

EDO Principal Correspondence Control

FROM: DUE: 02/11/11

EDO CONTROL: G20110075
DOC DT: 01/25/11
FINAL REPLY:

Representative Darrell Issa

TO:

Sealing, OIS

FOR SIGNATURE OF :

** GRN **

CRC NO: 11-0042

Borchardt, EDO

DESC:

Compliance with FOIA Procedures
(EDATS: SECY-2011-0049)

ROUTING:

Borchardt
Weber
Virgilio
Ash
Muessle
OGC/GC
Boyce, OIS
Burns, OGC
Schmidt, OCA

DATE: 02/01/11

ASSIGNED TO:

CONTACT:

EDO

Rihm

SPECIAL INSTRUCTIONS OR REMARKS:

Please prepare response in accordance with OEDO
Notice 2009-0441-02 (ML093290179). OIS to provide
input to Roger Rihm, OEDO, if required. Roger Rihm
will coordinate response with OGC and OCA.

Template: SECY-017

E-RIDS: SECY-01

EDATS

Electronic Document and Action Tracking System

EDATS Number: SECY-2011-0049

Source: SECY

General Information

Assigned To: OEDO

OEDO Due Date: 2/11/2011 11:00 PM

Other Assignees:

SECY Due Date: 2/15/2011 11:00 PM

Subject: Compliance with FOIA Procedures

Description:

CC Routing: OIS; OGC; OCA

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20110075, LTR-11-0042

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

OEDO Monthly Report Item: NO

Process Information

Action Type: Letter

Priority: Medium

Sensitivity: None

Signature Level: EDO

Urgency: NO

Approval Level: No Approval Required

OEDO Concurrence: NO

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions: Please prepare response in accordance with OEDO Notice 2009-0441-02 (ML093290179). OIS to provide input to Roger Rihm, OEDO, if required. Roger Rihm will coordinate response with OGC and OCA.

Document Information

Originator Name: Representative Darrell Issa

Date of Incoming: 1/25/2011

Originating Organization: Congress

Document Received by SECY Date: 2/1/2011

Addressee: Donna Sealing, OIS

Date Response Requested by Originator: NONE

Incoming Task Received: Letter

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jan 31, 2011 11:23

PAPER NUMBER: LTR-11-0042 **LOGGING DATE:** 01/31/2011
ACTION OFFICE: EDO

AUTHOR: REP Darell Issa
AFFILIATION: CONG
ADDRESSEE: Donna Sealing
SUBJECT: Concerns NRC's compliance with FOIA procedures

ACTION: Signature of EDO
DISTRIBUTION: RF, OCA to Ack

LETTER DATE: 01/25/2011
ACKNOWLEDGED: No
SPECIAL HANDLING: Rec'd in SECY 1/31/2011 via EDO

NOTES:
FILE LOCATION: ADAMS

DATE DUE: 02/15/2011 **DATE SIGNED:**

EDO --G20110075

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

Majority (202) 225-5074
Minority (202) 226-5051

January 25, 2011

Donna Sealing
FOIA/PA Officer
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Ms. Sealing:

The Freedom of Information Act ("FOIA") is one of the most important tools for government transparency and accountability. In their mission to find waste, fraud, and abuse, the oversight and investigative committees of Congress, including the Committee on Oversight and Government Reform ("Committee"), are often assisted by tips, complaints, and briefings from media organizations, watchdog groups, and concerned citizens. These private-sector actors are often the first to become aware of federal inefficiency or malfeasance. FOIA allows them to scrutinize the activities of federal agencies. Without FOIA, they could not hold the government accountable, nor could they provide crucial assistance to Congressional oversight. President Obama recognized the importance of FOIA when he made it the subject of an executive memorandum on his second day in office.¹

The Committee, as the principal oversight committee in the House of Representatives with broad oversight jurisdiction as set forth in House Rule X, is very interested in ensuring that all federal agencies respond in a timely, substantive, and non-discriminatory manner to requests for information under FOIA. To enable the Committee to understand the impact of recent changes to FOIA procedures and to evaluate agencies' compliance with FOIA, please provide the following information, records, and explanations by **February 15, 2011 at 5:00 pm**.

