

NUCLEAR REGULATORY COMMISSION

NRC Information Quality Guidelines

AGENCY: Nuclear Regulatory Commission.

ACTION: Publication of NRC Information Quality Guidelines.

SUMMARY: The NRC Information Quality Guidelines contain the Commission's policy and procedures for ensuring the quality of information before it is disseminated to the public. It also contains the procedures by which an affected person may obtain correction of information that does not comply with the guidelines.

DATES: The NRC Information Quality Guidelines are effective October 1, 2002.

ADDRESSES: Information Correction Requests may be mailed to the Information Quality Coordinator, Office of the Chief Information Officer, Mail Stop: T6-D8, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, e-mailed to infoquality@nrc.gov, or faxed to 301-415-5130. Information Correction Requests may also be submitted at the NRC Web site information quality comment form that is accessible from NRC's "Contact Us" Web page (<http://www.nrc.gov/public-involve/info-quality/contactus.html>). Information Correction Requests may be delivered to the Information Quality Coordinator, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

FOR FURTHER INFORMATION CONTACT: Phillip Ray, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: 301-415-2972 or by Internet electronic mail at infoquality@nrc.gov.

SUPPLEMENTARY INFORMATION:

OMB and Agency Responsibilities

Section 515(a) of the Treasury and General Government Appropriations Act, FY 2001 (P.L.106-554), directed the Director, Office of Management and Budget (OMB), to issue guidelines that provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies in fulfillment of the purposes and provisions of the Paperwork Reduction Act. OMB issued its final guidelines on September 28, 2001. Subsequent guidance was issued by OMB on February 22, 2002 (67 FR 8452). These guidelines require agencies subject to the Paperwork Reduction Act to publish in the Federal Register a notice of availability of the final Information Quality Guidelines and post the guidelines on the agency's public Web Site by October 1, 2002. Also, these agencies will:

1. Ensure that information covered by these guidelines and disseminated for the first time on or after this date has undergone reviews for quality.

2. On January 1, 2004, and each January 1 thereafter, the agencies will submit to the Director of OMB a report on the number and nature of requests received regarding compliance with these OMB guidelines and the resolution of requests received.

NRC INFORMATION QUALITY GUIDELINES

The U.S. Nuclear Regulatory Commission (NRC) is committed to ensuring the quality of all information that it relies on or disseminates. The NRC's policies and practices are designed to ensure that the agency establishes and maintains an appropriate level of quality commensurate with the nature of the information. Thus, the most influential scientific, financial, and statistical data are subject to the most rigorous quality standards. The NRC will correct information that does not meet its guidelines or those of OMB based on the significance and impact of the correction. The NRC Information Quality Guidelines are general statements of agency policy and are not legally binding on the agency or on affected persons.

SCOPE OF INFORMATION SUBJECT TO THESE GUIDELINES

Because of the importance of openness and transparency, the NRC routinely makes available to the public the majority of its regulatory documents, information about its decision making processes, and the standards used to analyze information submitted by the regulated community. OMB's guidelines require the NRC to apply information quality standards only to a subset of this information; however, the NRC is committed to ensuring the quality of all of the information it disseminates, whether or not it is specifically covered by these guidelines. In addition, the NRC has many existing processes by which the public may comment on agency information. The agency will continue to use these processes to respond to comments and requests, regardless of whether they are specifically covered by these guidelines.

The agency's information quality reviews apply to NRC information that is publicly disseminated for the first time on or after October 1, 2002. The fact that an information product is already on NRC's Website or in the Public Document Room prior to October 1, 2002, and is still maintained by NRC (e.g., in NRC's files, in publications that NRC continues to distribute on its Website), does not make the information subject to these guidelines or to the request for correction process if it falls within the archival records exemption. Information disseminated prior to October 1, 2002, is subject to the correction and appeal process should the information be questioned and the requester can demonstrate that the challenged data, which is publicly available through agency Websites or other means, serves agency program responsibilities and/or is relied upon by the public as official government data. Additionally, if specific information has previously been disseminated and is not covered by these guidelines, that information may still be subject to the NRC Information Quality Guidelines during a post October 1, 2002, dissemination of the information in which NRC either adopts, endorses or uses the information to formulate or support a regulation, guidance, or other Agency decision or position.

