

May 24, 2006

MEMORANDUM TO: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons

FROM: Luis A. Reyes **/RA/**
Executive Director for Operations

SUBJECT: RESPONSE TO STAFF REQUIREMENTS - BRIEFING ON THE
OFFICE OF INFORMATION SERVICES PROGRAMS,
PERFORMANCE, AND PLANS, MARCH 13, 2006 (M060313)

This is in response to the staff requirements memorandum (SRM) from the briefing on the Office of Information Services (OIS) Programs, Performance, and Plans, held March 13, 2006, after which the Commission requested additional information on the following:

1. **[200600152] Trend statistics on use of audio and video conferencing throughout the Agency.**

	FY 2003	FY 2004	Increase 03 to 04	FY 2005	Increase 04 to 05
Audio Conferences (HQ only)	12,162	12,829	5.5%	13,932	8.6%
Video Teleconferencing Sessions (VTC)	372	572	53.8%	654	14.3%

The trend for use of both audio and video conferencing systems has risen over the past several years. As you will note, audio conference requests have risen by almost 15 percent and VTC sessions have increased by almost 76 percent from FY 2003 through FY 2005.

2. **[200600153] Use of web page for communicating during emergencies and assurance that the server won't fail. What is the volume of inquiries that the web page can handle?**

In the case of an emergency involving NRC-licensed activities, our current procedure is to replace the standard NRC Home Page with a customized emergency notification page with

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information related to the event. If the event coincided with a failure in NRC Information Technology (IT) infrastructure, the NRC Home Page would continue to be available, as discussed below. This provides assurance that the public will have access to our Home Page.

We have contracted with Akamai, a vendor that provides 100 percent uptime for Web pages at the NRC Public Site. Akamai provides a world-wide network of 15,000 Web servers and distributes requests for NRC Web Pages throughout this network. This prevents a period of high traffic from interrupting service to our customers. In the near future, we plan to expand the range of content placed on the Akamai network to maintain our Public Web Site in the event of a failure of NRC IT infrastructure.

In the event of a failure of our Public Web server, the server vendor will respond within 4 hours under our platinum maintenance agreement. However, the Public Home Page would continue to be available throughout this event through our Akamai contract.

Based on the actions taken and the services we have in place, it is unlikely that a high volume of traffic in response to an event would render our site unavailable. Because of the services the Akamai network provides, it is difficult to determine the exact volume of inquiries the web page can handle, although it is a very large volume. However, in response to the question about the ability of the Public Web Site to handle a heavy volume of inquiries, the Akamai network effectively shields the NRC Public Web Server from such a heavy volume of traffic because most requests for content from our Public Web Site are dispersed across the Akamai network of web servers. Therefore, our threshold is limited only by the availability of the Internet.

3. [200600154] Enhancing user satisfaction with the NRC Public Web Site. What areas were identified by the Public Web Site Satisfaction Survey for improving the NRC public web site?

The web site content search capability and ease of navigation have been cited most often as two areas needing improvement by respondents to our Customer Satisfaction Survey. We plan to implement a new site content search capability in the next fiscal year. One of the challenges we have faced since we redesigned the public site in 2001-2002, is the organization of thousands of pages of content on diverse topics in ways that will be useful. Since we have external groups of stakeholders with different interests, it is difficult to completely satisfy specific user needs to highlight and structure content. We provide users with multiple means to find content at our site in addition to the search feature. For example, users may navigate through content by topic (Reactors, Materials, Waste, etc) or by type of document (the document collections in the Reading Room). They may also look up information in the site map or site index since both are linked from the top of each page. We are currently planning another redesign of the public web site in FY 2008 to continue improving the site's usability by addressing content search capabilities and navigation options. Finally, it is important to note that we receive numerous responses through the survey and through e-mail that indicate a large number of people are very pleased with our site navigational aids and organizational philosophy.

4. Costs for maintaining the legacy system, Human Resources Management System (HRMS) and the schedule for developing and implementing a replacement system.

On April 13, 2006, the Chief Financial Officer prepared a separate response to this question.

5. [200600155] Number of viruses that get through the Agency firewall, reasons for vulnerability, and protective measures taken in response.

OIS currently has two methods of detecting and removing viruses. The first is a security device on the perimeter of the NRC network that scans and removes malicious content from inbound and outbound e-mail messages. This device has proven to be very effective; NRC users now rarely receive viruses via e-mail. The small number of viruses that actually reach NRC's personal computer (PC) workstations are of no specific type but they are either on infected media that users insert into their PC workstations or they are on infected web sites that users access. Our desktop anti-virus software detects and quarantines these viruses for removal. We block access to a list of known web sites with malicious content. However, NRC users occasionally access sites and receive viruses or other malicious code from sites that are not on our list at the time. Although the number of workstations infected by viruses is only four or five per month, OIS is reviewing an additional security device that would provide a higher level of protection from web-based malicious code and further reduce the number of viruses entering the NRC environment.

6. [200600156] Implications of using management software tools, such as Decision Lens, and the potential for Freedom of Information Act (FOIA) issues with the data this tool will contain.

FOIA Discussion: If information is in the possession of the U.S. Government at the time a FOIA request for it is received, it generally would be subject to the FOIA, whether it is in electronic form stored on a CD-ROM, a disk, or on the hard drive of the computer using the *Decision Lens* software. It would also include paper copies of any data collected by the software and printed afterwards. The NRC office that maintains the information would be required to search for records in response to the FOIA request and provide them with release or withholding recommendations, as appropriate, to the FOIA/Privacy Team, as they would for records in response to any other FOIA request.

A determination would have to be made on a case-by-case basis whether information obtained through the use of *Decision Lens* would be subject to the FOIA. Although it is difficult to ascertain without a FOIA request and responsive records in hand, it is possible that the following FOIA exemptions may apply to information collected by the use of *Decision Lens*:

- When *Decision Lens* is used as a system that collects raw data for use by a decision maker, the raw data may be considered pre-decisional information and may be exempt under the deliberative process privilege of FOIA Exemption 5. As long as the information was generated as part of the agency decision-making process, Exemption 5 may apply whether a final decision was ultimately made, or not. Any segregable factual information would have to be released.

- Although arguably to a lesser extent than Exemption 5, Exemption 2's, "Low 2 - Trivial Matters" provision conceivably could be used to protect information collected via the use of *Decision Lens*, if the information was collected as part of an NRC internal practice and was related to trivial administrative matters of no genuine interest to the public. The key in attempting to invoke Exemption 2 would be whether the information at issue was of genuine public interest and its release would shed significant light on the agency practice.

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