal agencies that need NRC and Agreement State data for license verification. This effort will provide an opportunity for Agreement States to avoid the costs of developing their own licensing systems and will further collaborative efforts between Agreement States and the NRC. Additional cost savings and collaborations will be achieved over time as this system becomes the single source for authoritative license information for all parties. Through participation in the annual meetings of the Organization of Agreement States and the Conference of Radiation Control Program Directors, the NRC staff meets with the agency's regulatory partners in the Agreement States. Together with the continued coordination efforts of Agreement States and NRC regional offices, this new system will provide opportunities to solicit feedback.

The NRC has also redesigned and consolidated its Documents-for-Comment pages to provide a one-stop location for all rulemaking and other NRC documents currently open for comment. In keeping with the recently adopted recommendations from the Administrative Conference of the United States, the new page is readily available from the NRC homepage. Moving forward, the NRC staff will maintain a list of all dockets on Regulations.gov that contains documents currently open for public review and comment. The entry for each document will link directly to the docket for the action. As a result, with one click, members of the public will be able to view the document open for comment, access any additional supporting information on the NRC activity, and easily submit electronic comments. The new page will serve as a source for pushing out information on those documents available for comment through RSS and Twitter feeds and will contain additional alert features.

In addition, during the current reporting period, the NRC leveraged best practices from its pilot of Quick Response (QR) codes to enhance the public's ability to access NRC information and Web sites from smartphones quickly and easily. QR codes are two-dimensional barcodes that can be read or scanned by smartphones or tablets with a barcode reader application. These barcodes are placed on publications, marketing materials, posters, Web sites, or any medium that provides sufficient contrast that can be scanned by the smartphone reader. They are used in marketing campaigns, advertising, recruitment, and as a communication channel targeted toward smartphone users. A smartphone with a camera and reader can be used to access content quickly, such as a Web site (using its uniform resource locator, or URL), contact information, a text message, or a video (using a URL). QR codes have been widely used in Japan and other parts of Asia for years, and their popularity has grown in Europe and the United States as a result of growth in smartphone availability and usage.

Building on the pilot, the NRC implemented these QR codes for the 2012 RIC by prominently displaying them on conference materials, technical posters, and tabletops that participants could quickly scan to access specific conference information links. The NRC then began to standardize broad use of QR codes to support public outreach, meetings, and events, as described in its blog posting, Public information? There's an app for that! Continued use of this technology is expected to yield the following benefits to NRC staff and stakeholders:

- Encourage more active participation from a broader audience.

- Support information outreach (e.g., the nuclear accident at Fukushima-Daiichi in Japan, RIC, NUREGs, and media events) and increase public awareness by making it easy for mobile users to access regulatory information quickly, regardless of where they are.

- Promote communication and information sharing to foster greater participation in public meetings, industry conferences, and public events by allowing mobile users to access NRC information easily on their mobile devices before, during, and after these events.

- Use in recruiting activities, such as job fairs, which are designed to maintain a strong regulatory workforce; enabling mobile users to access job announcements quickly; and discussing areas of interest with the NRC.

e. Focus on Plain Writing

In its Final Guidance on Implementing the Plain Writing Act, dated April 13, 2011, OMB stated that "plain writing is writing that is clear, concise, well-organized, and consistent with other best practices appropriate to the subject or field and intended audience. Such writing avoids jargon, redundancy, ambiguity, and obscurity." The NRC takes that definition a step further. It believes that plain writing communicates its message clearly and easily to the intended audience the first time it reads or hears that message. Plain writing is *not* overly casual or unprofessional, and it does not strip out necessary technical details to "dumb down" the information or "talk down" to the reader.

The NRC realizes that language that is plain to some readers may not be plain to others. The agency knows it has succeeded, however, if its writing enables the intended audiences to do the following:

- Find what they need
- Understand what they find
- Use what they find to meet their needs

To this end, the agency has instructed managers to familiarize themselves with the requirements of the Act and has encouraged staff to undergo appropriate training. A new online course, specifically tailored to the Plain Writing guidance issued by the OMB, was made available to all employees, and the Commission has directed staff to make greater use of plain language when speaking to the public about high-profile events, such as the crisis in Japan. Additionally, the agency's in-house newsletter, the *NRC Reporter,* reminds the staff to use plain language through its periodic articles. Finally, the NRC initiated a new pilot project to attach an interactive "widget" to some of the agency's most widely read online documents to gather feedback from stakeholders on the documents' readability.

