U.S. NUCLEAR REGULATORY COMMISSION
FREEDOM OF INFORMATION ACT IMPROVEMENT PLAN
MODIFIED - DECEMBER 27, 2006

The U.S. Nuclear Regulatory Commission (NRC) is submitting its Freedom of Information Act (FOIA) Improvement Plan, as required by Executive Order (EO) 13392, "Improving Agency Disclosure of Information," in accordance with the template provided by the U.S. Department of Justice (DOJ) on April 27, 2006.

A. Characterize the overall nature of the agency's FOIA operations.

The NRC FOIA program is effective, but the agency can improve it. FOIA staff are knowledgeable, experienced, and dedicated to properly administering the FOIA program and meeting the requirements of EO 13392. NRC has five individuals working full-time on FOIA activities— four Government employees in the Office of Information Services (OIS) FOIA/Privacy Team (FPT) and one contractor employee. Twenty-five part-time FOIA coordinators, located in NRC headquarters offices and regions, provide additional support to the FOIA program. For each of the last 5 fiscal years (FYs), FY 2000 through FY 2005, NRC received an average of 401 FOIA requests and closed an average of 395 requests. The difference between received and closed requests contributed to an aggregate backlog of 58 cases at the end of FY 2005.

NRC uses its Web site, http://www.nrc.gov, to provide information to the public about its FOIA program. The site includes the NRC FOIA Information Guide, NRC Management Directive 3.1, "Freedom of Information Act," annual FOIA reports to DOJ, and other information about the NRC FOIA program. Title 10, Part 9, "Public Records," of the *Code of Federal Regulations* (10 CFR Part 9) and the "Citizen's Guide to U.S. Nuclear Regulatory Commission Information" also provide information about the FOIA program.

NRC receives FOIA requests via email, U.S. mail, facsimile, and the NRC Web site. The FOIA staff uses a commercial software program, FOIAXpress, to administratively track cases and produce the annual FOIA report to DOJ. However, NRC only occasionally uses information technology to communicate with requesters and does not provide them with a final response via email. When the agency provides a final response in digital form, the staff sends the documents on a CD-ROM through the U.S. mail. NRC does not perform onscreen redactions of documents or electronic archiving of FOIA request files.

NRC is very proactive at making information available to the public in the absence of a FOIA request through its Web site Electronic Reading Room, Public Document Room, and Public Affairs Office, as well as at public meetings. Despite the ever-increasing volume of information voluntarily made public by NRC, FOIA requests have not decreased. Approximately 70 percent of FOIA requests are for information that the agency would not routinely make publicly available, such as information about allegations, investigations, and Inspector General activities.

As described on the NRC FOIA Web site, http://www.nrc.gov/reading-rm/FOIA/executive-order.html, the agency has established the NRC FOIA Service Center and designated a Chief FOIA Officer and two FOIA Public Liaisons, in accordance with the EO. The full NRC FOIA program review report is an attachment to this plan and can also be found in the above section of the NRC FOIA Web site.

Enclosure

B. List all areas selected for review.

The NRC reviewed the following four areas to identify ways to improve FOIA services and make them more citizen centered, create solutions and a path forward that will enable NRC to reduce its FOIA backlog, and find ways to make more information available to the public without a FOIA request:

(1) NRC's administration of the FOIA program, including expenditure of resources on FOIA compliance, and the extent to which the staff has not responded to requests for records within the statutory time limit (backlog)

(2) NRC's procedures and practices to assist and inform the public regarding the FOIA process

(3) NRC's use of information technology in responding to FOIA requests and communicating with requesters, including practices with respect to requests for expedited processing and the NRC's implementation of multitrack processing

(4) NRC's policies and practices with respect to making records available through its Web site and other means without receiving a FOIA request

C. Include a narrative statement summarizing the results of the review.

NRC's review of the agency's FOIA program resulted in the following conclusions about the four evaluation areas listed above:

(1) In FY 2005, NRC provided completed responses to 65 percent of requests in 20 days or less. Some requests took longer than 20 days because of the volume of documents encompassed by the request or the need for extensive coordination between multiple NRC offices. In FY 2005, NRC experienced a 15 percent increase, from 29 to 34, in the number of requests for expedited processing and granted 14 of these requests. However, although NRC granted expedited processing in 14 cases, 6 requests (42 percent) took longer than 20 days, underscoring a need to improve procedures for expedited processing. From FY 2000 through FY 2005, NRC received, on average, more requests each year than it closed, contributing to a backlog. An additional full-time equivalent (FTE) FOIA specialist is needed to meet the intent of the EO.

