

U.S. Nuclear Regulatory Commission
Chief FOIA Officer Report - 2012

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Section I: Steps Taken to Apply the Presumption of Openness

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's FOIA Guidelines is the presumption of openness.

Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

The U.S. Nuclear Regulatory Commission (NRC) views nuclear regulation as the public's business and, as such, believes it should be transacted as openly and candidly as possible to maintain and enhance the public's confidence. Ensuring appropriate openness explicitly recognizes that the public must be informed about, and have a reasonable opportunity to participate meaningfully in, the NRC's regulatory processes. To achieve its goal of openness, the NRC had a proactive program to make discretionary releases of information available to the public in the absence of a Freedom of Information Act (FOIA) request before the issuance of the President's FOIA Memorandum. As part of its efforts to achieve the agency's openness goal, the NRC also had a robust, centralized FOIA program that already operated with the presumption of openness before the issuance of the President's FOIA Memorandum and the Attorney General's Guidelines, and continues to do so.

On March 14, 2011, the National Security Archives released its governmentwide FOIA audit, "Glass Half Full: The Knight Open Government Survey 2011." The report found that only 13 of 90 agencies (14 percent) fulfilled both steps of the White House Memorandum for Agency and Department Heads, subject: FOIA, dated March 16, 2010. The NRC was one of the 13 agencies. The report also stated the following:

Nine agencies [including the NRC] also showed concrete responses to the Obama administration's FOIA policy in last year's Survey. Documents from these "best FOIA practices agencies" include high-level conversations about improving openness, revising training materials, and internal deliberations about FOIA which likely would have previously been denied by the FOIA exemption that covers pre-decisional agency process.

1. Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?

Yes. The agency's centralized FOIA/Privacy Section (FPS) provided two classroom training sessions (June and December 2011) to headquarters and regional staff.

On March 11, 2011, a massive earthquake triggered a tsunami that struck the coast of Fukushima, Japan, severely damaging a nuclear power plant. As a result of this disaster, the NRC activated its emergency operations center and provided support to the U.S. Ambassador to Japan and other Federal and non-Federal entities involved in the crisis. Subsequently, the

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NRC received numerous FOIA requests related to the Japan crisis and the NRC's involvement with it. The number of records responsive to these requests was exponentially larger than NRC normally processes in one year and greatly exceeded its projected FOIA workload and existing staffing capacity. To address these requests, the NRC established a task force to review records and study information technology capabilities that might streamline the search and review processes. The NRC obtained a software tool to electronically review tens of thousands of e-mails and identify and remove exact duplicates from the pool of e-mails requiring review. Additional staff was trained in FOIA exemptions and processing. Furthermore, the NRC enlarged the level of effort dedicated to FOIA requests by extending a FOIA support contract that provided one FOIA specialist, increasing the total number of FOIA specialists to six. These additional contractors received training in the NRC FOIA processing procedures with an emphasis on openness and transparency. Due to the magnitude of the records related to the Japan crisis, the NRC appointed a special FOIA/Privacy Act Officer (FPAO) for Japan-Related FOIAs.

2. Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice?

Yes. The NRC FPAO and her supervisor, who are FOIA public liaisons; the FPAO for Japan-Related FOIAs; and the FPS staff attended multiple FOIA training events. These training events included the following U.S. Department of Justice events:

- Sunshine Week Celebration
- Training Session on Exemption 2 After Milner
- Refresher Training Session—Fiscal Year (FY) 2011 Agency Annual FOIA Reports and 2012 Chief FOIA Officer Reports
- Information Technology Working Group Meeting
- The FOIA for Attorneys and Access Professionals

The NRC staff also participated in the following training events:

- Office of Government Information Services Dispute Resolution Skills Training
- American Society of Access Professionals (ASAP) Fourth Annual National Training Conference
- ASAP Annual Symposium and Training Conference
- Advanced Information Network Systems (AINS) FOIAXpress Users Group Conference
- AINS FOIAXpress Basic Users Training
- American University Washington College of Law Fourth Annual FOIA Day Celebration
- U.S. Department of Homeland Security 2011 Developments in Privacy Compliance Workshop

In his 2009 FOIA Guidelines, the Attorney General strongly encouraged agencies to make discretionary releases of information even when the information might be technically exempt from disclosure under the FOIA. OIP encourages agencies to make such discretionary releases whenever there is no foreseeable harm from release.

3. Did your agency make any discretionary releases of otherwise exempt information?

Yes. The NRC increased discretionary releases of otherwise exempt information during this reporting period in comparison to the discretionary releases for the previous reporting period. During the current reporting period, the NRC made seven discretionary releases of otherwise exempt information. From August 2010 until the end of the reporting period for last year's report, the NRC made two discretionary releases; however the NRC did not have the capability to track discretionary disclosures until August 2010.

4. What exemptions would have covered the information that was released as a matter of discretion?

All of the information released as a matter of discretion was exempt under Exemption 5. The NRC asked subject matter experts (SMEs) to identify harm that could result from the release of information. If no harm was demonstrated, the NRC sought to release predecisional discussions, recommendations, and drafts. The NRC's annual FOIA reports show that the agency significantly reduced the application of Exemption 5. In FY 2010, Exemption 5 was invoked 32 times compared to 18 times in FY 2011.