On April 13, 2012, the NRC posted its 2012 Plain Writing Act Compliance Annual Report, consistent with OMB direction that Federal agencies should publish annual reports describing their continuing compliance with the Plain Writing Act of 2010. The agency will update that report each year, and these annual reports will appear in the plain writing section of its Open Government Web site.

Furthermore, the NRC surveys agency stakeholders annually as part of its self-assessment of the NRC's Reactor Oversight Program. These surveys include questions to assess the agency's success in issuing inspection reports that are relevant, useful, and written in plain

language. See Stakeholder Feedback on the NRC Web site for a discussion of the survey results since 1999.

f. Soliciting Public Feedback

The NRC routinely solicits, receives, and responds to feedback on its public Web site through a variety of targeted mechanisms to inform incremental site improvements and redesigns.

- First, the Index of All Contact Pages lists 69 electronic forms that site visitors can use to send questions, comments, criticisms, and ideas to the NRC staff on specific subject areas.

- Second, the NRC Blog is an easy-to-use citizen-engagement tool that enables visitors to the site to share ideas with the NRC in a moderated forum. It also serves as a vehicle for informing, explaining, and clarifying the actions, roles, and responsibilities of the NRC, raising awareness about the agency and its mission.

- Finally, the NRC uses an optional online survey to enable visitors to the site to share feedback about their experience. These surveys are administered by ForeSee Results using the American Customer Satisfaction Index methodology, which is consistent with the guidance that the GSA's Office of Citizen Services and Innovative Technologies developed; the survey instrument displays the current OMB control number. The NRC's public Web site also displays a notice to inform visitors to the site about the survey and explain how it will collect and use the data.

  This standardized approach allows the NRC's site performance to be objectively compared to those of other Federal agencies and private industry. The NRC regularly publishes its Site Satisfaction Survey Results, and related benchmark reports are available for use in Evaluating Our Progress on Open Government. The NRC uses this feedback as a guide to further enhance its public Web site and its success in achieving transparency, participation, and collaboration in its regulatory activities.

  The Web measurement survey is offered randomly so that results can be generalized to the overall population of site visitors. Visitors to the site who choose not to participate may opt out simply by closing the dialog box in which the survey invitation appears. Completing the survey is entirely voluntary and visitors who opt out of completing the survey are still able to access all information services that the site offers.

  The survey asks visitors to rate their experiences on the site for ease of navigation, look-and-feel of the design, ability to find what they are looking for, overall satisfaction with the site, and whether they would return or recommend the site to others. The survey sometimes asks additional descriptive questions to gain a better understanding of the interests and needs of visitors to the site. Site ratings are aggregated for analysis and reporting purposes and retained in the aggregate to facilitate tracking of changes and improvements over time.

  Since its launch, the site's scores on the American Customer Satisfaction Index continue to improve:

  - Content satisfaction held steadily over the past year at its all-time high of 83.

  - Online transparency (a key Open Government metric) reached a new high of 80 (up 2 points over the past year).

  - Functionality reached a new high of 81 (up 3 points over the past year).

- Look-and-feel reached a new high of 81 (up 4 points over the past year).

- Navigation reached a new high of 76 (up 7 points over the past year).

- Search satisfaction reached a new high of 73 (up 5 points over the past year).

- Site performance reached a new high of 87 (up 3 points over the past year).

- All three trust-related metrics increased 1 to 2 points over the past year.

The NRC also plans to participate in the GSA-sponsored initiative to implement a hosted solution to gather Web performance metrics, once the tool becomes available for use by partner agencies.

In addition to these targeted feedback mechanisms, the NRC goes to great lengths to engage the public in its system of identifying, prioritizing, and posting appropriate records and high-value datasets. In particular, the agency invites the public to Share Your Ideas about the NRC approach to Open Government or Tell Us Your Thoughts about Digital Government at the NRC.

