POLICY ISSUE
INFORMATION

February 5, 2002 SECY-02-0025

FOR: The Commissioners

FROM: William D. Travers
Executive Director for Operations

SUBJECT: SUBMISSION OF THE ANNUAL FREEDOM OF INFORMATION ACT REPORT

PURPOSE:

This paper provides the Commission a copy of the annual Freedom of Information Act (FOIA) Report for the NRC for Fiscal Year (FY) 2001.

BACKGROUND:

With the enactment of the Electronic Freedom of Information Act Amendments of 1996, Public Law 104-231, 101 Stat. 3048, Congress revised Subsection (e) of the FOIA. Subsection (e) pertains to the submission of annual FOIA reports by Federal agencies. The revision directed the Department of Justice (DOJ), in consultation with the Office of Management and Budget, to issue guidelines for preparing and submitting the annual FOIA report.

Under the guidelines, Federal agencies are to send their fiscal year annual report to DOJ, Office of Information and Privacy, and identify the World Wide Web uniform resource locator (URL) in the report. DOJ provides a single point of access on its Web site for all annual FOIA reports, through links to agency FOIA pages, and notifies Congress when all reports have been posted on the Web site.

Contact:
Carol Ann Reed, OCIO
301-415-6874

The FY 2001 Annual FOIA Report is attached. It will be submitted to the Office of Information and Privacy, DOJ, and will be placed on the NRC Web site by February 1, 2002. The URL for the NRC's FY 2001 Annual FOIA Report will be <http://www.nrc.gov/reading-rm/foia-privacy.html>.

/RA/

William D. Travers
Executive Director
for Operations

Attachment: Annual FOIA Report - FY 2001

The FY 2001 Annual FOIA Report is attached. It will be submitted to the Office of Information and Privacy, DOJ, and will be placed on the NRC Web site by February 1, 2002. The URL for the NRC's FY 2001 Annual FOIA Report will be <http://www.nrc.gov/reading-rm/foia-privacy.html >.

/RA/

William D. Travers
Executive Director
for Operations

Attachment: Annual FOIA Report - FY 2001

Distribution: CIO, DCIO, SECY, EDO r/f (WITS 200100009), CIO r/f (01-092), FOIA

ADAMS ACCESSION NUMBER: ML020180224

ADAMS DOCUMENT TITLE: Submission of the Annual Freedom of Information Act Report

OFFICE	FOIA/WPDSD	FOIA/WPDSD	WPDSD/OCIO	DCIO	CIO	CFO	EDO
NAME	G. Rammling: **GR**	C. Reed: **CAR**	F. Goldberg: **FFG**	J. Silber: **JS**	S. Reiter: **SR**	TPulliam	W. Travers
DATE	01/ **17** /2002	01/ **17** /2002	01/ **17** /2002	01/22/2002	01/ 24/2002	2/1/02	02/5/2002

OFFICIAL RECORD COPY

Attachment

UNITED STATES NUCLEAR REGULATORY COMMISSION
ANNUAL FREEDOM OF INFORMATION ACT REPORT
FISCAL YEAR 2001

I. Basic Information Regarding Report

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

Carol Ann Reed
Freedom of Information Act and Privacy Act Officer
Mail Stop T-6 D8
United States Nuclear Regulatory Commission
Washington, DC 20555-0001
Telephone: 301-415-7169 Fax: 301-415-5130

B. Electronic address for report on the World Wide Web

www.nrc.gov/reading-rm/foia-privacy.html

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

Contact the U.S. Nuclear Regulatory Commission (NRC) Public Document Room (PDR) located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, MD 20852-2738, telephone 301-415-4737 or 1-800-397-4209, E-mail PDR@NRC.GOV or by fax at 301-415-3548. The mailing address is U.S. Nuclear Regulatory Commission, Public Document Room, Washington, DC 20555-0001.

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

Freedom of Information Act and Privacy Act Officer
Mail Stop T-6 D8
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Telephone: 301-415-7169 Fax: 301-415-5130
E-mail: FOIA@NRC.GOV

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

57% within 4 weeks
73% within 6 weeks
81% within 8 weeks

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

To protect privacy (49%)

To prevent compromise of a pending investigation or proceeding (9%)

To protect the agency's pre-decisional deliberative process or attorney-client privilege, or attorney work products (23%)

To protect proprietary information (9%)

III. Definitions of Terms and Acronyms Used in the Report

A. Agency-specific acronyms or other terms.

B. Basic terms, expressed in common terminology.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IV. Exemption 3 Statutes

A. List of Exemption 3 statutes relied on by agency during current fiscal year.

1. Brief description of type(s) of information withheld under each statute.

41 U.S.C. 253b(m)(1), Contractor Proposals
42 U.S.C. 2161-2165, Restricted or Formerly Restricted Data
42 U.S.C. 2167, Unclassified Safeguards Information

2. Statement of whether a court has upheld the use of each statute. If so, then cite example.

No FOIA litigation involving the above statutes.

