

October 4, 2007

MEMORANDUM TO: Stephen D. Dingbaum
Assistant Inspector General for Audits
Office of the Inspector General

FROM: Darren B. Ash */RA Edward T. Baker Acting For/*
Deputy Executive Director
for Information Services
and Chief Information Officer
Office of the Executive Director for Operations

SUBJECT: RESPONSE TO RECOMMENDATIONS: AUDIT OF NRC'S
PROCESS FOR PLACING DOCUMENTS IN THE ADAMS
PUBLIC AND NON-PUBLIC LIBRARIES (OIG-07-A-16)

The following responds to the recommendations in the subject Office of the Inspector General (OIG) audit report. We agree with OIG's recommendations in the audit report and are taking steps to implement the eight recommendations.

Recommendation 1

Update MD 3.4 so that it reflects the underlying principles of how to determine whether an official agency record should be public or non-public, and describes the relationship with other agency reviews for information sensitivity (e.g. personally identifiable information, SUNSI).

Response

Agree. The process of updating Management Directive (MD) 3.4, "Release of Information to the Public," is underway. We will ensure that the update reflects the underlying principles of how to determine whether an Official Agency Record (OAR) should be public or non-public and describes the relationship with other agency reviews for information sensitivity. Completion date: February 19, 2008.

Recommendation 2

Create a supplemental guidance document that is updated routinely to include, to the extent practicable, categories of information routinely not made public.

CONTACT: John Linehan, OIS
(301- 415-7780)

Response

Agree. We will create and routinely update a supplemental guidance document titled, "Guidance Document for Determining the Public Availability of NRC Documents," that will identify the categories of documents that are routinely not made public.

Additionally, the guidance document will also include the categories of information that are routinely made public. The updated MD 3.4 will reference this new guidance document and the Office of Information Services (OIS) will maintain it on the NRC internal Web site. The revised MD 3.4 will require all offices to routinely monitor the guidance document and notify OIS when modifications need to be made. Offices will be requested to review and update the supplemental guidance document on an annual basis. Interim changes will also be accommodated. The supplemental guidance document will be applied only after a determination has been made that a document does not contain sensitive unclassified non-safeguards information (SUNSI), classified, or safeguards material. Completion date: February 19, 2008.

Recommendation 3

After MD 3.4 and supporting guidance are updated and consolidated, conduct a training needs analysis and develop appropriate training for staff with responsibilities for determining whether ADAMS records should be publicly or non-publicly available.

Response

Agree. After the publication of MD 3.4 in February 2008, OIS will work with the Office of Human Resources to conduct a training needs analysis. Based on the outcome of that analysis, we will develop appropriate training to help staff make informed decisions for determining whether documents should be publicly available or non-publicly available. Completion date: Training Needs Analysis by July 30, 2008.

Recommendation 4

Develop a mechanism to indicate the rationale for a public or non-public designation. This rationale should be sufficiently detailed to allow for an assessment of whether agency criteria are being applied correctly.

Response

Agree. To document the rationale for public or non-public designations, the specific item number from the "Guidance Document for Determining the Public Availability of NRC Documents," described in our response to Recommendation 2, will be included in the document profile of OARs in ADAMS. The rationale will be a permanent part of each OAR's metadata and will permit an assessment of whether agency criteria are being applied correctly. Completion date: March 1, 2008.

Recommendation 5

Require offices to use the mechanism developed in response to Recommendation 4 to provide the rationale for public or non-public designation of official agency records.

Response

Agree. The revised MD 3.4 will require all staff to use the mechanism described in our response to Recommendation 4. Completion date: February 19, 2008.

Recommendation 6

Conduct periodic assessments of the accuracy with which NRC staff are applying the agency's criteria for designating records as public or non-public by assessing a random sample of records against the agency's criteria for making these determinations.

Response

Agree. We will conduct annual assessments of the accuracy with which NRC staff are applying the agency's criteria for designating records as public or non-public by assessing a random sample of records against the agency's criteria for making these determinations. Completion date: October 31, 2008, for first annual assessment.

Recommendation 7

Inform NRC office directors of the number of non-public pending review documents that have been awaiting review by their office for at least 30 days.

Response

Agree. We will provide office directors and regional administrators quarterly reports listing the total number of non-public pending review documents and the total number that have been awaiting review for at least 30 days. Written guidance has already been provided to designated office representatives, which includes instructions on performing periodic ADAMS searches to identify documents in need of SUNSI review by their office, as well as instructions on how to make the document public or non-public as appropriate. Completion date: January 31, 2008.

Recommendation 8

Add a non-public pending review category to E-RIDS notifications and clarify the language in the notifications to convey the need to finalize the document availability as either public or non-public.

Response

Agree. An ADAMS Change Request has been initiated to modify E-RIDS text messages that staff receive to clearly indicate the need for SUNSI review action on ADAMS documents. The proposed action requires a bolded message (i.e. **DOCUMENT REQUIRES SUNSI REVIEW**) to

appear in the E-RIDS text for documents tagged in ADAMS as "Non-Public Pending Review." This modification is scheduled to be included in the ADAMS 4.7 release, which has tentatively been scheduled for deployment in May 2008. Completion date: May 2008.

cc: Chairman Klein
Commissioner Jaczko
Commissioner Lyons
SECY

appear in the E-RIDS text for documents tagged in ADAMS as "Non-Public Pending Review." This modification is scheduled to be included in the ADAMS 4.7 release, which has tentatively been scheduled for deployment in May 2008. Completion date: May 2008.

cc: Chairman Klein
Commissioner Jaczko
Commissioner Lyons
SECY

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