

January 16, 2009

MEMORANDUM TO: Chairman Klein  
Commissioner Jaczko  
Commissioner Lyons  
Commissioner Svinicki

FROM: Darren B. Ash */RA/*  
Executive Director for Corporate Management  
and Chief Information Officer  
Office of the Executive Director for Operations

SUBJECT: ANNUAL FREEDOM OF INFORMATION ACT REPORT TO THE  
U.S. DEPARTMENT OF JUSTICE

This memorandum provides a copy of the U.S. Nuclear Regulatory Commission's (NRC's) annual Freedom of Information Act (FOIA) Report for fiscal year (FY) 2008.

With the enactment of the Electronic FOIA Amendments of 1996, Public Law 104-231, 101 Stat. 3048, Congress revised subsection (e) of the FOIA, which pertains to the submission of annual FOIA reports by Federal agencies. Congress directed the U.S. Department of Justice (DOJ), in consultation with the Office of Management and Budget, to issue guidelines for Federal agencies to use in preparing and submitting their annual FOIA reports.

In addition, on December 31, 2007, the "Openness Promotes Effectiveness in our National Government Act of 2007," Public Law 110-175, 121 Stat. 2524, amended subsection (e) of the FOIA. The FOIA now requires that agencies provide additional details regarding response times for both initial requests and administrative appeals, including data on the ten oldest pending requests and appeals. Agencies are also now required to report information regarding expedited review and fee waiver requests.

Under the guidelines, Federal agencies are to send their annual reports to the DOJ Office of Information and Privacy and include in their reports the agency-specific uniform resource locator (URL) for Web-based access to their report. DOJ provides a single point of access on its Web site for all annual FOIA reports, through a link to each agency's FOIA page, and will notify Congress when all reports have been posted to the DOJ Web site.

CONTACT: Barbara Cullen, OIS/IRSD  
301-415-6873

The Commissioners

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NRC staff will submit the enclosed annual FOIA report for FY 2008 to the DOJ Office of Information and Privacy and place the report on the NRC's public Web site on February 2, 2009. The URL for the NRC's annual FOIA report for FY 2008 will be <http://www.nrc.gov/reading-rm/foia/annual-reports>.

Enclosure:  
Annual Freedom of Information Act Report  
Fiscal Year 2008

cc: SECY  
OGC  
OCA  
OPA  
CFO

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cc: SECY  
 OGC  
 OCA  
 OPA  
 CFO

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<b>OFC</b>	OIS/IRSD	Editor	OIS/IRSD	OIS/IRSD	OIS/IRSD
<b>NAME</b>	B. Cullen: BC	C. Hsu	D. Sealing: DS	R. Nichols: RA	R. Nichols for M. Janney
<b>DATE</b>	1/07/09	1/8/09	1/9/09	1/9/09	1/9/09
<b>OFC</b>	OIS/IRSD	OIS	OIS	OEDO	
<b>NAME</b>	J. Holonich: JH	J. Schaeffer: JS	T. Boyce: TB	D. Ash: DA	
<b>DATE</b>	1/12/09	1/13/09	1/13/09	1/16/09	

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