

## 2022 U.S. Nuclear Regulatory Commission

### Chief FOIA Officer Report

David Nelson

#### **Section 1: Steps Taken to Apply the Presumption of Openness**

The guiding principle underlying DOJ's [FOIA Guidelines](#) is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

##### **A. FOIA Leadership**

1. The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at the Assistant Secretary or equivalent level. See 5 U.S.C. § 552(j)(1) (2018). Is your agency's Chief FOIA Officer at this level?

Yes.

2. Please provide the name and title of your agency's Chief FOIA Officer.

David Nelson, Chief Information Officer

##### **B. FOIA Training**

3. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. § 552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

NRC FOIA staff provided specific ad hoc FOIA training, which was tailored toward the specific needs. The FOIA team continued to provide annual FOIA training, training to its FOIA coordinators. Topics covered during the annual FOIA training were, What is FOIA?, fee estimates, Responsive Records: Search and Review, Recent Supreme Court Decisions, Records Management, Controlled Unclassified Information, and Critical Energy/Electric Infrastructure Information. The FOIA Team also encourages agency personnel to take DOJ trainings.

4. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend substantive FOIA training during the reporting period such as that provided by the Department of Justice?

Yes.

5. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

DOJ – Virtual Privacy Consideration Workshop  
DOJ – Virtual Processing from Start to Finish Workshop

DOJ – Virtual Exemptions 1 and 7 Workshop  
DOJ – Exemption 4 and Exemption 5 Workshop  
DOJ – Continuing FOIA Education Workshop  
DOJ – Procedural Requirements and Fees Workshop  
DOJ – Virtual Best Practices Workshop for the Intelligence Community  
DOJ – Virtual Best Practices – FOIA Administration during the Pandemic

In addition to the above, there was participation in the Chief FOIA Officer Council Meetings and the FOIA Advisory Committee Meetings.

6. Please provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

100%

7. OIP has [directed agencies](#) to “take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year.” If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency’s plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

N/A.

8. Did the personnel at your agency who have FOIA responsibilities attend training in federal records management during this reporting period?

Yes, NRC FOIA personnel received records management training during our Annual FOIA training, held in August 2021.

### **C. Outreach**

9. Did your FOIA professionals engage in any outreach or dialogue, outside of the standard request process, with the requester community or open government groups regarding your administration of the FOIA? Please describe any such outreach or dialogue, and, if applicable, any specific examples of how this dialogue has led to improvements in your agency’s FOIA administration.

Yes, the NRC continues to issue a survey to each FOIA requester at the completion of their FOIA request. This survey offers requesters an opportunity to provide feedback on the NRC’s administration of FOIA. The NRC Chief FOIA Officer, FOIA Public Liaison, and FOIA Officer met with a FOIA a few FOIA requesters and discussed their request status. The NRC FOIA Team also issued several articles throughout the Fiscal Year to NRC staff. These informative articles covered topics, such as search etiquette, using BOX as a secure method to transmit FOIA records, and an article announcing our annual FOIA training.

## D. Other Initiatives

10. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe:

- how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and
- if senior leaders at your agency received a briefing on your agency's FOIA resources, obligations and expectations during the FOIA process?

NRC FOIA Team continues to provide training to non-FOIA professionals about their obligations under the FOIA. NRC achieves this through the annual FOIA training which we open to the entire agency. Through this training we incorporate presentations not only from the FOIA team, but on records management and how it relates to FOIA, and handling sensitive information under FOIA, as well. We record these training sessions each year and make them available to NRC staff to view at their leisure through Microsoft Stream.

11. Optional -- If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

N/A.

## **Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests**

DOJ's [FOIA Guidelines](#) emphasize that "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that the management of your FOIA program is effective and efficient. You should also include any additional information that describes your agency's efforts in this area.

1. For Fiscal Year 2021, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A of your agency's Fiscal Year 2021 Annual FOIA Report.

0.61.

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency's Fiscal Year 2021 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

N/A.

3. The FOIA Improvement Act of 2016 required all agencies to update their FOIA regulations within 180 days. In 2016, OIP issued Guidance for Agency FOIA Regulations and the accompanying Template for Agency FOIA Regulations to assist agencies in updating their regulations in accordance with the statute. Has your agency updated its FOIA regulations in

accordance with the FOIA Improvement Act of 2016? If not, what is your agency's plan to update your regulations?

Yes.

4. Standard Operating Procedures (SOPs) generally document your agency's internal processes for administering the FOIA beyond your FOIA regulations and FOIA Reference Guide. As noted in OIP's [guidance](#), having SOPs can improve the consistency and quality of an agency's FOIA process. SOPs can also serve as a significant resource for incoming FOIA professionals and a way to preserve much of the agency's institutional knowledge on administering the FOIA from how to handle requests from start-to-finish, to identifying and making proactive disclosures, to maintaining a FOIA website. Does your agency have up-to-date internal SOPs for your FOIA administration?