5. Describe your agency's process to review records to determine whether discretionary releases are possible.

SMEs throughout the NRC are instructed to systematically review all information to recognize factors that may suggest it is appropriate for discretionary release, such as the age of the information or its similarity to a final product. When providing responsive records to the NRC's centralized FPS, all offices state on their transmittal memoranda whether or not a discretionary release was made and whether the withholding qualified under Exemption 5. Additional reviews are completed by the FPS and the Office of General Counsel (OGC) and a final decision is made on whether to make the discretionary release. For the Japan-related FOIA requests, the NRC is releasing as much of the information as possible that would have qualified for withholding under Exemption 5. However, these releases have been partial releases of requests that remain open, so the number of discretionary releases is not yet available.

6. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.

For the Japan-related FOIA requests, OGC met with the Japan FOIA Task Force members to reiterate making discretionary releases when possible.

In Section V.B.(1) of your agency's Annual FOIA Report, entitled "Disposition of FOIA Requests – All Processed Requests" the first two columns list the "Number of Full Grants" and the "Number of Partial Grants/Partial Denials." Compare your agency's 2011 Annual FOIA Report with last year's Annual FOIA Report, and answer the following questions:

7. Did your agency have an increase in the number of responses where records were released in full?

Yes. In its FY 2011 Annual FOIA Report, the NRC reported 112 requests for which records were released in full, compared to 105 such requests reported in the FY 2010 Annual FOIA Report.

8. Did your agency have an increase in the number of responses where records were released in part?

No. In its FY 2011 Annual FOIA Report, the NRC reported 92 requests for which records were released in part, compared to 100 such requests reported in the FY 2010 Annual FOIA Report.

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

As the Attorney General emphasized in his FOIA Guidelines, "[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."

This section should include a discussion of how your agency has addressed the key roles played by the broad spectrum of agency personnel who work with FOIA professionals in responding to requests, including, in particular, steps taken to ensure that FOIA professionals have sufficient IT support.

Describe here the steps your agency has taken to ensure that its system for responding to requests is effective and efficient. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

1. Do FOIA professionals within your agency have sufficient IT support?

Yes. Each FOIA specialist in the FPS, including the contractor support staff, has a personal computer on the NRC network. These computers have access to the FOIA case-tracking system, which includes an electronic redaction capability. Help desk service is a phone call away for NRC equipment problems, and an ongoing maintenance contract with the case-tracking system vendor ensures that software support also is readily available.

2. Is there regular interaction between agency FOIA professionals and the Chief FOIA Officer?

Yes. In FY 2011, the FPS staff met with the Chief FOIA Officer and other senior managers to provide FOIA professionals an opportunity for face-to-face discussions regarding the FOIA program at the NRC.

3. Do your FOIA professionals work with your agency's Open Government Team?

Yes. The FPAO works closely with the NRC's Open Government Team. In FY 2011, the FPAO held meetings with the NRC's Open Government Team to facilitate the availability of information

obtained as a result of the crisis in Japan. See Section III for details on the NRC's Open Government activities.

4. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to FOIA administration.

The NRC allocated additional funds to hire contractor FOIA specialists and administrative personnel to assist with processing the Japan-related FOIA requests. The annual budget cycle includes an assessment of the personnel resources and contract money needed for routine and projected staffing needs. The NRC's Chief FOIA Officer and senior management officials oversee the agency's capacity to process requests by reviewing statistical reports, the Annual FOIA Report, the budget and hiring processes, and the Chief FOIA Officer Report.

Section III: Steps Taken to Increase Proactive Disclosures

Both the President and Attorney General focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Describe here the steps your agency has taken both to increase the amount of material that is available on your agency website, and the usability of such information, including providing examples of proactive disclosures that have been made during this past reporting period (i.e., from March 2011 to March 2012). In doing so, answer the questions listed below and describe any additional steps taken by your agency to make and improve proactive disclosures of information.

As noted previously, the NRC has a long-standing practice of conducting its regulatory responsibilities in an open and transparent manner by proactively keeping the public informed of its regulatory, licensing, and oversight activities in the absence of a FOIA request.

The NRC was the first Federal agency to give the public electronic access to all of its public documents through the groundbreaking Agencywide Documents Access and Management System ([ADAMS](#)). Since the release of ADAMS in 1999, it has been the NRC's policy to proactively make non-sensitive documents publicly available through ADAMS unless there is a specific reason not to do so. As a result, the NRC has made public nearly 700,000 full-text documents since 1999 (more than 93,000 in the past year alone), and it currently publishes an average of 387 new documents each day.

The NRC also uses its [public Website](#) extensively to proactively share information with the public and other stakeholders. The NRC's public website offers information and tools to broaden the public's understanding of its mission, goals, and performance; increase openness by providing information that enhances stakeholders' ability to participate effectively in the NRC's regulatory process; and help licensees, private entities, and the public conduct business with the agency electronically. To achieve these goals, the site offers a wealth of information about the NRC's primary mission areas: nuclear reactors, nuclear materials, radioactive waste, and nuclear security and safeguards. For example, the site delivers daily plant status, inspection reports, event reports, enforcement actions, petitions, detailed information on the performance of reactor licensees, and a [Facility Locator](#) that provides easy access to key documents associated with each facility.

