

2024 U.S. Nuclear Regulatory Commission

Chief FOIA Officer Report

David Nelson

SECTION I: FOIA LEADERSHIP AND APPLYING THE PRESUMPTION OF OPENNESS

The guiding principle underlying the Attorney General's [FOIA Guidelines](#) is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

A. Leadership Support for FOIA

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

Yes.

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

David Nelson, Chief Information Officer

3. What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?

NRC has incorporated into its organizational values, Integrity, Service, Openness, Commitment, Cooperation, Excellence and Respect (ISOC CER). Included in ISOC CER is being transparent. Additionally, FOIA has been added to the strategic plan as a contributing program to continue to foster a healthy organization.

B. Presumption of Openness

4. The Attorney General's 2022 FOIA Guidelines provides that "agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions." Does your agency provide such confirmation in its response letters?

Yes.

5. In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interested protected by a FOIA exemption. This is commonly referred to as a *Glomar* response. With respect to these responses, please answer the below questions:

- a. In addition to tracking the asserted exemption, does your agency specifically track whether a request involved a *Glomar* response? Yes
- b. If yes, please provide:

- i. the number of times your agency issued a full or partial *Glomar* response (separate full and partial if possible); 2
- ii. the number of times a *Glomar* response was issued by exemption (e.g., Exemption 7(C) – 20 times, Exemption 1 – 5 times). Exemption 7(C) – 2 times
- c. If your agency does not track the use of *Glomar* responses, what would your agency need to do to track in the future? If possible, please describe the resources and time involved. N/A

6. 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: ENSURING FAIR AND EFFECTIVE FOIA ADMINISTRATION

The Attorney General's [FOIA Guidelines](#) provide that “[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce.” The Guidelines reinforce longstanding guidance to “work with FOIA requesters in a spirit of cooperation.” The Attorney General also “urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency’s FOIA administration” as part of ensuring fair and effective FOIA administration.

A. FOIA Training

1. 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 provides FOIA training to NRC staff each year. In August 2023, we hosted the Annual FOIA training event covering records management, exemption b(5) deliberative process privilege, how to utilize the Office of Government Information Services (OGIS) and what support the Office of General Counsel can provide in the FOIA process. The training also covered comprehensive information on the purpose of FOIA and guidance on the internal processes used to conduct searches, fee estimates and release recommendations.

Additionally, in February 2023, we hosted a training event that provided information on internal FOIA-related guidance documents, how to conduct fee estimates, and searches for agency records.

2. 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.

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

Refresher Training for Annual and Quarterly Report

OGIS Dispute Resolution
Best Practices Workshop
Fees and Fee Waivers
Procedural Requirements

4. 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%

5. 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

6. 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?

The NRC uses various mechanisms to inform non-FOIA professionals of their obligations under the FOIA. NRC invites all agency staff to its annual FOIA training event and had approximately 18% in of agency staff in attendance this past year. The FOIA team also provides ad-hoc training to non-FOIA staff when requested and publishes on its SharePoint site and Nuclepedia page information about FOIA. Nuclepedia is an online encyclopedia providing a collaborative forum where employees can collaborate, contribute, and learn. During the onboarding process of a new Chairman or Commissioner, the Office of General Counsel provides a high-level briefing covering FOIA. During onboarding of Commission legal assistants, the Office of the Secretary provides a high-level briefing covering FOIA. Additionally, updated Department of Justice FOIA Training modules are placed in the agency’s Talent Management System with a notification to all agency staff that new FOIA training is available.

B. Outreach

7. 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.

8. As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the

scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue, and, if applicable, any specific examples.

Yes, the NRC FOIA team does offer the requester community frequent opportunities to clarify or narrow the scope of their request, especially when they are complex. We provide opportunities in our Acknowledgement letter, we provide opportunities during the fee estimate stage, and we also actively reach out to requesters to set up conference calls to discuss the scope of their request.

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 Fiscal Year 2023 (please provide a total number or an estimate of the number).

1

C. Other Initiatives

10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.

Yes, NRC posted an external vacancy announcement in FY23 to hire a Government Information Officer to serve as the NRC FOIA Officer. NRC was able to make a selection, with the new employee starting in Q2 FY24. Currently, NRC FOIA team has 1 Government Information Specialist who serves as the Team Lead/FOIA Officer, and a contractor team of 3 FOIA analyst and 1 Team Lead. Additionally, NRC has FOIA Coordinators in each of its program offices and regional offices to help support the responsibility of responding to FOIA.

11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.

NRC has internal quarterly metrics on how timely its program and regional offices respond to FOIA. The FOIA Specialist workload is monitored in FOIAXpress using ad-hoc reporting.

12. Optional -- If there are any other initiatives undertaken by your agency to ensure fair and effective FOIA administration, please describe them here.

NRC's training session includes an overview of FOIA and the various FOIA responsibilities shared by all NRC employees and contractor support. Additionally, NRC provides guidance and addresses responsibilities in numerous areas within the agency, such as the intranet, Nuclepedia page, management directive, desk guide and in a document titled how to respond to a FOIA.

