



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST

2000-0337

1

RESPONSE TYPE FINAL PARTIAL

REQUESTER

James P. Riccio

DATE

NOV 14 2000

PART I. -- INFORMATION RELEASED

- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments section.
- APPENDICES Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- APPENDICES Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, NW, Washington, DC.
- APPENDICES Agency records subject to the request are enclosed.
- Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Comments.

PART I.A -- FEES

- AMOUNT * You will be billed by NRC for the amount listed. None. Minimum fee threshold not met.
- \$ You will receive a refund for the amount listed. Fees waived.

* See comments for details

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- No agency records subject to the request have been located.
- Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

PART I.C COMMENTS (Use attached Comments continuation page if required)

In response to Item 1 of your request, all of the subject records which were previously non-publicly available are now publicly available in ADAMS. In a telephone conversation with Natalie Brown on 11/13/00, you stated that you did not need copies of the records, and that you would get the records out of ADAMS.

With regard to Items 2 and 3 of your request, all NEI correspondence dated between 6/23/00 and 8/29/00 has been made publicly available. We have enclosed a 9/20/00 memo from Stuart Reiter which provides an analysis of the previously non-publicly available NEI records.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed
Carol Ann Reed



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

September 20, 2000

MEMORANDUM FOR: Those on the Attached List

FROM: Stuart Reiter 
Acting Chief Information Officer

SUBJECT: LESSONS LEARNED FROM ANALYSIS OF INSIDE NRC
ARTICLE

On August 14, 2000, an article in Inside NRC reported that 42 of 274 documents exchanged between NRC and the Nuclear Energy Institute during the period between November 1, 1999 and June 22, 2000, had not been made publicly available. The data on which the article was based were derived from the agency's response to a FOIA request.

Attachments 1 and 2 provide a detailed analysis of the 42 documents cited in the article. In summary, 27 of the 42 documents were withheld or released in accordance with the agency's release policies. Fifteen of the documents were not made publicly available due to errors in ADAMS profiling by the staff (11) or the Document Processing Center (2), or errors made by staff in marking the documents with the appropriate availability (2). Of the 15 errors, 12 were made during the transition period before ADAMS became NRC's official recordkeeping system. A recent check of ADAMS documents for correspondence exchanged between NRC and NEI showed no new errors in coding the availability of such documents. These facts suggest that the early errors were largely a result of the staff's lack of practice with the new system. Nevertheless, I am sharing this information with you because of the importance of continuing to ensure that the staff properly identify those documents which should be made publicly available.

Although the next release of ADAMS will contain editing features and consistency checks that will reduce the number of profiling errors (whether by the staff or the Centralized Document Processing Center), entry of the correct value for the availability of internally-generated documents will continue to rely on the proper identification of their availability by the staff. I encourage each office to examine its procedures for determining the availability of its internally-generated documents to minimize future errors.

Attachments: As stated

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
William Travers, EDO
Jesse Funches, CFO

Attachment 1

Analysis of Forty Two Documents Cited in Inside NRC Article

Number of Documents	Document Dates	Office that Entered the Document	Reason that Documents Were Not Coded as Publicly Available	Availability Accords with NRC's Release Policy?	Recommended Corrective Action
20	Prior to 11/1/99	Various	Contained in packages declared as non-public. These Packages consisted of a new non-public internally-generated document and older attachments previously made public in NUDOCS	Yes -- documents were public in NUDOCS	Review coding policy for pre-ADAMS documents contained in packages
1	12/6/99	OCIO	Staff entry error	Yes -- duplicate of a publicly available document	Review office procedures
6	Various	SECY	Letters of invitation to participate in Commission meetings, or acknowledgement letters to people who have written to the Chairman or Commissioners. As a matter of policy, this type of correspondence has never been made publicly available.	Yes -- not specifically covered in the release policy, but consistent with long term practice	None
10	All but 1 prior to 4/1/00	RES (2) NRR (8)	Staff profiling error (root cause could be lack of familiarity with ADAMS or error in determining the availability)	No	Review office procedures for identifying public availability
2	10/29/99 12/20/99	DPC	Staff in originating office (NRR) did not mark the document as publicly available	No	Review office procedures
1	4/18/00	DPC, SECY	Staff in SECY did not change the availability to public	No	Review office procedures
2	11/08/99 02/02/00	DPC	DPC profiling error not caught by QA	No	Review DPC QA process

Attachment 2 - Additional Details

Number of Documents	Originating Office and Document Dates	ADAMS Accession Number	Internally (I) or Externally (E) Generated	Office that Entered the Document	Reason that Documents Were Not Coded as Publicly Available
1	12/6/99		I	OCIO	Staff entry error
6	04/26/00 05/10/00 05/10/00 05/25/00 05/31/00 06/01/00	ML003707471 ML003708325 ML003713546 ML003719024 ML003719851 ML003720056	I I I I I I	SECY	Letters of invitation to participate in Commission meetings, or acknowledgment letters to people who have written to the Chairman or Commissioners. As a matter of policy, this type of correspondence has never been made publicly available.
10	<u>RES:</u> 02/18/00 04/18/00 <u>NRR:</u> 10/29/99 11/17/99 11/17/99 11/17/99 01/28/00 01/28/00 02/09/00 02/10/00	<u>RES:</u> ML003685394 ML003707680 <u>NRR:</u> ML993190108 ML003671481 ML003671498 ML003671512 ML003678699 ML003678700 ML003684803 ML003683765	I E I E E E I I I I	RES (2) NRR (8)	Staff profiling error (root cause could be lack of familiarity with ADAMS or error in determining the availability)
2	10/29/99 12/20/99	ML993190108 ML003675675	I E	DPC	Staff in originating office (NRR) did not mark the document as publicly available
1	4/18/00	ML003723778	E	DPC, SECY	Staff in SECY did not change the availability to public
2	11/08/99 02/02/00	ML993240014 ML003688833	E I	DPC	DPC profiling error not caught by QA