During the current reporting period, the NRC also issued five new [high-value datasets](#) to increase public knowledge and promote transparency of generic issues, operating reactor performance indicators, reactor materials embrittlement data, significant enforcement actions, and the status of NRC-regulated materials sites currently undergoing decommissioning. Each of these new datasets is available through the NRC's public website and Data.gov. Notably, the NRC's U.S. Nuclear Power Plant Inspection Reports dataset, published in January 2011, was selected to be added to the rotating pane of Data.gov in the second quarter of FY 2011 and quickly became one of the NRC's most frequently downloaded datasets (joining those related to the status of U.S. nuclear power reactor plants and U.S. nuclear power reactor demographic data). The NRC also added an application to Data.gov that allows the public and other stakeholders to search for power plant licensee event reports using a variety of criteria, including plant name, plant or event characteristics, date, and key words.

The NRC's public website also features calendars and detailed information about public meetings, conferences and symposia, and live NRC meeting Webcasts and encourages public scrutiny through an extensive archive of transcripts from past meetings. To promote openness and transparency, the site also presents extensive information on Commission decisions, speeches, correspondence and transcripts of hearings and congressional testimony. The website also affords the public with the opportunity to comment on proposed rules and policies, licensing actions, and draft technical documents, and it encourages the public to seek correction of NRC information under the agency's information quality guidelines.

The NRC Library component of the NRC's public website encompasses an extensive array of resources, including basic references; collections of Web-based documents (including news releases, *Federal Register* notices, NUREG-series reports, rulemaking documents, and many others); Web-based access to all publicly available documents in ADAMS; a photo and video gallery; and a comprehensive index of all frequently asked questions. In addition, the NRC Library provides guidance on how to obtain paper copies of NRC documents and how to take advantage of the resources in the NRC's public document room. Visitors to the NRC Library also can find information about the NRC's records disposition schedules and records management policies and procedures. In addition, the NRC Library provides access to all publicly available information about the FOIA/Privacy Act (PA) program and FOIA/PA requests and responses. On April 15, 2010, the FPS began making more FOIA requests available to the public, including those that were withdrawn or had "no-record responses." The only requests currently not proactively made public are (1) first-party requests concerning allegations and investigations, (2) inspector general records, (3) individuals seeking information about themselves (such as personnel files, security investigations, and job applications), and (4) requests for databases subject to frequent change.

During the current reporting period, the NRC expanded and enhanced its electronic notification capabilities to enable the public and other stakeholders to keep up with NRC news and information. The NRC currently offers the following services to enable interested parties to [subscribe to e-mail updates](#):

- [RSS feeds](#)
- [GovDelivery subscription services](#)
- [Lyris subscription services](#)

These services create e-mail alerts with headlines, summaries, and links to information about a variety of topics of interest to the NRC's stakeholders. For more information, including a description of each of the subscription resources, see the [Available E-mail Updates](#) page.

1. Has your agency added new material to your website since last year?

Yes. In addition to adding more than 93,000 new documents to public ADAMS, the NRC added more than 42,000 new documents and pages to its public website during the current reporting period, following the NRC's established policies and procedures for proactive disclosure of information. This steadily expanding resource currently has more than 40,000 pages of information on a variety of mission-related activities, and the NRC incorporates more than 650 updates and additions monthly.

2. Provide examples of the records, datasets, videos, etc, that have been posted this past year.

Additions during the current reporting period include the following notable examples:

- [NRC Blog](#)
- [NRC Twitter Feed](#)
- [NRC YouTube Channel](#)
- [FY 2012 Congressional Budget Justification](#)
- [FY 2011 Performance and Accountability Report](#)
- The [NRC's Information Technology/Information Management Strategic Plan \(FY 2012–FY 2016\)](#)
- [Initial Plan for Retrospective Analysis of Existing Rules](#)
- [Plan for Streamlining Service Delivery and Improving Customer Service](#)
- [Initial Web Improvement Plan](#)
- [Data Center Consolidation Plan](#)
- [NRC Actions on the Nuclear Crisis in Japan](#)
- [FOIAs Related to Japan's Emergency](#)
- [Frequently Asked Questions About the Japan Nuclear Crisis: Can It Happen Here?](#)
- [NRC Frequently Asked Questions Related to the March 11, 2011 Japanese Earthquake and Tsunami](#)
- [Live NRC Meeting Webcasts](#)
- [Meeting Archives](#)
- [News Releases](#)
- [Commission Speeches](#)
- [Subscribe to E-mail Updates](#)
- [Operating Reactor Correspondence](#)

- [LERSearch](#) (for simplified access to Licensee Event Reports)
- [Facility Locator](#)
- [Generic Issues Dataset](#)
- [Operating Reactor Performance Indicators Dataset](#)
- [Reactor Materials Embrittlement Dataset](#)
- [Significant NRC Enforcement Actions Dataset](#)
- [Dataset of NRC-Regulated Complex Materials Sites Undergoing Decommissioning](#)
- [Plain Writing at the NRC](#)
- [NRC Ethics](#)
- [Proposed Security Rulemaking for Independent Spent Fuel Storage Installations](#)
- [Fire Protection and Fire Research Knowledge Management Digest](#)
- [Analysis of Cancer Risk in Populations Near Nuclear Facilities: Phase 1 Feasibility Study](#)
- [Industry Performance of Relief Valves at U.S. Commercial Nuclear Power Plants through 2007](#)
- [NUREG-Series Publications](#)
- [Photo and Video Gallery](#)

