

EDO Principal Correspondence Control

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FINAL REPLY:

Representative Joe Barton

TO:

Chairman Diaz

FOR SIGNATURE OF :

** PRI **

CRC NO: 05-0020

Chairman Diaz

DESC:

ROUTING:

Request for Documents and Information Relating to
NRC's Implementation of the Data-Quality
Guidelines and Procedures - Data Quality Act (DQA)

Reyes
Virgilio
Kane
Merschhoff
Norry
Dean
Burns/Cyr
Rathbun, OCA

DATE: 01/14/05

ASSIGNED TO:

CONTACT:

CIO

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SPECIAL INSTRUCTIONS OR REMARKS:

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OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jan 13, 2005 17:28

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LOGGING DATE: 01/13/2005

ACTION OFFICE: EDO

AUTHOR: Joe Barton

AFFILIATION: REP

ADDRESSEE: Chairman N. L. Diaz

SUBJECT: Request assistance in providing the House Committee on Energy and Commerce with documents and information relating to NRC's implementation of the dataquality guidelines and procedures...DQA

ACTION: Signature of Chairman

DISTRIBUTION: RF, OCA to Ack

LETTER DATE: 01/13/2005

ACKNOWLEDGED No

SPECIAL HANDLING:

NOTES: Commission Review

FILE LOCATION: ADAMS

DATE DUE: 01/25/2005

DATE SIGNED:

EDO --G20050027

U.S. House of Representatives
Room 2125, Rayburn House Office Building
Washington, DC 20515-6115

January 13, 2005

The Honorable Nils J. Diaz
Chairman
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Dear Chairman Diaz:

I write to request your assistance in providing the House Committee on Energy and Commerce with documents and information relating to your agency's implementation of the data-quality guidelines and procedures required by Section 515 of the Treasury and General Government Appropriations Act for Fiscal 2001, which is known as the Data Quality Act (DQA).

In December 2000, to ensure fulfillment of the purposes and provisions of the Paperwork Reduction Act of 1995, Congress enacted the DQA, which directed the Office of Management and Budget (OMB) to issue to all Federal agencies guidelines for "ensuring and maximizing the quality, objectivity, utility, and integrity of information" that the agencies disseminate. Among other provisions, the law requires agencies within a set time-period to implement responsive data-quality guidelines and procedures, such as administrative procedures for the correction of information that does not comply with the guidelines.

In the November 2003 Conference Report for the Consolidated Appropriations Act of 2004 (H.R. 2673), Congress expressed concern that agencies were not complying fully with the requirements of the DQA and directed OMB to report on agency action and make recommendations. Although the OMB report released in April 2004 provides a useful overview of some of the agencies' work with regard to the DQA, I seek a more thorough understanding of agency activity on this front. Given that much of the data and information affects health and safety and that such data and information form the foundation for rules and regulations of agencies within its jurisdiction, the Committee seeks to assess directly whether the agencies are implementing and following data-quality procedures as Congress intended. Moreover, and in addition to other ongoing oversight of regulatory and risk assessment issues, the Committee seeks to examine the general impact and effectiveness of DQA requirements.

Accordingly, the Committee is requesting information from agencies that are subject to the Paperwork Reduction Act to begin a review of data-quality procedures, including procedures for responding to DQA petitions to correct facts and data that have a substantial impact on the public and public policy. Therefore, pursuant to Rules X and XI of the U.S. House of Representatives, please provide for the time period starting on January 1, 2001 to the present the following documents and answers to questions detailed below on or before Friday, January 28, 2005:

1. Please provide a copy of your agency's procedures and rules relating to compliance with the DQA and the February 2002 OMB guidelines implementing the DQA, including, but not limited to, (a) a detailed narrative explanation of your agency's data-quality guidelines, agency procedures for implementing the guidelines, and the scope and applicability of the guidelines; and (b) the specific rationale behind any decisions or definitions limiting the scope of the information covered by these guidelines, including, but not limited to, the rationale behind exempting certain categories or types of public information from coverage, particularly information associated with rulemaking or any adjudicative process, and information the agency has determined it will exempt on a case-by-case or discretionary basis.
2. Identify the offices, job titles, and names of individuals responsible for devising and implementing the guidelines and for oversight of agency activity with regard to the DQA.
3. Describe current agency efforts for ensuring and maximizing the quality of information it disseminates, including, but not limited to, (a) an explanation of the agency's basic standard of quality as a performance goal and the measures, indicators, or assessments used to determine if the goal is being met; and (b) the procedures for review of information before it is disseminated to ensure it meets the agency's quality standards and to prevent the release of poor-quality or questionable data, including, but not limited to, a description of your agency's peer-review process for scientific information that the agency may disseminate, and the mechanisms for transparency in the peer-review process.
4. All internal memoranda and guidance to agency departments and outside parties subject to the DQA, e.g., if the agency sponsored or endorsed the third party's distribution of information, relating to your agency's data-quality guidelines and procedures.
5. Regarding analysis of risks to human health, safety, and the environment maintained or disseminated by your agency, (a) explain how your agency has adopted the quality and risk reporting principles specifically identified by the OMB guidelines to be the principles applied by Congress to risk information used and disseminated pursuant to the Safe Drinking Water Act Amendments of 1996 and (b) provide the specific rationale and basis for any changes from these principles.
6. Regarding transparency of third-party information or data, models, or other information the agency cannot disclose, but which underlie the information and analytical results the agency does disseminate, describe and explain the rationale for your agency's "robustness checks," as referenced in the OMB guidelines, and disclosure of the underlying data and analysis, per the DQA.

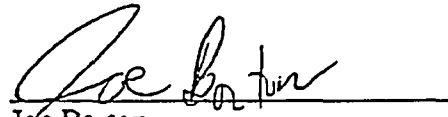
The Honorable Nils J. Diaz

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7. Describe and explain in detail the administrative mechanisms for responding to DQA petitions for correction of information that does not comply with DQA guidelines, including, but not limited to, (a) how your agency ensures that petition review is objective; (b) how your agency ensures a timely response, including criteria for extensions of decisions; (c) who performs the reviews; (d) how your agency defines "affected persons" and the basis for this definition as it relates to DQA petitions; and (e) under what conditions the agency acts on petitions during rulemaking or other administrative proceedings.
8. Regarding appeals of DQA-related agency decisions, (a) describe and explain your agency's appeals process as it relates to DQA, the offices, job titles, and names of individuals responsible for appeals, and how the agency ensures the objectivity of the appeals review; and (b) describe and explain your agency's position regarding the potentially available appellate avenues, including administrative hearings and the federal court system, as a means of petitioners to appeal agency decisions relating to DQA.
9. A listing and detailed description of the number and nature of all complaints or petitions received by your agency regarding the accuracy of information disseminated by your agency as well as the parties within the agency that reviewed such petitions and complaints.

Thank you for your assistance. If you have any questions, please contact Joby Fortson or Peter Spencer of the Majority Committee staff at (202) 226-2424.

Sincerely,



Joe Barton
Chairman

c.c.: The Honorable John Dingell, Ranking Member
Committee on Energy and Commerce