January 21, 2010

MEMORANDUM TO: Chairman Jaczko
Commissioner Klein
Commissioner Svinicki

FROM: Darren B. Ash ***/RA/***
Deputy Executive Director for
Corporate Management
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) 2009.

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 10 oldest pending requests and appeals. Furthermore, agencies are 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 Policy. The reports should include 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.

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In accordance with DOJ guidance, the NRC staff submitted a draft of the enclosed annual FOIA report for FY 2009 to the DOJ Office of Information Policy on December 1, 2009, and received DOJ's approval to post the report to NRC's public Web site on January 5, 2010. The report will be posted no later than February 1, 2010. The URL for the NRC's annual FOIA report for FY 2009 will be http://www.nrc.gov/reading-rm/foia/annual-reports.

Enclosure:
Annual Freedom of Information Act Report
Fiscal Year 2009

cc: SECY
OGC
OCA
OPA
CFO

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Title: **ANNUAL FREEDOM OF INFORMATION ACT REPORT TO THE U.S. DEPARTMENT OF JUSTICE ADAMS: ML093640935 PKG: ML100110023**

***See Previous Concurrence**

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