3. Describe the system your agency uses to routinely identify records that are appropriate for posting.

The NRC has a longstanding system in place to proactively identify and post appropriate records to help the public better understand and interact with the NRC. Agency management directives and office policies and procedures guide this interaction to ensure a high level of vigilance and awareness of the agency's mission and program activities; the public site content, standards, and policies; and, most importantly, the needs and interests of the public and other external stakeholders. Through this collaboration, the NRC proactively posted approximately 93,000 new documents to public ADAMS in the past year, with an average of 387 new documents published daily. In addition, the NRC added more than 42,000 new documents and pages to its public website during the current reporting period, and NRC staff post more than 650 updates and additions monthly.

4. Beyond posting new material, is your agency taking steps to make the information more useful to the public, especially to the community of individuals who regularly access your agency's website, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities, providing explanatory material, etc.?

As communication methods evolve, so too does the NRC's outreach to engage members of the public as stakeholders in its regulatory processes. Toward that end, the agency continually seeks new ways to use the Internet as an innovative medium to foster public engagement, and we implement incremental changes to our public website as part of a continuous improvement cycle. In the past year, the NRC has made significant progress in enhancing stakeholder engagement by introducing social media technologies, continuing to publish high-value

datasets, deploying a redesigned public website with improved Web-based search capabilities, and launching a new public site devoted to plain writing at the NRC.

a. Introduction of social media technologies

In 2011, the NRC began using social media technologies, including a new public blog, Twitter feed, and YouTube channel, to enhance relationships with stakeholders by promoting a sense of community. These new technologies offer additional ways for the NRC to interact with and inform the public, while raising awareness about the agency and its mission. Most importantly, the NRC's social media initiatives have achieved even greater levels of interest than originally anticipated.

The [NRC Blog](#) debuted on January 31, 2011, with a [welcome message](#) from NRC Chairman Gregory Jaczko. In March 2011, to recognize Sunshine Week, the NRC website highlighted the blog as one of the agency's newest initiatives to increase its transparency, participation, and collaboration with the public and other stakeholders. In addition to being accessible via the Web, the blog can be viewed using mobile devices (such as smartphones). Since its establishment, the blog has had more than 130,000 views, and it has proven to be an especially useful way to communicate quickly with the public during and after events in the United States and at the nuclear facilities in Fukushima, Japan, this year:

- On average, the blog has just under 500 views per day; immediately after the Fukushima event, views peaked at just over 5,700 in 1 day.
- During the week of August 22, 2011, blog posts provided information on earthquake response and hurricane preparation at nuclear power plants.
- Daily views of the blog peaked at more than 1,000 during the Missouri River flooding event in June 2011, which affected the area near the Fort Calhoun nuclear power plant in Nebraska.

Mr. Darren B. Ash, the NRC's Chief Information Officer (CIO) and Deputy Executive Director for Corporate Management, currently represents the NRC as a member of the CIO Council, through which he authors a [CIO.gov blog](#) (also available through the NRC's public website). Mr. Ash is also the NRC's Chief FOIA Officer and Senior Accountable Official for Data Quality — positions that uniquely qualify him to guide the NRC's use of social media to disseminate information.

In August 2011, the NRC also began distributing news and information via Twitter. The NRC Twitter feed can be reached at <http://www.twitter.com/NRCgov> or through the [NRC website](#). Tweets announce new blog posts and press releases, speeches, reports, public meeting notices, and other content posted on the NRC website. Other information, such as important notices in the *Federal Register*, is also tweeted. Within 2 days of its introduction, the NRC Twitter account had 400 followers, and many different organizations and individuals were "retweeting" agency tweets, greatly expanding the reach of the agency.

In September 2011, the NRC began posting videos on YouTube. The agency's YouTube channel joins the blog and Twitter feed as another social media outlet the NRC uses to enhance communication, collaboration, and information exchange in support of the agency's mission. The NRC YouTube account can be reached at <http://www.youtube.com/NRCgov> or through the [NRC website](#). The first post was a two-part video remembering the events of September 11, 2011 that first premiered at the agency's commemoration of that day. The video featured NRC employees talking about their experiences on September 11, 2001 and how the events affected

their lives. In the future, the NRC anticipates posting small segments of some important Commission briefings, videos previously produced but not extensively distributed, and new content.

To further improve communications with the public, the NRC also has doubled the number of [Live Meeting Webcasts](#) it uses to broadcast public Commission meetings over the Internet. An archive of Webcasts is available through the [NRC Webcast Portal](#). The NRC now has the capacity to Webcast up to 100 meetings per year; the schedule is published on the agency's public site. Notably, the White House highlighted this initiative with a video on [its Open Government Innovations website](#).