V. Initial FOIA/PA Access Requests

A. Numbers of initial requests.

1.	Number of requests pending as of end of preceding fiscal year (09/30/00)	52
2.	Number of requests received during current fiscal year	379
3.	Number of requests processed during current fiscal year	384
4.	Number of requests pending as of end of current fiscal year (09/30/01)	47

B. Disposition of initial requests.

1.	Number of total grants	149
2.	Number of partial grants	100
3.	Number of denials	14

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

(1) Exemption 1	0
(2) Exemption 2	7
(3) Exemption 3	3
(4) Exemption 4	16
(5) Exemption 5	42
(6) Exemption 6	41
(7) Exemption 7(A)	17
(8) Exemption 7(B)	0
(9) Exemption 7(C)	50
(10) Exemption 7(D)	0
(11) Exemption 7(E)	8
(12) Exemption 7(F)	0
(13) Exemption 8	0
(14) Exemption 9	0

4.	Other reasons for nondisclosure (total)			121
	a.	no records	62	
	b.	referrals	0	
	c.	requests withdrawn	32	
	d.	fee-related reason	13	
	e.	records not reasonably described	1	
	f.	not a proper FOIA request for some other reason	3	
	g.	not an agency record	3	
	h.	duplicate request	0	
	i.	other (specify) (neither confirm nor deny, unpaid fees, release authorization, requested format)	7	

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Number of appeals.

1.	Number of appeals received during fiscal year	20
2.	Number of appeals processed during fiscal year	19

B. Disposition of appeals.

1.	Number completely upheld	9
2.	Number partially reversed	4
3.	Number completely reversed	2

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

(1) Exemption 1	0
(2) Exemption 2	1
(3) Exemption 3	1
(4) Exemption 4	1
(5) Exemption 5	1
(6) Exemption 6	2
(7) Exemption 7(A)	2
(8) Exemption 7(B)	0
(9) Exemption 7(C)	5
(10) Exemption 7(D)	1
(11) Exemption 7(E)	1
(12) Exemption 7(F)	0
(13) Exemption 8	0
(14) Exemption 9	0

4. Other reasons for nondisclosure (total) 4

a.	no records	4
b.	referrals	0
c.	requests withdrawn	0
d.	fee-related reason	0
e.	records not reasonably described	0
f.	not a proper FOIA request for some other reason	0
g.	not an agency record	0
h.	duplicate request	0
i.	other (specify)	0

VII. Compliance with Time Limits/Status of Pending Requests

FY 2001 median day calculations are based on working days.

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

1. Simple requests (Track A).
   a. number of requests processed 363
   b. median number of days to process 17

2. Complex requests (specify for any and all tracks used).
   a. number of requests processed 21
   b. median number of days to process 20

3. Requests accorded expedited processing.
   a. number of requests processed 1
   b. median number of days to process 105

B. Status of pending requests.

1. Number of requests pending as of end of current fiscal year: 47
   Track A 39
   Track B 8

2. Median number of days that such requests were pending as of that date:
   Track A 31
   Track B 10

VIII. Comparisons with Previous Year(s)

Calculations are based on working days.

		FY 00	FY 01	% Change FY 00 to FY 01
A.	Number of requests received	376	379	0%
B.	Number of requests processed	377	384	1%
C.	Median number of days requests			

were pending as of end of fiscal year		28	25	-10%

D. Other statistics significant to agency:

Expedited Processing -	Received	*	10
* data not available	Granted	3	1

E. Other agency efforts to improve timeliness of FOIA performance and to make records available to the public:

List of FOIA requests by subject that were completed during the year placed on the FOIA page of the NRC Web site.

Training on the FOIA process was provided to various staff offices with emphasis placed on specific office needs.

Several internal agency service levels are used to enhance the agency's processing timeliness. Reports showing the status of open cases are provided to offices in an effort to heighten management awareness of pending cases.

In addition to providing general public access to material released under the FOIA, in FY 01 the NRC placed over 67,000 of its official agency records in its Agencywide Documents Access and Management System (ADAMS). These documents are available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of ADAMS. ADAMS is accessible from the NRC web site at http://www.nrc.gov/reading-rm/adams.html (the Electronic Reading Room). This extensive voluntary release program has resulted in 2.6 million documents being made publicly available either in paper, microfiche or electronically.

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel 6.5

2. Number of personnel with part-time or occasional FOIA duties (in total work-years) 6

3. Total number of personnel (in work-years) 12.5

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

1. FOIA processing (including appeals) $1,235,303

2. Litigation-related activities (estimated) $ 11,500

3. Total costs $ 1,246,803

4. Comparison with previous year(s): FY 00 $ 1,381,965 -11%

C. Statement of additional resources needed for FOIA compliance:
None. Current resources are adequate.

X. Fees

A. Total amount of fees collected by agency for processing requests $21,036

B. **Percentage of total costs** 1.7%

XI. FOIA Regulations

10 CFR Part 9 (Internet location:
www.nrc.gov/reading-rm/doc-collections/cfr/part009/index.html)

Fee Schedule (2001)

Search and Review

SES/Commissioners (ES-4)	$74.31/hr.	$1.24/min
Professional (GG-13/6)	$40.04/hr	$0.67/min
Clerical (GG-7/7)	$19.50/hr	$0.33/min

Duplication: $0.20 per page

Minimum fee: $20.00 (No fee will be charged unless total fee is equal to or greater than $20.00)