Yes, the NRC has recently updated its Management Directive and its "how to" guide, which outlines the general processes for handling FOIA requests and appeals. In addition, NRC has updated its desk guide recently and it is going through concurrence.

5. If not, please provide a timeline for when your agency plans to develop or update its SOPs.

N/A.

6. Has your agency established alternative means of access to first-party requested records outside of the FOIA process?

Yes.

7. If yes, please provide examples. If no, please explain if such opportunities exist at your agency and whether there are any challenges in establishing alternative means of access.

The NRC provides individuals with the opportunity to request Radiation Worker Dose History through an alternative means, separate from FOIA. The NRC FOIA Team also provided a suggestion to its Office of the Chief Human Capital Officer that it may want to consider updating the departing employee's checklist to mention obtaining copies of personnel records, which they can readily access before they leave.

8. Did your agency conduct a self-assessment of its FOIA administration during the reporting period? If so, please describe the self-assessment methods used, such as analyzing Annual Report or raw data, using active workflows and track management, reviewing and updating processing procedures, etc. In addition, please specifically highlight any data analysis methods or technologies used to assess your agency's FOIA program.

No, the NRC did not conduct a self-assessment of its FOIA administration during FY21, however the NRC has recently had an assessment on its FOIA program conducted by the Office of Government Information Services. The report was published on September 17, 2020, <https://foia.blogs.archives.gov/2020/09/17/ogis-publishes-nrc-foia-compliance-assessment/>.

The FOIA Team routinely evaluates its guidance documents, templates used with FOIA requesters, and NRC Forms, to make updates.

9. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of the number of times requesters sought assistance from your agency's FOIA Public Liaison during FY 2021 (please provide a total number or an estimate of the number).

0.

10. Has your agency reviewed its FOIA-related staffing capabilities to identify resources needed to respond to current and anticipated FOIA demands?

Yes, NRC evaluates its FOIA-related staffing needs annually during its strategic workforce planning process.

11. Optional -- Please describe:

- Best practices used to ensure that your FOIA system operates efficiently and effectively
- Any challenges your agency faces in this area.

NRC utilized, during FY21, FOIAonline as its case management system and RedactXpress as its redaction tool. The NRC worked with the Environmental Protection Agency to make sure FOIAonline operated efficiently and effectively. NRC has a maintenance contract with AINS, Inc. to ensure RedactXpress operates efficiently and effectively.

The NRC is continuing to explore using alternate technology which can facilitate efficiency in deduplication and conducting searches with using Microsoft Office 365 e-discovery tool, Active Navigation, or through another platform.

### **Section III: Steps Taken to Increase Proactive Disclosures**

The Department of Justice has long focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.

The NRC FOIA Team often recognizes frequently requested records and proceeds accordingly. When requests come in that ask for a wide variety of inspection or other records, and it doesn't appear that the requester is familiar with the NRC, we often will send them to ADAMS reports, or direct them to relevant places on our website, and suggest that they conduct some research, so that they can submit a narrowed request. The NRC has often found what we provide meets the requesters needs, saving them and the agency time and money.

2. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.

The NRC has a longstanding policy of conducting its regulatory responsibilities in an open and transparent manner and actively makes records publicly available, without waiting for a FOIA request. The NRC has made available to the public at ML072770468, Guidance for Determining the Public Availability of Documents. NRC Management Directive 3.4, "Release of Information to the Public," provides policy guidance on proactive disclosures of agency information of interest to the public, when no request for information has been made under the FOIA. The policy statement found within MD 3.4 reads, "The U.S. Nuclear Regulatory Commission makes as much information as possible available to the public relating to its health and safety mission, in accordance with its legal responsibilities to protect specific types of information. It is the intent of NRC to routinely make information publicly available that is anticipated to be of interest to the public to make it unnecessary for persons to file a request for the information under the Freedom of Information Act (FOIA). This directive requires review of Commission Decision Documents (SECY papers [SECY's], Commission memoranda [COMs], and staff requirements memoranda [SRMs] for mandatory release under the FOIA, 5 U.S.C. 552(a)(1) and (a)(2)."