In October 2011, the NRC also broke new ground in its use of social media to engage the blogging community. In cooperation with the American Nuclear Society (ANS) and Physicians for Social Responsibility (PSR), the NRC hosted two Webinar sessions for bloggers to interact with NRC Chairman Gregory Jaczko on [October 4, 2011](#) (91 minutes) and [October 6, 2011](#) (68 minutes). ANS and PSR offered organizational assistance, getting the word out to various communities of bloggers and others interested in nuclear policy issues. Daniel Yurman (ANS) and Michele Boyd (PSR) graciously agreed to act as facilitators.

b. Publication of High-Value Datasets

The Open Government Directive defines high-value information as “information that can be used to increase agency accountability and responsiveness; improve public knowledge of the agency and its operations; further the core mission of the agency; create economic opportunity; or respond to need and demand as identified through public consultation.”

Toward that end, in January 2011 the agency formalized its process for identifying, prioritizing, and publishing NRC high-value datasets. The agency's Open Government Advisory Council reviewed and approved the process. Because of the nature of the NRC's mission and because some types of agency information could be used for malevolent purposes, information security screening of all datasets is of high importance. NRC staff follow administration guidance to screen for potential risks when combining NRC information with information published by other Federal agencies. In some cases, security concerns may limit the publication of agency information.

To foster public use of the NRC's high-value datasets to increase knowledge and promote transparency, the NRC publicized the availability of its datasets at its annual Regulatory Information Conference on March 8–10, 2011, and will do so at other conferences and public meetings as appropriate, as well as through the NRC's [Open Government website](#). Furthermore, stakeholders can receive an e-mail notification whenever the agency adds a new dataset or application to Data.gov by subscribing to updates on the NRC's main [Open Government page](#). (To do so, select “Subscribe to Page Updates” at the menu on the top left.)

During the current reporting period, the NRC issued five new [high-value datasets](#) to increase public knowledge and promote transparency of generic issues, operating reactor performance indicators, reactor materials embrittlement data, significant enforcement actions, and the status of NRC-regulated materials sites currently undergoing decommissioning. Each of these new datasets is available through the NRC's public website and Data.gov. Notably, the NRC's U.S. Nuclear Power Plant Inspection Reports dataset, published in January 2011, was selected to be added to the rotating pane of Data.gov in the second quarter of FY 2011. This dataset quickly became one of the NRC's most frequently downloaded datasets (joining those related to the status of U.S. nuclear power reactor plants and U.S. nuclear power reactor demographic data).

The NRC also added a application to Data.gov that allows the public and other stakeholders to search for power plant licensee event reports using a variety of criteria, including plant name, plant or event characteristics, date, and key words.

To see a complete list of the NRC datasets, click on the [NRC's High-Value Datasets](#) link on the NRC home page.

c. Public Site Redesign and Enhanced Search Capabilities

In April 2011, the NRC deployed the latest redesign of its public website, which is an important part of the agency's ongoing support for its openness, transparency, and public outreach goals. The redesign features a modern look and feel, streamlined navigation, and rich features and functionality that allow users to find the information they want quickly and easily. Many of the upgrades and changes reflect public input the agency received through online surveys, interviews, and focus groups.

Some important changes or additions include the following:

- The link for reporting a safety concern is located prominently on the home page.
- Rotating slides on the home page highlight major areas of interest.
- A new interactive calendar allows quick access to the latest NRC public meetings.
- A new Spotlight section replaces the Key Topics area on the home page and now is available on each page of the site.
- Consistent navigation in the header and footer areas aids users move through the site.

Along with the introduction of the redesigned website, improved search capabilities allow users to search all the information publicly available on the NRC website with one simple search string. The new search capabilities allow users to retrieve documents, news, and other information from the NRC's entire public website, including the documents in ADAMS, with a single search. This means that search results include not just Web pages but also relevant documents in the large collection of more than 665,000 publicly available ADAMS documents.

Since its launch, the site's scores on the [American Customer Satisfaction Index](#) have continued to improve:

- "Content satisfaction" reached a new high of 83 (up 4 points since March).
- "Look and feel" reached a new high of 78 (up 4 points since March, most likely as a result of the public site redesign).
- All five "future behavior" scores increased 4–6 points since March.
- "Online transparency" (a key Open Government metric) reached a new high of 78, exceeding the overall Federal Government score of 76, the regulatory agency score of 73, and the scores of all executive branch agencies except the U.S. Department of Defense (79).

The NRC believes the redesign brings additional transparency to the agency's work, and the agency strives for continuous improvement. This year, the NRC ranked 11th out of 32 Federal agencies in terms of transparency, as reported by ForeSee Results.

d. Plain Writing at the NRC

In response to the Plain Writing Act of 2010, the NRC also launched a new public site devoted to [Plain Writing at the NRC](#) to keep the public informed and further enable participation in our regulatory, licensing, and oversight processes. Through this site, visitors can learn about [Plain Writing and Its Benefits](#), as well as the history of [Federal Plain Writing Mandates](#). Visitors can also find information about [The NRC's Plain Writing Philosophy, Techniques, and Guidance](#), and monitor the development of [The NRC's Plain Writing Action Plan, Reports, and News](#). In addition, to help the NRC comply with the Act and evaluate its progress, the NRC invites the public to provide feedback on our Plain Writing Action Plan, any difficulty they may experience in understanding our documents or information on the NRC's public website, or comment on the use of plain language in the NRC's public meetings.