The agency can enhance the training of NRC staff who make the initial determination recommendations, which should reduce response times for some requests by minimizing the need for coordination with FOIA staff.

(2) NRC determined that sufficient information about the NRC FOIA program is available to the public, but the agency can improve that information by providing examples of the types of NRC records to which each FOIA exemption may apply in NRC's FOIA publications and its annual end-of-year report to DOJ.

(3) The agency may also improve processing time by using electronic processing tools to enable the FOIA staff to make onscreen redactions and electronic responses to requesters.

(4) With regard to multitrack processing, the staff did not always assign requests to the correct track. More accurate placement will also allow the staff to more accurately inform the requester about the length of time it will take to process his or her request.

(5) One of the five NRC Strategic Plan goals is openness, and NRC is very proactive at making information available to the public without a FOIA request. NRC makes millions of records available through its Electronic Reading Room on the NRC Web site. The public may also visit the NRC Public Document Room and attend numerous public meetings held by NRC. The NRC Office of Public Affairs at NRC Headquarters and its offices in the four NRC regions provide information on NRC activities to the media and public by issuing news releases, speeches, brochures, fact sheets, and videos.

D. List all areas chosen as improvement areas for the agency plan.

NRC has identified the following five areas for improvement. These improvements, milestones, and measures of success are contingent upon the resources requested through the FY 2008 budget process.

(1) Reduce the backlog.

(2) Leverage the use of information technology to electronically track requests, perform onscreen redactions, and communicate with requesters.

(3) Enhance training of FOIA coordinators and staff who conduct initial reviews of records and make document release recommendations to the FOIA staff.

(4) Improve expedited processing.

(5) Update publications and the NRC Web site to include examples of the types of NRC documents to which exemptions apply.

E. For each improvement area provide:

- Improvement area 1:

    1. Name: Backlog reduction

    2. Brief statement of goal/objective/improvement sought to be made: The purpose of this improvement area is to reduce the processing time for FOIA requests. Improvements in areas 2 through 4 will also contribute to backlog reduction.

    3. List all distinct steps planned to be taken:

        (a) Hire an additional FTE FOIA specialist.

        (b) Hire an additional full-time contractor to assist with processing records in response to FOIA requests.

4. Time milestones:

   (a) Initiate the recruitment process for the additional FTE no later than June 1, 2007.

   (b) Obtain additional contractor personnel in FY 2007.

5. Means of measurement of success:

   (a) By September 30, 2008, improve FOIA responsiveness for simple FOIA requests by providing 75 percent of completed responses within 20 days.

   (b) By September 30, 2008, improve FOIA responsiveness for complex FOIA requests so that 50 percent of complex requests are completed in 180 days or less.

- Improvement area 2:

1. Name: Leverage the use of information technology

2. Brief statement of goal/objective/improvement sought to be made: The purpose of this improvement area is to acknowledge receipt of FOIA requests via email to the maximum extent possible, process requested records electronically by performing onscreen redactions, and provide final responses to requesters via email when they agree to receive them in electronic form.

3. List all distinct steps to be taken:

   (a) Implement a process to acknowledge requests via email.

   (b) Obtain the necessary equipment [software and hardware (scanners)] to test onscreen redaction processes.

   (c) Implement full-scale onscreen processing.

   (d) Provide records to the maximum extent possible in electronic form either via attachment to an email or via CD-ROM sent by U.S. mail.

4. Time milestones:

   (a) Develop a process and begin acknowledging requests via email no later than August 31, 2006.

   (b) Complete test of onscreen redaction software and identify best business practices for using it no later than January 31, 2007.

   (c) Obtain additional software and hardware, conduct training, and begin implementation of full-scale use of onscreen redactions no later than March 31, 2008.

5. Means of measurement of success:

   (a) No later than August 31, 2006, acknowledge receipt of 100 percent of FOIA requests via email when the requester has provided an email address.