Information Subject to These Guidelines

These guidelines apply to print and electronic versions of agency information. The types of NRC information covered by the guidelines include, but are not limited to, the following:

- rulemakings
- inspection reports

- findings of the reactor oversight process
- regulatory guides and other guidance to licensees
- generic communications to licensees, including information notices, generic letters, bulletins, and others
- technical reports
- Safety Evaluations and Safety Evaluation Reports
- information that other parties provide to the NRC upon which the NRC relies or which the NRC disseminates

Information Not Subject to These Guidelines

On the basis of the OMB guidelines, the types of NRC information exempt from the guidelines include, but are not limited to, the following:

- information products intended to be limited to the allegations process, public filings, subpoenas, records compiled for law enforcement purposes or that are involved in adjudicative processes
- non-scientific and/or non-statistical general, procedural, or organizational information, which is prepared for NRC management and operation, and is not primarily intended for public dissemination
- information that is neither initiated nor sponsored by the NRC and is not relied upon or disseminated by the NRC
- information that expresses opinions, rather than formal agency views
- information that is intended to be limited to intra-agency use
- shared government information or information that is intended to be limited to inter-agency use
- information that is prepared for dissemination to agency employees, contractors, or grantees
- agency correspondence that is not primarily intended for public dissemination, but is made publicly available solely to enable the public to be aware of the NRC's interactions with individuals, including applicants, licensees, and others who make formal requests to the agency
- agency press releases, fact sheets, press conferences, or similar communications (in any medium) that announce, support the announcement, or give public notice of information that the NRC has disseminated elsewhere
- Congressional testimony and other submissions to Congress containing information that the NRC has previously disseminated to the public

- agency speeches
- publications of individual employees, grantees, and contractors, in which the information is published in the same manner used by academic colleagues, and which include an appropriate disclaimer that the views expressed are the individual's or entities' own and do not reflect the views of the NRC
- archival records
- trade secrets, intellectual property, classified, restricted, unclassified safeguards, proprietary, sensitive homeland security, privacy, and other information not subject to disclosure under the Freedom of Information Act
- responses to requests made under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act, or similar laws
- interpretations of data or information, or requests to de-publish information

Applicability to Proposed Rulemaking and Other Public Comment Processes

The correction and appeal process that will address data quality challenges normally will not apply to information disseminated by the NRC through a comprehensive public comment process, e.g., *Federal Register* notices of proposed rulemakings, regulatory analyses, requests for comments on information collections subject to the Paperwork Reduction Act, environmental impact statements, and other documents for which NRC solicits public comments. Persons questioning the quality of information disseminated in those documents, or documents referenced or relied upon in those documents, should submit comments as directed in the *Federal Register* or other notices requesting public comment on the given document.

The NRC will use its existing processes for responding to public comments in addressing the request for correction, and will describe the actions it has taken with regard to the request in the *Federal Register* notice of the final agency rule, regulatory analysis, or other final action. In cases where the agency disseminates a study, analysis, or other information prior to the final agency action or information product, ICRs will be considered prior to the final agency action or information product in those cases where the agency has determined that an earlier response would not unduly delay issuance of the agency action or information product and the requester has shown a reasonable likelihood of suffering actual harm from the agency's dissemination if the agency does not resolve the ICR prior to the final agency action or information product.

Waiver of standards under urgent conditions

The NRC's information quality standards may be temporarily waived for information that is disseminated under urgent situations. The NRC will consider "urgent situations" to include emergency conditions at licensed facilities, as well as imminent or credible threats to the public health and safety, the common defense and security, including homeland security, the environment, and other situations deemed to be urgent conditions on a case-by-case basis.

NRC QUALITY STANDARDS

Information, including third-party information, that the NRC relies on or disseminates must meet both the NRC Information Quality Standards and OMB Information Quality Guidelines in order to ensure and maximize information quality. These information quality standards also apply to the creation, collection, acquisition, and maintenance of information by the NRC. The NRC will ensure that its draft information collection packages submitted for OMB approval will result in the information being collected, maintained, and used in a manner that is consistent with NRC and OMB information quality guidelines. Agency policies and procedures will ensure that the NRC meets and maintains these standards.