September 20, 2000

MEMORANDUM FOR: Those on the Attached List

FROM: Stuart Reiter /RA/
Acting Chief Information Officer

SUBJECT: LESSONS LEARNED FROM ANALYSIS OF INSIDE NRC
ARTICLE

On August 14, 2000, an article in Inside NRC reported that 42 of 274 documents exchanged between NRC and the Nuclear Energy Institute during the period between November 1, 1999 and June 22, 2000, had not been made publicly available. The data on which the article was based were derived from the agency's response to a FOIA request.

Attachments 1 and 2 provide a detailed analysis of the 42 documents cited in the article. In summary, 27 of the 42 documents were withheld or released in accordance with the agency's release policies. Fifteen of the documents were not made publicly available due to errors in ADAMS profiling by the staff (11) or the Document Processing Center (2), or errors made by staff in marking the documents with the appropriate availability (2). Of the 15 errors, 12 were made during the transition period before ADAMS became NRC's official recordkeeping system. A recent check of ADAMS documents for correspondence exchanged between NRC and NEI showed no new errors in coding the availability of such documents. These facts suggest that the early errors were largely a result of the staff's lack of practice with the new system. Nevertheless, I am sharing this information with you because of the importance of continuing to ensure that the staff properly identify those documents which should be made publicly available.

Although the next release of ADAMS will contain editing features and consistency checks that will reduce the number of profiling errors (whether by the staff or the Centralized Document Processing Center), entry of the correct value for the availability of internally-generated documents will continue to rely on the proper identification of their availability by the staff. I encourage each office to examine its procedures for determining the availability of its internally-generated documents to minimize future errors.

Attachments: As stated

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
William Travers, EDO
Jesse Funches, CFO

Distribution: OCIO Div. Dirs., CIO R/F (3), B. Shelton, M. Collins, EDO R/F

ADAMS ACCESSION NUMBER: ML003744472

ADAMS DOCUMENT TITLE: LESSONS LEARNED FROM ANALYSIS OF INSIDE NRC
ARTICLE

OFFICE	RMB/IMD/OCIO	RMB/IMD/OCIO	IMD/OCIO	IMD/OCIO	OEDO	SECY	ACIO
NAME	M. Collins: MC	B. Shelton: BJS	L. Scattolini: LBS	F. Goldberg: FFG	J. Craig: JC	A. Vietti-Cook: AVC	S. Reiter: SR
DATE	09/11/2000	09/12/2000	09/12/2000	09/08/2000	09/20/2000	09/20/2000	09/20/2000

OFFICIAL RECORD COPY

MEMORANDUM TO THOSE ON THE ATTACHED LIST DATED: September 20, 2000

SUBJECT: LESSONS LEARNED FROM ANALYSIS OF INSIDE NRC ARTICLE

Mail Stop

B. John Garrick, Chairman, Advisory Committee on Nuclear Waste	T-2	E26
Dana A. Powers, Chairman, Advisory Committee on Reactor Safeguards	T-2	E26
John T. Larkins, Executive Director, Advisory Committee on Reactor Safeguards/Advisory Committee on Nuclear Waste	T-2	E26
G. Paul Bollwerk, III, Chief Administrative Judge, Atomic Safety and Licensing Board Panel	T-3	F23
Karen D. Cyr, General Counsel	O-15	D21
John F. Cordes, Jr., Director, Office of Commission Appellate Adjudication	O-15	D21
Hubert T. Bell, Inspector General	T-5	D28
Janice Dunn Lee, Director, Office of International Programs	O-16	C1
Dennis K. Rathbun, Director, Office of Congressional Affairs	O-16	C1
William M. Beecher, Director, Office of Public Affairs	O-2	A13
Annette Vietti-Cook, Secretary of the Commission	O-16	C1
Frank J. Miraglia, Jr., Deputy Executive Director for Reactor Programs	O-16	E15
Carl J. Paperiello, Deputy Executive Director for Materials, Research and State Programs	O-16	E15
Patricia G. Norry, Deputy Executive Director for Management Services	O-16	E15
John W. Craig, Assistant for Operations, OEDO	O-16	E15
Michael L. Springer, Director, Office of Administration	T-7	D57
Richard W. Borchardt, Director, Office of Enforcement	O-14	E1
Guy P. Caputo, Director, Office of Investigations	O-3	F1
Paul E. Bird, Director, Office of Human Resources	T-3	A2
Irene P. Little, Director, Office of Small Business and Civil Rights	T-2	F18
William F. Kane, Director, Office of Nuclear Material Safety and Safeguards	T-8	A23
Samuel J. Collins, Director, Office of Nuclear Reactor Regulation	O-5	E7
Ashok C. Thadani, Director, Office of Nuclear Regulatory Research	T-10	F12
Paul H. Lohaus, Director, Office of State and Tribal Programs	O-3	C10
Frank J. Congel, Director, Incident Response Operations	T-4	D18
Hubert J. Miller, Regional Administrator, Region I	RGN-I	
Luis A. Reyes, Regional Administrator, Region II	RGN-II	
James E. Dyer, Regional Administrator, Region III	RGN-III	
Ellis W. Merschoff, Regional Administrator, Region IV	RGN-IV	