SECTION III: PROACTIVE DISCLOSURES

The Attorney General's [FOIA Guidelines](#) emphasize that "proactive disclosure of information is . . . fundamental to the faithful application of the FOIA." The Guidelines direct agencies to post

“records online quickly and systematically in advance of any public request” and reiterate that agencies should post records “in the most useful, searchable, and open formats possible.”

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 does not appear that the requester is familiar with the NRC, we often will send him/her to Agencywide Documents Access and Management System (ADAMS) reports, or direct him/her to relevant places on our website, and suggest that they conduct researching order to submit a more narrow request. ADAMS is the official recordkeeping system, through which the U.S. Nuclear Regulatory Commission (NRC) provides access to vast "libraries" or collections of documents related to the agency's regulatory activities. The NRC has often found what we provide meets the requesters' needs, saving them and the agency time and money.

2. How long after identifying a record for proactive disclosure does it take your agency to post it?

NRC uses ADAMS to post records that have been made public during the processing of a FOIA request. After the response has gone through the appropriate levels of review it can be posted online. Once submitted to the ADAMS team it typically takes 24-48 for the record to become public.

3. Does your agency post logs of its FOIA requests?

Yes

- a) if so, What information is contained in the logs? Tracking number, requesters name, requesters organization, request description and received date.
- b) Are they posted in CSV format? If not, what format are they posted in? No, the NRC FOIA logs are posted on a public facing webpage. Cases that are closed and are public facing can be downloaded as a PDF.

4. 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 the following available to the public:

- “Guidance for Determining the Public Availability of Documents” (ML072770468)
- NRC Management Directive 3.4, “Release of Information to the Public,” which 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 following (a)(2)(D) records are released in 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, 1,381,845 records originated 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.

5. 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.

6. 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 now requires the docket number field to be completed. The Electronic Information Exchange (EIE) General Submission form already requires the docket number, and a user-friendly search feature has been added to enable submitters to select the applicable docket number. The agency has taken steps to ensure information meets Open Data requirements via a multi-level quarterly review process including concurrence from the CIO and CDO and 3rd party API verification prior to public availability.

Further, the agency maintains and monitors a notification system for stakeholder feedback to ensure the type and quality of information meets user expectations.

7. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.

Yes, NRC FOIA Team often collaborates with the Digitization, Processing, and Records Branch, as well as the Technical Library and Public Document Room.

8. Optional -- Please describe the best practices used to improve proactive disclosures and any challenges your agency faces in this area.

- Best practices used to improve proactive disclosures

The agency has purchased software that is capable of electronically searching documents which aids in the review process. This is anticipated to reduce the staff time to review documents for release to the public. Most recently, NRC has published "How to videos" that aid the public in how to find records released proactively and publicly by the agency.

- 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 TAKE TO GREATER UTILIZE TECHNOLOGY

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General's [FOIA Guidelines](#) emphasize the importance of making FOIA websites easily navigable and complying with the [FOIA.gov](#) interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information.

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

Yes, the NRC reviewed its FOIA-related technological capabilities during the procurement process for purchasing the replacement FOIA case management solution (FOIAXpress). In addition to this the NRC is exploring leveraging additional technology to assist with office level deduplication and conducting searches using Microsoft Office 365 e-discovery tool or Active Navigation.

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

The NRC began using FOIAXpress and the Public Access Link (PAL) during the reporting period. FOIAXpress provides full lifecycle support for processing of FOIA requests, FOIA appeals, and privacy act requests. FOIAXpress includes the Electronic Document Review Module (EDR) that assists with the de-duplication of responsive documents. ADAMS Content Search is a modern cloud-based “google/bing-like” full-text search application built using Azure Cognitive Search capabilities, and the intuitive user interface developed using Human Centered Design (HCD) allows users to perform search easily and efficiently. The implemented solution that went live in April 2023, showed significant improvement in the accuracy and performance of searches. Users are now able to get back the search results in 2-3 seconds without having to wait for minutes. Users have the ability to begin the search without any search criteria and then filter the initial set of results to get to the exact documents effectively. The user interface provides easy navigability and filtering capabilities for both novice and advanced users. Other capabilities such as Auto Suggestion (Type Ahead), Saved Searches, Download of results in CSV/Excel format, etc. are benefitting the users tremendously.

3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.

NRC uses FOIAXpress and RedactXpress, which included a find/redact feature, intuitive dashboards and artificial intelligence.

4. 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.

5. Did all four of your agency's [quarterly reports](#) for Fiscal Year 2023 appear on FOIA.gov?

Yes.

6. If your agency did not successfully post all quarterly reports on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2023.

N/A.

7. 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 2021 Annual FOIA Report and, if available, for your agency's Fiscal Year 2022 Annual FOIA Report.

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

8. In February 2019, DOJ and OMB issued joint [Guidance](#) establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?

Yes.

9. Optional -- Please describe the best practices used in greater utilizing technology and any challenges your agency faces in this area.

N/A.