The NRC has set information quality as a measure of agency performance. The NRC will meet the information quality criteria for utility, integrity, and objectivity, as defined in the OMB and NRC guidelines. The following NRC standards expound on how the NRC will apply the OMB criteria in its regulatory environment. The degree of rigor of the pre-dissemination reviews will be commensurate with the nature and significance of the information.

The NRC will impose the highest level of quality on *influential scientific, financial, or statistical information*, which the agency defines as information that forms the technical basis for a substantive rulemaking that has substantial impact on an industry. The NRC may also deem other types of information as “influential” under Section 515(a) of Public Law 106-554 of the Treasury and General Appropriations Act, on a case-by-case basis. In determining what constitutes *influential scientific, financial, or statistical information*, the NRC considers two principal factors. First, the information may have a clear and substantial impact that has a high probability of occurring. Second, the information may impact regulatory decisions affecting a broad class of applicants or licensees. (Although information contained in a regulatory decision for an individual applicant or licensee may have substantial impact, it is limited in its breadth, therefore may not be deemed “influential” for the purposes of these guidelines.)

The NRC applies the most rigorous procedures to ensure the quality of such “influential” information. The NRC achieves the highest level of quality by adherence to procedures that ensure utility, integrity, and objectivity. The reproducibility of original and supporting data for *influential scientific, financial, or statistical information* will be consistent with commonly accepted scientific, financial, or statistical standards. When reproducibility is not achievable through public access because of confidentiality protection or compelling interests, analytical results will receive especially rigorous reviews. The staff will describe the specific reviews, as well as the specific data sources, quantitative methods, and assumptions used.

The following provides a definition of the elements of information quality (utility, integrity, and objectivity) and a description how the NRC ensures information quality.

Utility is the usefulness of the information to its intended users. To ensure information utility, the NRC will:

- Adhere to NRC policy on the dissemination of information to the public, which clearly specifies what is to be made available to the public and when it should be available for public release.
- Make information associated with the agency regulatory processes and decisions public unless release is restricted because, for example, a given regulatory process or decision contains classified national security information, safeguards information, proprietary information, sensitive homeland security information, or other information that is protected from disclosure under the Freedom of Information Act.

- Use feedback mechanisms at the NRC's Web site to request public comments on what information the NRC disseminates and how it is disseminated.
- Request public comments on individual documents and hold public meetings, as appropriate, to solicit public comments.
- Assist the public in quickly and conveniently locating the information they are seeking through the NRC's Public Document Room, or its Web site.

Integrity is the security of information from unauthorized access or revision to ensure that the information is not compromised through corruption or falsification. To ensure information integrity, the NRC will adhere to agency policies for personnel security, computer security, information security, and records management, which include the following key components:

- Systems development and life cycle management policies require that computer systems must be designed and tested to prevent inadvertent or deliberate alteration and ensure appropriate access controls.
- Computer and personnel security policies ensure that employees and contractors who have access to electronic information and associated computer systems are screened for trustworthiness and assigned the appropriate level of access.
- Records management policies require that agency records must be properly maintained and protected. In particular, the NRC's electronic records management system (i.e., Agencywide Documents Access and Management System, (ADAMS)) is designed to ensure that documents that are disseminated to the public are protected from alteration or falsification.

Objectivity involves two distinct elements, including presentation and substance. Information must be presented in a manner that is accurate, clear, complete, and unbiased. In addition, the substance of the information presented must be accurate, reliable, and unbiased. To ensure information objectivity, the NRC will:

- Achieve accuracy and completeness in the following ways:
 - Provide formal review of and concurrence with all information disseminated, including rulemaking documents, inspection reports, technical reports, generic communications, and all other agency documents covered by these guidelines.
 - Encourage peer review of NRC research products. The primary objective of the peer review is to judge the technical adequacy of the research and to bring the widest and best knowledge to bear on the quality of research products. The NRC has adopted criteria for the selection of peer reviewers and the performance of peer reviews that are consistent with OMB guidelines.
 - Adhere to Quality Management Control standards prior to disseminating information at the NRC's public Web site.
- Ensure that information is reliable and unbiased in the following ways:

- Apply sound statistical and research methods to generate data and analytical results for scientific and statistical information.
- Use peer reviews, consistent with OMB guidelines, of agency-sponsored research that is relied upon. Where information has been subjected to formal, independent, external peer review, the information may generally be presumed to be of acceptable objectivity. However, this presumption is rebuttable based on a persuasive showing in a particular instance.
- Use reviews of agency information by independent advisory committees, as appropriate, including the Advisory Committee on Reactor Safeguards (ACRS), the Advisory Committee on Nuclear Waste (ACNW), and the Advisory Committee on the Medical Uses of Isotopes (ACMUI).
- Use reviews by the Committee to Review Generic Requirements (CRGR), as appropriate, for information and related analyses with generic implications.
- Use reviews by Agreement States, as appropriate, for matters pertaining to the regulation of nuclear materials.
- Provide opportunities for the public and States to comment on rulemakings, Commission policy statements, regulatory guides, and other information products, as appropriate.
- Hold public meetings to seek public views and solicit public comments through the NRC's Website and *Federal Register* notices, as appropriate.
- Comply with internal policy to ensure unbiased incident investigation team investigations.
- Use reviews of proposed policy decisions by the five-member Commission.
- Achieve transparency in the following ways:
 - Include in relevant agency information products descriptions of the data and methods used to develop the information product in a way that would make it possible for an independent, qualified individual or organization to reproduce the results.
 - Adhere to NRC policy and guidance overseeing the performance of regulatory analyses as provided in publicly available "Regulatory Analysis Guidelines of the U. S. Nuclear Regulatory Commission," NUREG/BR-0058, Rev. 3, and publicly available "Regulatory Analysis Technical Evaluation Handbook," NUREG/BR-0184. The NRC will perform regulatory analyses that assess uncertainty, in the context of quantifying risk, and communicate those findings to the public in a manner that meets the intent of the OMB referenced information quality standards.
- Achieve clarity in the following ways:
 - Adhere to the agency's Plain Language Program in written and electronic products.

- Ensure that the all disseminated information receives appropriate editorial review.
- Respond to stakeholder comments on the clarity of proposed actions.

NRC ADMINISTRATIVE PROCESS FOR THE PUBLIC TO SEEK CORRECTION OF INFORMATION

(1) What You Must Do If You Are an Affected Person

Use the following procedure to seek correction, under Section 515(a), of information that does not meet NRC or OMB Information Quality Guidelines:

- Submit your Information Correction Request (ICR) within 60 calendar days of the initial information dissemination or within 60 calendars days of NRC notice of intent to rely, or its reliance, on the information.
- Submit a discussion of why the NRC should consider your ICR (along with your ICR), if you submit the ICR after 60 calendar days after the initial information dissemination or after 60 calendars days after the NRC notice of intent to rely, or its reliance, on the information.
- State that your ICR is submitted in accordance with the NRC's Information Quality Guidelines.
- Include your name, mailing address, fax number, e-mail address, telephone number, and organizational affiliation, if any. The NRC needs this information to respond to your ICR and contact you if necessary.
- Describe clearly the information you believe is in error and requires correction. Include the source of the information (for example, the name and date of the report or data product), the exact location of the error (for example, the page, figure, table, or Web page address), and a detailed description of the information to be corrected. A copy of the specific information that the ICR covers would assist the NRC in its review of your ICR.
- State specifically why the information should be corrected and, if possible, recommend specifically how it should be corrected.
- Provide a copy of supporting documentary evidence, such as comparable data or research results on the same topic, or a specific authoritative source to help in the review of your ICR. If you supply the documentary evidence by means of a reference, the reference must be specific enough to allow the NRC to easily locate the information you identify as the basis for the ICR.
- State specifically how you are affected by the information for which you are seeking correction.