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

The NRC continually seeks new ways to use the Internet as an innovative medium to foster public engagement. The agency regularly updates its public Web site through incremental changes to improve both content and functionality, while enhancing the public's experience. The NRC's current and future plans are described in the NRC Digital Government Progress Report as well as in Addendum 1 to its Open Government Plan, dated April 2012.

Section 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 and 2011, agencies reported widespread use of technology in receiving and tracking FOIA requests and preparing agency Annual FOIA Reports. For 2013, as we did in 2012, the questions have been further refined and now also address different, more innovative aspects of technology use.

Electronic receipt of FOIA requests:

1. Can FOIA requests be made electronically to your agency?

Yes. The NRC currently receives requests electronically by e-mail and facsimile. The e-mail address for submitting FOIA requests, FOIA.resource@nrc.gov, appears on the NRC public Web site. The facsimile and telephone numbers for submitting FOIA requests also are available on the NRC Web site.

2. If your agency is decentralized, can FOIA requests be made electronically to all components of your agency?

The NRC is not decentralized. The centralized FPS receives all electronic requests.

Online tracking of FOIA requests:

3. Can a FOIA requester track the status of his/her request electronically?

No. However, the NRC provides the requester with the name and telephone number of the FOIA specialist assigned to the request.

4. If so, describe the information that is provided to the requester through the tracking system. For example, some tracking systems might tell the requester whether the request is "open" or "closed," while others will provide further details to the requester throughout the course of the processing, such as "search commenced" or "documents currently in review." List the specific types of information that are available through your agency's tracking system.

Not applicable.

5. In particular, does your agency tracking system provide the requester with an estimated date of completion for his or her request?

Not applicable.

6. If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability?

The FPS has received approval to purchase commercial software to allow requesters to track their requests electronically. This acquisition is awaiting the availability of funds.

Use of technology to facilitate processing of requests:

7. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?

Yes.

8. If so, describe the technological improvements being made.

Content Analytics will be deployed as part of the ADAMS production infrastructure in early 2013. This tool allows search and selection of content based on concepts, categories, and correlations in addition to keywords and provides even deeper insight into the result set based on importance to the query as opposed to just frequency of results.

The NRC also developed e-mail deduplication functionality, which was used in standalone mode to eliminate thousands of pages of duplicate e-mails responsive to FOIA requests. Deduplication functionality will be deployed into production mode in early 2013.

The NRC is currently implementing a plan to create an end-to-end electronic process for handling FOIA requests. This plan includes various process improvements, such as creating a designated resource to scan all documents that are responsive to FOIA requests, expand the

number of staff who can access the FOIA processing software, and enable staff to submit responsive documents to the FOIA staff electronically.

The NRC is providing classroom and hands-on training in the use of search templates. Search templates were introduced with the upgrade of ADAMS to the IBM P8 infrastructure and provide a simple user interface for entering search criteria.

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

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests and appeals. *For the figures required in this Section, please use those contained in the specified sections of your agency's 2012 Annual FOIA Report.*

1. Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested. If your agency does not utilize a separate track for processing simple requests, answer the question below using the figure provided in your report for your non-expedited requests.

a. Does your agency utilize a separate track for simple requests?

Yes. The NRC uses separate tracks for simple requests, complex requests, and expedited requests.

b. If so, for your agency overall, for Fiscal Year 2012, was the average number of days to process simple requests twenty working days or fewer?

Yes. For FY 2012 the average number of days to process simple requests was 10 days.

c. If your agency does not track simple requests separately, was the average number of days to process non-expedited requests twenty working days or fewer?

Not applicable. The NRC tracks simple requests separately.

2. Sections XII.D.(2) and XII.E.(2) of your agency's Annual FOIA Report, entitled "Comparison of Numbers of Requests/Appeals from Previous and Current Annual Report – Backlogged Requests/Appeals," show the numbers of any backlog of pending requests or pending appeals from Fiscal Year 2012 as compared to Fiscal Year 2011. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In addition, Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," and Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," from both Fiscal Year 2011 and Fiscal Year 2012 should be used for this section.

a. If your agency had a backlog of requests at the close of Fiscal Year 2012, did that backlog decrease as compared with Fiscal Year 2011?