e. Next Steps

The NRC's work on Open Government is not done. Current efforts include a pilot study to assess the value of using Quick Response (QR) codes to enable the public to quickly and easily access NRC information and websites from their smartphones during public meetings or other events. These two-dimensional barcodes can be placed on publications, marketing materials, posters, websites, or any medium that provides sufficient contrast for the code to be recognized by a smartphone reader. When an individual scans the QR code using a smartphone with a camera and reader app, the smartphone instantly displays content such as a website (via a URL), contact information, a text message, or a video (via a URL).

f. Soliciting Public Feedback

The NRC routinely solicits, receives, and responds to feedback on its public website through the following targeted mechanisms to inform incremental site improvements and redesigns:

- First, the [Index of All Contact Pages](#) lists more than 60 electronic forms that site visitors can use to send questions, comments, criticisms, and ideas to the NRC staff in specific subject areas.
- Second, the [NRC Blog](#) is an easy-to-use citizen-engagement tool that enables site visitors to share ideas with the NRC in a moderated forum. It also serves as a vehicle for informing, explaining, and clarifying the actions, roles, and responsibilities of the NRC, raising awareness about the agency and its mission.
- Finally, the NRC uses a Web measurement survey to enable site visitors to share feedback about their experience with the site in a manner consistent with the [American Customer Satisfaction Index](#). This standardized approach allows the NRC's site performance to be objectively compared to that of other Federal agencies and private industry. The NRC uses this feedback to assess and inform continuous incremental improvements. Toward that end, an independent third-party provider administers the survey in accordance with the Office of Management and Budget (OMB) Guidance for [Measuring Customer Satisfaction](#), and the survey instrument displays the current OMB control number. The NRC's public website also displays a [notice](#) to inform site visitors about the survey and explain how it will collect and use the data.

The Web measurement survey is offered randomly so that results can be generalized to the overall population of site visitors. Site visitors who choose not to participate may opt out simply by closing the dialog box in which the survey invitation appears. Completing the survey is entirely voluntary, and site visitors who opt out of completing the survey are still able to access all information services offered on the site.

The survey asks site visitors to rate their experiences on the site for ease of navigation, look-and-feel of the design, ability to find what they are looking for, overall satisfaction with the site, and whether they would return or recommend the site to others. The survey sometimes asks additional descriptive questions to gain a better understanding of the interests and needs of site visitors. Site ratings are aggregated for analysis and reporting purposes and retained in the aggregate to facilitate tracking of changes and improvements over time.

In addition to these targeted feedback mechanisms, the NRC goes to great lengths to solicit public input as a basis for site redesigns. For example, in preparation for the April 2011 redesign, the NRC sponsored a 4-month study, which involved 10 focus groups to obtain an understanding of how the American public perceives the NRC. These included eight in-person sessions and two teleconferenced sessions, involving residents living near four U.S. nuclear power plants, as well as nuclear energy activists. A total of 82 people participated in this study, which resulted in the Information Experts report entitled “Gauging Public Perception: External Focus Group Findings, Analysis, and Communications Recommendations for the U.S. Nuclear Regulatory Commission.” Similarly, during Phase 1 of the redesign, the content assessment team analyzed the NRC-supplied survey data and usability audit reviews to identify the demographics of site users and assess their perceptions of the site’s strengths and weaknesses. The assessment team also conducted usability testing with a pool of test subjects representing the spectrum of site visitors, and the test results formed the basis for the team’s redesign recommendations.

The NRC actively engages the public in its system for identifying, prioritizing, and posting appropriate records and high-value datasets. The agency’s public website offers many [Contact Us pages](#) to encourage public feedback on a variety of mission and program areas. In particular, we invite the public to [Share Your Ideas](#) about the following aspects of the NRC approach to Open Government:

- Feedback on the quality of the [NRC’s published datasets](#)
- Opinions about what additional datasets the NRC should publish
- Suggestions for how the NRC can achieve the following objectives:
 - work better with others, both inside and outside the Government
 - solicit feedback from the public
 - improve the availability and quality of information
 - be more innovative and efficient
- Comments on the NRC’s [Open Government Plan](#)

In accordance with the Open Government Directive, the NRC will update its Open Government Plan in April 2012. To gain stakeholder input, the NRC’s Open Government Advisory Council hosted meetings with staff and external stakeholders on November 9 and December 6, 2011,

respectively. To allow for maximum participation, the advisory council conducted the external [stakeholder feedback meeting](#) via Webinar.

5. Describe any other steps taken to increase proactive disclosures at your agency.

In an ongoing effort to improve online content and enhance the public's experience, the NRC has expanded and enhanced its electronic notification capabilities to enable the public and other stakeholders to stay up-to-date on NRC news and information. The NRC currently offers the following services to enable interested parties to [subscribe to e-mail updates](#):

- [RSS feeds](#)
- [GovDelivery subscription services](#)
- [Lyris subscription services](#)

These services create e-mail alerts with headlines, summaries, and links to information about a variety of topics of interest to the NRC's stakeholders. For more information, including a description of each of the subscription resources, see the [Available E-mail Updates](#) page.

Section IV: Steps Taken to Greater Utilize Technology

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests. In 2010 and 2011, agencies reported widespread use of technology in handling FOIA requests. For 2012, the questions have been further refined and now also address different, more innovative aspects of technology use.