The records are released in the Agencywide Documents Access and Management System (ADAMS) with stringent time constraints to ensure timely release of non-sensitive records to the public in an accessible electronic format. <https://adams.nrc.gov/wba/>

- NRC regulatory guides: <http://www.nrc.gov/reading-rm/doc-collections/reg-guides/>
- Office of the Inspector General reports: <https://www.nrc.gov/reading-rm/doc-collections/insp-gen/>
- Commission documents: <https://www.nrc.gov/reading-rm/doc-collections/commission/recent/2017/>
- Quarterly generic issues: <https://www.nrc.gov/reading-rm/doc-collections/generic-issues/quarterly/index.html>
- Congressional testimony: <https://www.nrc.gov/reading-rm/doc-collections/congress-docs/congress-testimony/>
- Nuclear Reactor Information - <https://www.nrc.gov/reactors.html>

Due to a large digitization effort that started in July 2019, 1,080,631 records from 1979-1999 were added to public ADAMS. These documents were digitized from 110,000 individual pieces of microfiche and 88,000 aperture cards (containing blueprints, schematics, or maps). They comprise more than 43 million images that are now available to the public in electronic format.

The NRC continues to digitize paper and microfiche, but at a slower pace. If the documents are currently publicly available, they remain publicly available when placed into ADAMS.

3. Does your agency disseminate common types of material outside of FOIA, including in online databases where the public may access them? If yes, please provide examples and, if applicable, statutory authority.

Yes, examples of common material that can be requested outside of FOIA:

- Individual dosimetry records, <https://www.reirs.com/requests.html>;
- Licensee event reports (LERs), [LERSearch web page](#);

- Inspection reports, <https://www.nrc.gov/reactors/operating/oversight/listofrpts-body.html>

The NRC provides information on access to NRC records without a FOIA request, <https://www.nrc.gov/reading-rm/foia/foia-request.html#access>.

4. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

Yes.

5. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.

NRC is taking steps to make sure correct docket numbers are in the ADAMS profile, which will help public users in their search for records on the public site. A revised Public Meeting Notice System (PMNS) entry form will require the docket number field to be completed. The Electronic Information Exchange (EIE) General Submission form already requires the docket number, but a user-friendly search feature will be added to enable submitters to select the applicable docket number.

6. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office? If so, describe this interaction.

Yes, NRC FOIA Team often collaborates with the Digitization, Processing, and Records Branch.

Optional -- Please describe:

- Best practices used to improve proactive disclosures

The agency has also purchased software, which is being tested for use in electronically searching documents for terms, which may indicate documents that should not be released. This is anticipated to reduce the staff time to review documents for release to the public.

- Any challenges your agency faces in this area

Reduced staffing across the agency has limited the resources for the review of older documents for public release.

#### **Section IV: Steps Taken to Greater Utilize Technology**

A key component of FOIA administration is using technology to make information more accessible. In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?

During FY21, NRC reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands. We performed extensive market research, including utilizing GSA's Research as a Service with NRC's Acquisition Management Division. We also created a comprehensive list of requirements for a replacement FOIA case tracking management system.

2. Please briefly describe any new types of technology your agency began using during the reporting period to support your FOIA program.

During FY21, we did not use any new technology to support the FOIA program. Although we attended training and demonstrations for de-duplication tools, we did not obtain licenses or necessary permissions in order to implement new technology.

3. OIP issued [guidance](#) in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources, and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Yes.

4. Did all four of your agency's quarterly reports for Fiscal Year 2021 appear on your agency's website and on FOIA.gov?

Yes.

5. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2022.

N/A.

6. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2020 Annual FOIA Report and, if available, for your agency's Fiscal Year 2021 Annual FOIA Report.

<https://www.nrc.gov/reading-rm/foia/annual-reports/>

7. Optional -- Please describe:

- Best practices used in greater utilizing technology
- Any challenges your agency faces in this area

## **Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs**

The Department of Justice has emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's FY 2020 and 2021 Annual FOIA Reports.

### **A. Simple Track**

Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

1. Does your agency utilize a separate track for simple requests?

Yes.

2. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2021?

No, our average number of days was 22.66 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2021 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100.

54%.

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

N/A.

### **B. Backlogs**

When answering these questions, please refer to your Fiscal Year 2021 Annual FOIA Report, Sections XII.D-E, which compare the numbers of requests and appeals received, processed, and backlogged between Fiscal Years 2020 and 2021.

## BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2021, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?

No, NRC backlog increased from 81 in Fiscal Year 2020 to 86 at the end of Fiscal Year 2021.

6. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2021 than it did during Fiscal Year 2020?

No, NRC received 50 fewer requests in Fiscal Year 2021 than it did in Fiscal Year 2020.