SECTION V: STEPS TAKEN TO REMOVE BARRIERS TO ACCESS, IMPROVE TIMELINESS IN RESPONDING TO REQUESTS, AND REDUCE BACKLOGS

The Attorney General's [FOIA Guidelines](#) instruct agencies "to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs." Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

A. Remove Barriers to Access

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

Yes.

2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.

The NRC provides individuals with the opportunity to request Radiation Worker Dose History through an alternative means, separate from FOIA. NRC employees are also provided with access to their time and labor records and their appraisals.

3. Please describe any other steps your agency has taken to remove barriers to accessing government information.

The NRC has included links to the FOIA reading room and to ADAMS on its Public Access Link Page to allow requesters to search for publicly released information prior to submitting a FOIA request.

B. Timeliness

4. For Fiscal Year 2023, 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 2023 Annual FOIA Report.

<1.

5. 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 2022 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.

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

Yes.

7. 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 2023?

Yes, it was 13.9 days.

8. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?

N/A.

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2023 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.

$141/207 * 100 = 61.8\%$

10. 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.

C. Backlogs

BACKLOGGED REQUESTS

11. If your agency had a backlog of requests at the close of Fiscal Year 2023, 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 2021?

No, NRC backlog increased from 89 to 96.

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2023 than it did during Fiscal Year 2022?

No, NRC processed 12 fewer requests in Fiscal Year 2023 than it did during Fiscal Year 2022.

13. If your agency's request backlog increased during Fiscal Year 2023, 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. Yes
- A loss of staff. For approximately 75% of Fiscal Year 2023 NRC was short staffed by 2 full time equivalent Government Information Specialist.
- 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 17,000 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.
- Litigation – The NRC only has one request that is the subject of a litigation, and this did not have a significant impact on our ability to process FOIA requests.
- Any other reasons – please briefly describe or provide examples when possible. N/A.

14. 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 2023. 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.”

40.67%

BACKLOGGED APPEALS

15. If your agency had a backlog of appeals at the close of Fiscal Year 2023, 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 2022?

No, NRC backlogged appeals increased from 1 appeal to 2 backlogged appeals.

16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2023 than it did during Fiscal Year 2022?

No, we processed 2 fewer appeals during FY23.

17. If your agency’s appeal backlog increased during Fiscal Year 2022, 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. NO
- A loss of staff. Yes

- 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)- NO
- Impact of COVID-19 and workplace and safety precautions- NO
- Any other reasons – please briefly describe or provide examples when possible

The increase in backlogged appeals can be attributed to a loss of staff during the fiscal year.

18. 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 2023. 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 2023 and/or has no appeal backlog, please answer with "N/A."

$2/7 * 100 = 28.5\%$

D. Backlog Reduction Plans

19. In the 2023 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2023 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 2023?

N/A.

20. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2023, please explain your agency's plan to reduce this backlog during Fiscal Year 2023.

N/A.

E. Reducing the Age of Requests, Appeals, and Consultations

TEN OLDEST REQUESTS

21. In Fiscal Year 2023, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2023 Annual FOIA Report?

No.

22. 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 2023 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

0 out of 10.

23. 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 enhanced technology and communication internally, with other agencies, and with FOIA requesters. The enhanced technology includes the addition of FOIAXpress and the deduplication module (Electronic Document Review). This technology will assist with reducing processing time. The above-mentioned 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

24. In Fiscal Year 2023, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2023 Annual FOIA Report?

No.

25. 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 VII.C.(5) of your Fiscal Year 2023 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

0 out of the 2.

26. 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 enhanced technology and communication internally and with requesters. The enhanced technology includes the addition of FOIAXpress and the deduplication module (Electronic Document Review). This technology will assist with reducing processing time for FOIA requests and appeals. The above-mentioned 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

27. In Fiscal Year 2023, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2023 Annual FOIA Report?

Yes.

28. 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 2023 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

N/A.

ADDITIONAL INFORMATION REGARDING TEN OLDEST

29. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why, and provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2023.

The NRC has gained additional technology support by replacing its case management solution used to track and manage FOIAs to FOIAXpress. NRC anticipates this new case management solution will offer enhancements that will aid in speeding up the reviews of FOIA. FOIAXpress technology enhancements include integrated redaction tools with artificial intelligence, collaboration tools which will allow reviewers to share files and de-duplication tools that will speed up the review and redaction process.

F. Additional Information about FOIA Processing

30. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency’s overall FOIA request processing and backlog. If possible, please indicate:

a. The number and nature of requests subject to litigation.

There was one FOIA request, which had been administratively appealed, remanded, and then became the subject of a lawsuit brought in FY22. The agency has filed a motion to dismiss the case or, in the alternative, for summary judgment, and that motion remains pending.

b. common causes leading to litigation.

The NRC only has one request that is subject to litigation, the cause attributed to this was that it was appealed based on the redactions contained in the response.

c. Any other information to illustrate the impact of litigation on your overall FOIA administration.

There was no significant impact to NRC’s ability to continue to process FOIA requests.