Electronic receipt of FOIA requests:

1. Can FOIA requests be made electronically to your agency?

Yes. The NRC currently receives requests electronically via e-mail and facsimile. The e-mail address for submitting FOIA requests, FOIA.resource@nrc.gov, appears on the NRC public website. The facsimile and telephone numbers for submitting FOIA requests also are available on the NRC website.

2. If your agency processes requests on a decentralized basis, do all components of your agency receive requests electronically?

The NRC does not have decentralized components receiving FOIA requests. The centralized FPS receives all electronic requests.

Online tracking of FOIA requests:

3. Can a FOIA requester track the status of his/her request electronically?

No. However, the NRC provides the requester with the name and telephone number of the FOIA specialist assigned to the request.

4. If not, is your agency taking steps to establish this capability?

The NRC is exploring the possibility of obtaining commercial software to allow requesters to electronically track their requests.

Use of technology to facilitate processing of requests:

5. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?

Yes.

6. If so, describe the technological improvements being made.

In response to the breadth and scope of the requests related to the Japan nuclear disaster—and the sheer volume of responsive documents—the NRC was able to identify a technical solution to significantly reduce the number of e-mails requiring review.

As the estimate of time to complete the entire Japan-related FOIA review process stretched into years; the decision was made to purchase the Content Analytics tool available as an optional module within the IBM FileNet P8 software, the ADAMS platform. The tool would be used to eliminate duplicate e-mails, attachments, and related e-mail threads (“de-duplication”). Speed was of the essence and to quickly get to work, the FOIA de-duplication system was implemented off the agency network in a standalone environment in less than 6 weeks. To date 145,863 requested e-mails have been processed and approximately 43,030 duplicates, or 29.5 percent of the e-mails have been removed.

The new ADAMS Content Analytics solution—based on IBM Content Analytics, Content Collector, eDiscovery Manager, and eDiscovery Analyzer software—will support the NRC’s long-term needs for information management and compliance with Federal law and regulations.

While common FOIA cases that require minimal content analysis are not likely to benefit from these improvements, the planned improvements will enable the agency to quickly ramp up and act on requests that require searching large volumes of content. Historically, these large volume requests are received from such diverse sources as members of Congress, parties in hearings, researchers looking for common themes in material, and those interested in events such as the one in Japan and the 2011 earthquake centered near the North Anna power station in central Virginia. The enhancements will improve the agency’s ability to identify and gather potentially applicable material, focus its reviews on common themes, workflow material through automated processes, and other features that are available with the implementation of a modernized content management suite.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reduce Backlogs

The President and the Attorney General have emphasized the importance of improving timeliness in responding to requests. This section 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 and appeals. For the figures required in this Section, please use those contained in the specified sections of your agency's 2011 Annual FOIA Report.

1. 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. If your agency does not utilize a separate track for processing simple requests, answer the question below using the figure provided in your report for your non-expedited requests.

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

Yes. The NRC uses separate tracks for simple requests and complex requests.

b. If so, for your agency overall, for Fiscal Year 2011, was the average number of days to process simple requests twenty working days or fewer?

Yes. For FY 2011, the average number of days to process simple requests was 11.

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

Not applicable. The NRC tracks simple requests separately.

2. Sections XII.D.(2) and XII.E.(2) of your agency's Annual FOIA Report, entitled "Comparison of Numbers of Requests/Appeals from Previous and Current Annual Report – Backlogged Requests/Appeals," show the numbers of any backlog of pending requests or pending appeals from Fiscal Year 2011 as compared to Fiscal Year 2010. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In addition, Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," and Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," from both Fiscal Year 2010 and Fiscal Year 2011 should be used for this section.

a. If your agency had a backlog of requests at the close of Fiscal Year 2011, did that backlog decrease as compared with Fiscal Year 2010?

No. In FY 2011, the NRC had an increase in its backlog of requests as compared to FY 2010. In FY 2011, the number of backlogged requests was 44, compared to 6 in FY 2010.

b. If your agency had a backlog of administrative appeals in Fiscal Year 2011, did that backlog decrease as compared to Fiscal Year 2010?

The backlog of administrative appeals decreased in FY 2011 as compared to FY 2010. In FY 2011, the number of backlogged administrative appeals was 0, compared to 1 in FY 2010.

c. In Fiscal Year 2011, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2010?

Yes. In FY 2011, the NRC closed the 10 oldest requests that were pending as of the end of FY 2010.

d. In Fiscal Year 2011, did your agency close the ten oldest administrative appeals that were pending as of the end of Fiscal Year 2010?

Yes. In FY 2011, the NRC closed the only administrative appeal that was pending as of the end of FY 2010.

3. If you answered “no” to any of the above questions, describe why that has occurred. In doing so, answer the following questions then include any additional explanation:

Request Backlog:

a. Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests?

Yes. The lack of reduction in the request backlog was partially a result of an increase in the number of incoming requests. In FY 2011 the NRC received 365 requests, compared to 342 in FY 2010.

b. Was the lack of a reduction in the request backlog caused by a loss of staff?