No. In FY 2012, the NRC had an increase in its backlog of requests as compared to FY 2011. In FY 2012, the number of backlogged requests was 87, compared to 44 in FY 2011.

b. If your agency had a backlog of administrative appeals in Fiscal Year 2012, did that backlog decrease as compared to Fiscal Year 2011?

Not applicable. The NRC did not have any backlogged administrative appeals in FY 2012. The same was true for FY 2011.

c. In Fiscal Year 2012, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2011?

No. In FY 2012, the NRC closed 4 of its 10 oldest requests.

d. In Fiscal Year 2012, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2011?

Not applicable. The NRC did not have any administrative appeals pending at the end of FY 2011.

3. If you answered "no" to any of the above questions, describe why that has occurred. In doing so, answer the following questions then include any additional explanation:

In FY 2012, the NRC closed 4 of its 10 oldest requests that were pending as of the end of FY 2011. Five of the remaining open requests are Japan-related; to date, the NRC has provided multiple interim responses (FOIA Requests 2011-0118, 2011-0119, and 2011-0120 all had 85 interim responses and 2011-0135 had 57 interim responses and was closed with response 58 on October 9, 2012.) There is only one request (2011-0121), which is Japan-related, for which the NRC has made no interim response. In the only non-Japan-related request (2011-0083) remaining from 2011, the NRC has provided 17 interim responses.

Request Backlog:

a. Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests?

No. In FY 2011 the NRC received 365 requests, compared to 334 in FY 2012.

b. Was the lack of a reduction in the request backlog caused by a loss of staff?

Yes. The lack of a reduction in the request backlog was partially caused by a loss of staff. During FY 2012, the NRC lost two senior FOIA specialists to retirement. In addition, the two very experienced FOIA specialists lost to retirement in FY 2011 also have not been replaced. These positions compromised 50 percent of the FPS FOIA professional staff. In addition, the senior management analyst position, which is also a FOIA specialist, remained vacant in FY 2012. NRC is currently in the process of hiring two senior FOIA specialists to fill some of these vacancies.

c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?

Yes. As the NRC has proactively released nonsensitive information, the ratio of FOIA requests for sensitive information to those for nonsensitive information has increased, resulting in a larger proportion of requests for complex information such as investigations and enforcement actions. In FY 2011, the NRC received 79 complex requests, compared to 175 in FY 2012. This is an increase of 222 percent.

d. What other causes, if any, contributed to the lack of a decrease in the request backlog?

The NRC has also found that in many cases requesters are not willing to narrow the scope of their requests, especially requesters who have sought and qualified for a fee waiver (or, who are not required to pay fees). NRC is currently examining approaches that may enable the staff to work more effectively with the public to narrow the scope of requests in order to expedite the release of relevant information. For example, NRC is planning to train current staff on best practices for communication with the public and to identify communication skills as a highly desired qualification for future hiring actions.

Administrative Appeal Backlog:

a. Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals?

Not applicable.

b. Was the lack of a reduction in the appeal backlog caused by a loss of staff?

Not applicable.

c. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?

Not applicable.

d. What other causes, if any, contributed to the lack of a decrease in the appeal backlog?

Not applicable.

4. OIP has issued guidance encouraging agencies to make interim releases whenever they are working on requests that involve a voluminous amount of material or require searches in multiple locations. By providing rolling releases to requesters agencies facilitate access to the requested information. If your agency had a backlog in Fiscal Year 2012, please provide an estimate of the number of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

During FY 2012 the NRC provided substantive interim responses to 48 out of 87 backlogged requests.

Use of FOIA's Law Enforcement "Exclusions"

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

1. Did your agency invoke a statutory exclusion during Fiscal Year 2012?

No. The NRC did not invoke a statutory exclusion during FY 2012.

2. If so, what is the total number of times exclusions were invoked?

Not applicable.

Spotlight on Success

Out of all the activities undertaken by your agency since March 2012 to increase transparency and improve FOIA administration, describe here one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas.

During the last reporting period, the NRC obtained a software tool to electronically review tens of thousands of e-mails responsive to the Japan-related FOIA requests. This tool identified and removed exact duplicates from the pool of e-mails requiring review. During this reporting period, the NRC further refined its deduplication removal criteria which resulted in the elimination of approximately 52 percent of e-mails requiring review. This reduction will significantly speed up the processing of the Japan-related FOIAs.