

FOIA and Privacy Act Program

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Open Government Assessment of the NRC's FOIA Process as a Key Information Dissemination Channel

Through its policy to make most non-sensitive documents public through the Agencywide Documents Access and Management System (ADAMS), the U.S. Nuclear Regulatory Commission (NRC) helps the public and other agency stakeholders by reducing the need to submit requests under the Freedom of Information Act (FOIA). This reduction in FOIA requests also reduces the agency's costs for FOIA request processing.

Nonetheless, the NRC views its FOIA process as a key information dissemination channel to promote transparency and Open Government. In that spirit, this page presents an assessment of the NRC's capacity to analyze, coordinate, and respond to FOIA requests in a timely manner, together with provisions to strengthen the agency's response processes. For details, see the following topics on this page:

- Improved Information Disclosure through the FOIA Process
- Senior-Level Management Attention to the FOIA/Privacy Section
- FOIA Support from the Office of the General Counsel
- Role and Responsibilities of the FOIA/Privacy Section

Improved Information Disclosure through the FOIA Process

The NRC's FOIA program has, historically, compared favorably with other agencies, as documented by our Annual FOIA Reports. Nonetheless, on December 27, 2006, the NRC began implementing a FOIA Improvement Plan, as required by Executive Order 13392, "Improving Agency Disclosure of Information." Through this plan, the NRC assessed its FOIA program and identified improvements to expedite processing and reduce response times and the backlog of requests. The NRC also developed online training and used information technology to help agency staff process requests more effectively. In addition, the agency enhanced and updated its FOIA and Privacy Act Requests page and related publications.

Since that time, the NRC has completed all actions identified in the FOIA Improvement Plan. As a result, the agency's backlogged cases decreased from 13 in 2006 to only 5 at the end of FY 2009. Response times were also reduced, and the oldest request on hand at the end of FY 2009 was 89 days old, compared to 115 at the end of FY 2008. In addition, in FY 2009, the agency met its internal goal of responding to 75 percent of simple FOIA requests within 20 days. The NRC also posts links to Records Frequently Requested under the FOIA, an Index of Closed FOIA/PA Requests by Subject, and its Annual FOIA Reports (the latter in open format) on its FOIA and Privacy Act Requests page.

Given the NRC's historical success in this area, we do not anticipate further changes or reforms to our FOIA processes at this time. For more information about the steps taken to improve the NRC's FOIA operation and facilitate information disclosure, see our Annual Chief FOIA Officer Report.

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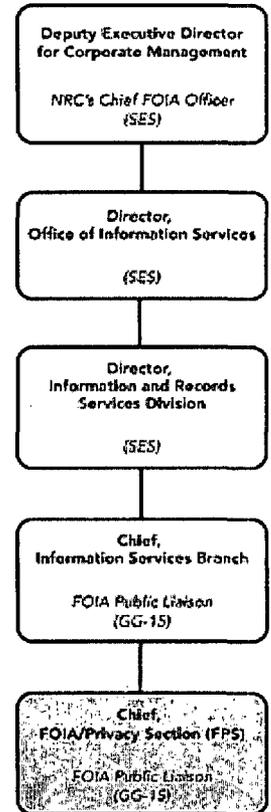
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Senior-Level Management Attention to the FOIA/Privacy Section

The NRC excels in analyzing, coordinating, and responding to FOIA requests in a timely manner, largely because of the organizational structure (illustrated to the right), which ensures senior-level management attention to the agency's centralized FOIA/Privacy Section (FPS). This organizational structure contributes to the effectiveness of the NRC's FOIA program by ensuring adequate resources (including information technology), policy guidance, and oversight.

To oversee the FOIA program, the NRC Chairman designated the agency's Deputy Executive Director for Corporate Management (DEDCM) to serve as the NRC's Chief FOIA Officer. In that capacity, the DEDCM provides guidance and oversight to the FOIA program through the Director of the NRC's Office of Information Services (OIS) and the Director of the OIS Information and Records Services Division (IRSD), who are both members of the Senior Executive Service (SES). Under their guidance, the Chief of the IRSD Information Services Branch (ISB) and the NRC's FOIA/Privacy Officer oversee and manage the day-to-day activities of the FPS and serve as the agency's FOIA Public Liaisons.

Similarly, all NRC Office Directors (ODs) and Regional Administrators (RAs) are responsible for assisting the FPS by ensuring compliance with the FOIA program in their respective offices or regions. Each OD/RA appoints a Senior Management FOIA Official as his or her representative to manage the FOIA program in their office or region. Each office and region also has a FOIA coordinator responsible for processing requests received in that office or region. The FPS trains the FOIA coordinators in the NRC's FOIA processes, as well as the administrative aspects of the FOIA and the FOIA exemptions. In more than 90 percent of requests, the offices and regions provide records and release/denial recommendations to the NRC's FPS within 10 days, which contributes to the agency's high rate of responding to requesters within 20 days.



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FOIA Support from the Office of the General Counsel

The NRC's Office of the General Counsel (OGC) supports the FOIA program by providing legal reviews of FOIA denials and appeals. In addition, OGC provides legal advice on FOIA policy and novel questions of law, as well as FOIA litigation support. The OGC is adequately staffed to review cases expeditiously so that the agency is still able to respond to the requester within 20 days.

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Role and Responsibilities of the FOIA/Privacy Section

The NRC's centralized FPS is responsible for managing and tracking all FOIA requests and appeals received by the agency. Staffed by Federal employees and contractors, the FPS also relies on technological resources to accomplish its FOIA mission, using a commercial electronic case tracking system with an electronic redaction capability.

The FPS accepts FOIA requests through email, postal mail, courier, and facsimile, and Headquarters and regional offices forward any requests they receive to the FPS within 1 workday. Once assigned to a FOIA specialist, incoming requests are analyzed, and a preliminary determination is made regarding where the requested information may reside. The request is

then hand-carried, sent through overnight mail, or transmitted electronically to the FOIA coordinator in the appropriate office(s) or region(s) within 1 day of receipt. Each responsible FOIA coordinator then provides an estimate of the search, review, and duplication effort required to assemble the requested information.

Once the FPS determines that a request has been "perfected" (i.e., fee issues have been resolved, and the scope of the request has been clarified), the FPS electronically notifies the appropriate FOIA coordinators to begin searching for and retrieving the requested records. Those records are then provided to subject matter experts, who recommend release or denial of the information. In doing so, the subject matter experts bracket information that is proposed for denial, prepare appendices listing documents that are already publicly available, and provide the records to the FPS within 10 workdays. The FOIA specialist then reviews the FOIA packet, as well as the release and denial recommendations, and resolves any disagreements between the FOIA coordinator and subject matter experts. The records are then scanned and redacted (as required) using specialized FOIA processing software, and the packet is prepared for release to the requester via postal mail. Most requests are still provided in paper format because that is what most requesters prefer. When requested, the NRC also sends results as email attachments or on computer discs.

For complex requests that involve voluminous records or documents from multiple offices or regions, the FPS frequently makes partial releases to requesters. This helps keep requesters satisfied and allows the processing pipeline to continue moving, rather than waiting until all records can be processed and sent at the same time.

For more information about the NRC's FOIA Program and its capacity to analyze, coordinate, and respond to FOIA requests in a timely manner, visit our FOIA and Privacy Act Requests page, see our Annual Chief FOIA Officer Report, or Contact Us About FOIA/Privacy Act, Service Center, and Public Liaisons.

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