Yes. The lack of a reduction in the request backlog was partially caused by a loss of staff. During FY 2011, the NRC lost two very experienced FOIA specialists to retirement. This amounted to a 28 percent reduction in full time equivalent FOIA staff. Additionally, as a result of the unforeseen circumstances in Japan and the resulting diversion of FOIA specialist resources to address the Japan-related FOIA requests—several of which had been granted expedited processing—the number of FOIA staff dedicated to processing non-Japan-related requests was further reduced, leading to an increased backlog of non-Japan-related requests.

c. Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?

Yes. As the NRC has proactively released information that is non-sensitive, the ratio of FOIA requests for sensitive information to those for non-sensitive information has increased, resulting in a larger proportion of requests for complex information such as investigations and enforcement actions.

d. What other causes, if any, contributed to the lack of a decrease in the request backlog?

The FPS lost its very experienced administrative support contractor during this reporting period. The first replacement did not work out; as a result, the FPS had to repeat the training for the second replacement. The loss of the experienced assistant and the training time required to train two new ones affected processing times because one of the contractor's primary duties is to scan responsive documents into the case tracking and redaction system.

Administrative Appeal Backlog:

a. Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals?

Not applicable.

b. Was the lack of a reduction in the appeal backlog caused by a loss of staff?

Not applicable.

c. Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?

Not applicable.

d. What other causes, if any, contributed to the lack of a decrease in the appeal backlog?

Not applicable.

All agencies should strive to both reduce any existing backlogs or requests and appeals and to improve their timeliness in responding to requests and appeals. Describe the steps your agency is taking to make improvements in those areas. In doing so, answer the following questions and then also include any other steps being taken to reduce backlogs and to improve timeliness.

1. Does your agency routinely set goals and monitor the progress of your FOIA caseload?

Yes. The NRC established two performance measures for FOIA processing that senior managers throughout the agency are responsible for meeting. First, the NRC must respond to simple FOIA requests within 20 working days 75 percent of the time. The NRC has exceeded this goal in each of the last 3 years. Second, the office must provide records to the FPS within 10 working days 90 percent of the time. The NRC has exceeded this goal in each of the last 4 years. The NRC posts the performance measures quarterly by offices and regions. If problem areas arise, corrective measures are discussed and, if possible, actions are taken to resolve the issues. The NRC reviews the performance goals quarterly and annually and provides them to the Office of the Executive Director for Operations.

Because of the significant increase in the FOIA workload and understaffing that resulted from the Japan crisis, the performance measures for FOIA have been indefinitely curtailed. However, the NRC stresses to its staff that this curtailment is not an opportunity to put less emphasis on FOIA requests in general, but rather an acknowledgment that the amount of work related to the existing requests, in addition to those still being received, has affected the NRC's ability to respond to them in its usual highly efficient manner. It should be noted that even though the measures were curtailed for FY 2011, the NRC continued to exceed the two performance measures. The NRC is closely monitoring the FOIA workload and the measures will be reinstated as soon as is reasonably possible.

2. Has your agency increased its FOIA staffing?

Yes. Because of the increased workload after the crisis in Japan, the NRC increased the number of contract FOIA specialists. However, the acquisition of additional contractors took several months and three additional contractors are still awaiting security clearances so they can begin work. The FPS has not been able to replace the very experienced FOIA specialists who retired.

3. Has your agency made IT improvements to increase timeliness?

Yes. As stated in Section IV, question 6, the NRC acquired software that enabled deduping of 145,863 e-mails, resulting in the elimination of 43,030 duplicates. The elimination of these duplicates negated the need to review them, thereby contributing to improved timeliness. Additionally, the NRC purchased seat licenses for the electronic redaction capability for its new contractor staff to electronically redact sensitive information, thereby improving their processing times.

4. If your agency receives consultations from other agencies, has your agency taken steps to improve the efficiency of the handling of such consultations, such as utilizing IT to share the documents, or establishing guidelines or agreements with other agencies on the handling of particular information to speed up or eliminate the need for consultations?

Yes. For Japan-related FOIAs, the NRC's OGC contacted several agencies and received written release agreements for specific types of records authored by the National Oceanographic and Atmospheric Administration and the U.S. Department of Energy.

Use of FOIA's Law Enforcement "Exclusions"

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the requirements of [the FOIA]," 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

1. Did your agency invoke a statutory exclusion during Fiscal Year 2011?

No. The NRC did not invoke a statutory exclusion during FY 2011.

2. If so, what is the total number of times exclusions were invoked?

Not applicable.

Spotlight on Success

Out of all the activities undertaken by your agency since March 2011 to increase transparency and improve FOIA administration, describe here one success story that you would like to highlight as emblematic of your agency's efforts.

As of December 5, 2011, the NRC has received 34 FOIA requests and one consultation request from another Federal agency relating to the Japan emergency that occurred on March 11, 2011. The NRC is responding to most of the Japan FOIAs globally, rather than through the usual case-by-case process; that is, NRC staff is posting the responses and released records on a

special section of the NRC's FOIA website at <http://www.nrc.gov/reading-rm/foia/japan-foia-info/2011> (2011) and <http://www.nrc.gov/reading-rm/foia/japan-foia-info/2012> (2012). The NRC appointed a special FOIA/PA Officer for Japan-Related FOIAs and established a FOIA response Task Force for the Japan FOIA's consisting of SME's from NRC offices to review all records subject to the requests and make release determinations. The NRC also purchased an eDiscovery manager tool to eliminate duplicate e-mails and their attachments.