1. Provide your agency's FOIA log(s) for the five years preceding the date of this letter, in Microsoft Excel or a similar format that allows sorting by column or information category, including at least the following information: (a) the name of the requestor; (b) the date of the request; (c) a brief description of the documents or records sought by the request; (d) any tracking number assigned to the request by your agency pursuant to Section 7 of the OPEN Government Act of 2007²; (e) the date the request was closed, if it is not still outstanding; (f) whether any records were provided in response to the request;

¹ The White House, Memorandum for the Heads of Executive Departments and Agencies, Jan. 21, 2009, available at http://www.whitehouse.gov/the_press_office/FreedomofInformationAct/ ("[T]he Freedom of Information Act, which encourages accountability through transparency, is the most prominent expression of a profound national commitment to ensuring an open Government").

² Pub. L. No. 110-175.

Donna Sealing
January 24, 2011
Page 2

and (g) any additional identification number or code assigned to the request by your agency for internal use.

2. On each log provided in response to Request No. 1, identify each FOIA request to your agency that was submitted more than 45 days prior to the date of this letter and to which your agency has not yet issued a complete and final response.

3. For each FOIA request identified in response to Request No. 2, provide all communications between your agency and the requestor.

4. Identify any federal judicial action in which your agency, within the five years preceding the date of this letter, has been ordered by the court to pay any attorneys' fees or other litigation costs incurred by a FOIA requestor under 5 U.S.C. § 552(a)(4)(E) or under any similar law or regulation.

5. For each federal action identified in response to Request No. 4, provide a copy of the court order requiring your agency to pay attorney fees or other litigation costs.

Please note that for purposes of responding to this request, the terms "records," "communications," and "referring or relating" should be interpreted consistently with the attached Definitions of Terms.

Thank you for your prompt attention to this matter. If you have any questions regarding this request, please contact Hudson Hollister or Tegan Millspaw with the Committee staff at (202) 225-5074.

Sincerely,



Darrell Issa
Chairman

cc: Hon. Elijah Cummings, Ranking Member, Committee on Oversight and Government Reform

David Ferriero, Archivist of the United States

Miriam Nisbet, Director, National Archives, Office of Government Information Services

Attachment

Definition of Terms

1. The term "record" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, telexes, discussions, releases, personal delivery, or otherwise.
3. The terms "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

Majority (202) 225-5074
Minority (202) 225-5051

January 25, 2011

Jennifer Marr
Attorney-Advisor
Occupational Safety and Health Review Commission
1120 20th Street, N.W., 9th Floor
Washington, D.C. 20036-3419

Dear Ms. Marr:

The Freedom of Information Act ("FOIA") is one of the most important tools for government transparency and accountability. In their mission to find waste, fraud, and abuse, the oversight and investigative committees of Congress, including the Committee on Oversight and Government Reform ("Committee"), are often assisted by tips, complaints, and briefings from media organizations, watchdog groups, and concerned citizens. These private-sector actors are often the first to become aware of federal inefficiency or malfeasance. FOIA allows them to scrutinize the activities of federal agencies. Without FOIA, they could not hold the government accountable, nor could they provide crucial assistance to Congressional oversight. President Obama recognized the importance of FOIA when he made it the subject of an executive memorandum on his second day in office.¹

The Committee, as the principal oversight committee in the House of Representatives with broad oversight jurisdiction as set forth in House Rule X, is very interested in ensuring that all federal agencies respond in a timely, substantive, and non-discriminatory manner to requests for information under FOIA. To enable the Committee to understand the impact of recent changes to FOIA procedures and to evaluate agencies' compliance with FOIA, please provide the following information, records, and explanations by **February 15, 2011 at 5:00 pm**.

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² Pub. L. No. 110-175.

Donna Sealing
January 24, 2011
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is not still outstanding; (f) whether any records were provided in response to the request; and (g) any additional identification number or code assigned to the request by your agency for internal use.

2. On each log provided in response to Request No. 1, identify each FOIA request to your agency that was submitted more than 45 days prior to the date of this letter and to which your agency has not yet issued a complete and final response.

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4. Identify any federal judicial action in which your agency, within the five years preceding the date of this letter, has been ordered by the court to pay any attorneys' fees or other litigation costs incurred by a FOIA requestor under 5 U.S.C. § 552(a)(4)(E) or under any similar law or regulation.

5. For each federal action identified in response to Request No. 4, provide a copy of the court order requiring your agency to pay attorney fees or other litigation costs.

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Thank you for your prompt attention to this matter. If you have any questions regarding this request, please contact Hudson Hollister or Tegan Millspaw with the Committee staff at (202) 225-5074.

Sincerely,


Darrell Issa
Chairman

cc: Hon. Elijah Cummings, Ranking Member, Committee on Oversight and Government Reform

David Ferriero, Archivist of the United States

Miriam Nisbet, Director, National Archives, Office of Government Information Services

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