7. If your agency's request backlog increased during Fiscal Year 2021, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming requests. No.
- A loss of staff. The NRC's FOIA contract was understaffed for approximately 58% of the Fiscal Year.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase. Yes, the NRC believes the complexity of requests received has been increasing. Examples of some of the complexities: Requests for records at licensed facilities, including the equities not only of the licensees, but often its vendors and contractual suppliers. Repeated FOIA requests for data from our web-based license tracking system, these requests are frequent and the results over 15,000 excel line items to review. Extensive investigative files, which typically also include licensee-originated records. These requests often involved multiple offices within the NRC organization as well as the licensee. There can be extensive tasks involved to reach alignment on disclosure recommendations. NRC has also been seeing more frequent requests for older records, even though the NRC has made extensive progress through its digitization project in making many of its older records available publicly through ADAMS, we still have to go to the Federal Records Center, which is open for limited hours and experience pandemic related delays.
- Impact of COVID-19 and workplace and safety precautions. The NRC was utilizing maximum telework until its re-entry, which was effective November 7, 2021. During maximum telework the NRC had a minor impact due to its inability to retrieve paper records from the Federal Records Center. NRC established a COVID-19 taskforce and developed the NRC Workplace Safety Implementation Plan, which reflects that NRC has the proper measures in place to help prevent the spread of COVID-19.
- Any other reasons – please briefly describe or provide examples when possible.

8. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2021. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."

36%.

### **BACKLOGGED APPEALS**

9. If your agency had a backlog of appeals at the close of Fiscal Year 2021, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2020?

Yes, NRC backlogged appeals decreased from 3 to 1 at the end of Fiscal Year 2021.

10. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2021 than it did during Fiscal Year 2020?

N/A.

11. If your agency's appeal backlog increased during Fiscal Year 2021, please explain why and describe the causes that contributed to your agency not being able to reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- An increase in the number of incoming appeals.
- A loss of staff.
- An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.
- Impact of COVID-19 and workplace and safety precautions.
- Any other reasons – please briefly describe or provide examples when possible.

N/A.

12. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2021. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2021 and/or has no appeal backlog, please answer with "N/A."

16.6%.

### **C. Backlog Reduction Plans**

13. In the 2021 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2020 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so,

describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2021?

N/A.

14. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2021, please explain your agency's plan to reduce this backlog during Fiscal Year 2022. In particular, please also detail how your agency developed and plans to execute your backlog reduction plans.

N/A.

#### **D. Status of Oldest Requests, Appeals, and Consultations**

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2020 and Fiscal Year 2021 when completing this section of your Chief FOIA Officer Report.

#### **OLDEST REQUESTS**

15. In Fiscal Year 2021, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2020 Annual FOIA Report?

No.

16. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2020 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

2 out of 10.

17. Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.

The NRC continues to take steps to reduce the overall age of our pending requests through communication internally, with other agencies, and with FOIA requesters. This communication can be internal to the NRC with the record owners, with other agencies, and with public submitters. Through communication we stress the importance of timeliness in searching, reviewing, redacting (if needed) and providing the requested information to the FOIA requester. The NRC provides the requester with status updates regarding their FOIA request, as well as always offering the opportunity for narrowing the scope to receive their request more expeditiously.

## TEN OLDEST APPEALS

18. In Fiscal Year 2021, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2020 Annual FOIA Report?

No.

19. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VI.C.(5) of your Fiscal Year 2020 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

3 out of 4.

20. Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.

The NRC continues to take steps to reduce the overall age of our pending appeals through communication internally and with requesters. This communication is often internal with our program offices to make sure they are timely in performing reasonable searches and clarifying how they searched so that we can inform the requester.

## TEN OLDEST CONSULTATIONS

21. In Fiscal Year 2021, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2020 Annual FOIA Report?

No.

22. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2020 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

2 out of 3.

## E. Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans

23. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2020.

Obstacles the NRC faced in closing its ten oldest requests, appeals, and consultations from FY2020, was due to the voluminous nature of the requests, and due to some of the records being maintained in paper format while staff has been in work from home status during COVID-19. In addition, as reported previously, an obstacle is that the NRC lacked equipment to view/listen to older records stored on out-of-date technology format and technology to convey the content is no longer routinely available. The NRC has taken steps to obtain the proper equipment and continues to work towards closing this request.

24. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

No.

25. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2022.

The NRC will continue to work aggressively and focus necessary resources to successfully reach our goal of completing the ten oldest requests during FY2022.

## **F. Success Stories**

Out of all the activities undertaken by your agency since March 2021 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency’s efforts. The success story can come from any one of the five key areas, but should not be something that you have reported in a prior year. As noted above, these agency [success stories](#) will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

The NRC revised and published its Management Directive (MD) 3.1, “Freedom of Information Act” after nearly 5 years of internal review. MD 3.1 was revised to reflect changes to policies and regulations, clarify the NRC’s Office of the Inspector General (OIG) processes, remove the manual bracketing requirement which encourages electronic bracketing, and to clarify the FOIA Officer is the denying official for records received from offices that report to the NRC Executive Director of Operations.

The NRC public FOIA web sites were updated to correct broken links, as well as to make the site more useful for NRC staff, contractors and the public. The NRC internal web site was updated to add links to internal FOIA training and FOIA guidance for knowledge management purposes.