   (b) No later than December 31, 2008, complete implementation of full-scale use of onscreen redaction, based on best business practice plan.

- Improvement area 3:

  1. Name: Training of FOIA initial processors

  2. Brief statement of goal/objective/improvement sought to be made: The purpose of this improvement area is to develop and provide training for NRC staff who conduct initial reviews of records in response to FOIA requests to enhance the accuracy of their application of FOIA exemptions to the information. This should minimize the amount of coordination required and shorten the processing time.

  3. List of distinct steps planned to be taken:

     In addition to the quarterly classroom FOIA training already available to NRC staff, develop a computer based training (CBT) module that NRC staff can access through the NRC internal Web site.

  4. Time milestones:

     Develop the FOIA CBT module and make it available on the NRC internal Web site no later than December 31, 2007.

  5. Means of measurement of success:

     (a) By September 30, 2008, improve FOIA responsiveness for simple FOIA requests by providing 75 percent of completed responses within 20 days.

     (b) By September 30, 2008, improve FOIA responsiveness for complex FOIA requests so that 50 percent of complex requests are completed in 180 days or less.

- Improvement area 4:

  1. Name: Improve expedited processing

  2. Brief statement of goal/objective/improvement sought to be made: The purpose of this improvement area is to reduce the amount of time for addressing requests that are granted expedited processing status so that these requests are truly expedited.

  3. List all distinct steps planned to be taken:

     (a) Develop a specific plan for expedited processing that identifies each step of the process and designates responsibilities for each step.

(b) Educate offices about the requirements for expedited processing, including their role and responsibility to ensure expedited review of records.

4. Time milestones:

(a) Complete development of the specific plan for expedited processing no later than October 31, 2006.

(b) Provide the expedited process plan and educate FOIA coordinators and senior management FOIA officials no later than November 30, 2006.

5. Means of measurement of success:

(a) By September 30, 2008, process 75 percent of simple requests granted expedited processing within 15 days.

(b) By September 30, 2008, process 75 percent of complex requests granted expedited processing within 90 days.

- Improvement area 5:

1. Name: Update publications and Web site

2. Brief statement of goal/objective/improvement sought to be made: The purpose of this improvement area is to identify in NRC's publications and on its Web site examples of the types of documents for which NRC may invoke FOIA exemptions.

3. List all distinct steps planned to be taken:

Update the NRC FOIA Information Guide and the annual end-of-year FOIA report to DOJ to include examples of the NRC record categories for each FOIA exemption used by NRC.

4. Time milestones:

Update the FOIA Information Guide on the NRC FOIA Web site and the end-ofyear report to DOJ no later than September 30, 2006.

5. Means of measurement of success:

By the milestone date, update all publications on the Web site to reflect the new information.

F. For the entire plan, group the improvement areas into the following time periods:

1. Areas anticipated to be completed by December 31, 2006:

(a) Develop a process and begin acknowledging receipt of requests via email.

(b) Complete the development of a specific plan to enhance processing of requests granted expedited processing and distribute it to FOIA office coordinators and senior management FOIA officials.

(c) Update the NRC FOIA Information Guide and NRC Web site with examples of the NRC record types for which FOIA exemptions apply.

2. Areas anticipated to be completed by December 31, 2007:

(a) Hire an additional FOIA specialist.

(b) Acquire additional contractor assistance for FOIA processing.

(c) Complete test of onscreen redaction software and identify best business practice for its use.

(d) Develop FOIA CBT module.

3. Areas anticipated to be completed after December 31, 2007:

(a) Obtain additional software and hardware, conduct training, and complete implementation of full-scale use of onscreen redactions no later than December 31, 2008.

(b) By September 30, 2008, improve FOIA responsiveness for simple FOIA requests by providing 75 percent of completed responses within 20 days.

(c) By September 30, 2008, improve FOIA responsiveness for complex FOIA requests so that 50 percent of complex requests are completed in 180 days or less.

(d) By September 2008, process 75 percent of simple requests granted expedited processing within 15 days.

(e) By September 2008, process 75 percent of complex requests granted expedited processing within 90 days.

Attachment:
NRC FOIA Program Review