

January 18, 2005

Mr. David Lochbaum
Nuclear Safety Engineer
Union of Concerned Scientists
Washington Office
1707 H Street, NW, Suite 600
Washington, DC 20006-3919

Dear Mr. Lochbaum:

I am responding on behalf of the U. S. Nuclear Regulatory Commission (NRC) to your letter of November 30, 2004, to Chairman Nils J. Diaz in which you expressed concern with NRC's policy of processing Freedom of Information Act/Privacy Act (FOIA/PA) requests on a "first-in-first-out" basis. You also stated that your research revealed that 20 FOIA requests received after your request were completed ahead of yours.

When NRC receives a request, it is initially assigned to the offices the FOIA/PA Officer believes are most likely to have responsive records. Since the FOIA allows NRC to collect processing fees, the offices are first asked to provide estimates of the amount of time it will take to search for and review records, and the estimated volume of records expected to be located. The FOIA/PA staff then contacts the requester to determine if the requester is willing to pay the estimated fees, or in certain cases, NRC may require an advance payment. At the initial assignment, offices are also asked to inform the FOIA/PA staff if there are additional offices that are likely to have responsive records. When the requester has done everything needed to allow the agency to process the request, the offices are authorized to search for responsive records. Since you requested and were granted a fee waiver for your FOIA request, offices were authorized at the initial assignment to search for records responsive to your request. When offices respond to the FOIA/PA staff with records, they review each of the records to determine if any of them need to be sent to other offices for review. If so, those records are forwarded to the appropriate offices. When offices have completed their review, the FOIA/PA staff conducts an independent detailed review of any information recommended for withholding and a general review of records recommended for release. The FOIA/PA staff then prepares and dispatches the response to the requester.

When more recent requests are processed ahead of older ones, it is because the newer requests involve minimal FOIA/PA staff review time (e.g., no documents were located subject to the requests, the requests were withdrawn by the requester, or the records were already publicly available) or the requester asks for and is granted expedited processing. As you are aware, based on your own previous FOIA requests to NRC, some requests, such as the FOIA request you reference, are broader in scope than others and require more staff effort to address. Your FOIA/PA-2004-0336 request was initially assigned to three offices. Based

on information provided by those offices, the request was assigned to eight additional offices. Since September 2004, 34 referrals have been made to various offices requesting review of responsive records.

The FOIA/PA staff anticipates that it will complete your FOIA/PA-2004-0336 request by the end of February 2005. Please be assured that the FOIA/PA staff is working diligently to process all requests as expeditiously as possible.

Sincerely,

/RA/ Edward T. Baker, III for

Jacqueline E. Silber
Chief Information Officer

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 * See previous concurrence pages

OFFICE	OCIO/IRSD *	OCIO/IRSD *	OCIO/IRSD *	OCIO/IRSD *
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DATE	1/5/2005	1/5/2005	1/ 5/2005	1/ 5 /2005
OFFICE	DCIO*	CIO*	EDO	
NAME	ETBaker: ETB	JESilber: ETB for	LAReyes: LAR	
DATE	1/11/2005	1/11/2005	1/ 13 /2005	