

April 26, 2010

The Honorable Patrick T. McHenry  
United States House of Representatives  
Washington, D.C. 20515

Dear Congressman McHenry:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of March 25, 2010. In that letter, you requested information to assist you in better understanding the NRC's implementation of White House and Justice Department memoranda regarding openness and transparency through the Freedom of Information Act (FOIA).

Enclosed is a copy of the NRC's fiscal year 2009 NRC Chief Freedom of Information Act Officer Report that discusses at some length our efforts to ensure compliance with both the letter and the spirit of the White House and Justice Department memoranda. To summarize, the NRC has a long-standing proactive practice of conducting its regulatory responsibilities in an open and transparent manner by keeping the public informed of the agency's regulatory, licensing, and oversight activities – independent of FOIA activities. The NRC was the first Federal agency to provide the public with electronic access to all of its public documents through the Agencywide Documents Access and Management System, (ADAMS). The agency also had a robust, centralized FOIA program that already operated with the presumption of openness as part of achieving the agency's strategic goal of openness.

The Attorney General's new FOIA Guidelines and the President's FOIA memorandum have been shared with all NRC staff. NRC staff immediately issued new FOIA procedures. Additionally, the staff is currently revising the NRC's management directive on FOIA for publication in early 2011 to include policy for implementing the President's memorandum and the Attorney General's guidance.

Thank you for allowing this response to focus on the NRC's FOIA log and all records and communications referring or relating to the implementation of the White House and Justice memoranda. We understand that the Committee may ask for more information after reviewing our initial response. Please note that in the FOIA log, the names of alleged requesters requesting information about the investigation into their allegations, and the names of individuals requesting investigative information about themselves have been redacted. Regarding your request for records and communications about the implementation of the administration's guidelines and memoranda, please note that a small amount of the information provided is not subject to public disclosure and is marked as such. This includes both the predecisional, deliberative process information under Exemption 5, as well as information from internal NRC documents that is not within the scope of the request, but is contained on pages with request-relevant information. This material is being sent under separate cover from our Office of Congressional Affairs.

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If you have any further questions or require additional information, please contact me or Ms. Rebecca L. Schmidt, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

*/RA/*

Gregory B. Jaczko

Enclosure:  
Materials in Response to  
Requests #1 and #4

Identical letter sent to:

The Honorable Patrick T. McHenry  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Darrell E. Issa  
United States House of Representatives  
Washington, D.C. 20515