(2) How to Submit Your Request

You must submit your ICR under these guidelines in writing by mail, fax, e-mail, or Internet, as follows:

- Mail: Information Quality Coordinator
U. S. Nuclear Regulatory Commission
Washington, DC 20555
- Fax: 301-415-5130
- E-mail: Infoquality@nrc.gov
- Internet: <http://www.nrc.gov/public-involve/info-quality/contactus.html>

(3) What the NRC Will Do with Your Initial Request

Based on a review of the information you provide, the NRC will take the following actions:

- Perform an acceptance review to confirm that you have provided the necessary information regarding the ICR for the staff to review and make a decision.
- Submit your ICR for review to an Initial Review Official (IRO) who is knowledgeable of the subject matter related to your ICR and who normally will be at the Branch Chief level and, in most cases, a member of the Senior Executive Service.
- Consult with other Federal agencies or NRC staff in responding to your ICR, as appropriate.
- Determine whether an error exists and a correction is warranted and, if so, what action will be taken.
- Notify you as soon as possible within the 45 day period if the ICR requires more than 45 calendar days to resolve. The NRC will inform you that more time is required, state the reason why, and include an estimated decision date.
- Notify you of the agency's final decision regarding your ICR within 45 calendar days by letter, e-mail, or fax. The NRC's response will explain the findings of the review and any actions that the NRC will take.

(4) How You May Appeal the NRC Decision in Regard to Your Initial Request

Use the following procedure if you wish to appeal the NRC's denial of your ICR, or if you wish to appeal the decision on the corrective action:

- Submit your appeal within 30 calendar days of receipt of NRC's notification of denial or notification of the corrective action. (Only the original requester may appeal the decision.)
- Identify clearly the original ICR, and specify the NRC decision that you are appealing.
- Describe clearly the basis for your appeal and how the response failed to resolve your ICR.
- Submit your appeal in accordance with the directions in the agency's initial response.

(5) What the NRC Will Do with Your Appeal

Based on a review of the information you provide in the appeal, the NRC will take the following actions:

- Perform an acceptance review to confirm that you have provided the necessary information regarding the ICR for the staff to review and make a decision.
- Submit your request for review to an Appeal Review Official (ARO), typically at the Division Director level, who is a member of the Senior Executive Service and who, in most cases, does not supervise the IRO responsible for the initial response to the ICR.
- Limit the appeal review to the basis of the appeal.
- Consult with other Federal agencies or NRC staff in responding to your appeal, as appropriate.
- Determine whether an error exists and a correction is warranted and, if so, what action will be taken.
- Notify you as soon as possible within the 30 day period if the appeal requires more than 30 calendar days to resolve. The NRC will inform you that more time is required, state the reason why, and include an estimated decision date.

- Notify you of the agency's final decision regarding your appeal within 30 calendar days by letter, e-mail, or fax. The NRC's response will explain the findings of the appeal and any actions that the NRC will take.

(6) Corrections

The correction process is designed to address the genuine and valid needs of affected persons without disrupting agency operations. You should be aware that you bear the burden of proof with respect to both the need for correction and the type of correction requested. In determining whether to correct information, the NRC may reject claims made in bad faith or without justification. The NRC is required to undertake only the degree of correction that it concludes is appropriate for the nature and timeliness of the information involved.

The NRC may base its decisions regarding appropriate corrective action(s) on such factors as the significance of the asserted error, the benefits that are likely to be derived from such a correction, the observation of budget and resource priorities and restraints, and the agency's more pressing priorities and obligations.

Subject to applicable laws, the NRC's corrective measures may include, without limitation, personal contacts via letter or telephone, form letters, press releases, postings on the NRC's Website, correction in the next version of a document, or other appropriate methods that would give affected persons reasonable notice of any corrective actions made.

It is the NRC's intent to make corrections within a reasonable time after the agency has made the determination that a correction is appropriate. However, the NRC's budget, resources, and priorities, as well as the complexity of the correction itself, may affect when corrections are made.

In cases where the agency disseminates a study, analysis, or other information prior to the final agency action or information product, ICRs will be considered prior to the final agency action or information product in those cases where the agency has determined that an earlier response would not unduly delay issuance of the agency action or information product and the requester has shown a reasonable likelihood of suffering actual harm from the agency's dissemination if the agency does not resolve the ICR prior to the final agency action or information product.

The NRC will continue to process any decision or document that has had a related ICR unless the NRC decides that the information requires correction before the process may continue.

Your request for correction and the correction process will be open to the public as a commitment to transparency. Your ICR and NRC responses will be made public through ADAMS. Note: Your personal privacy information will not be made public.

(7) Annual Report

The NRC will identify the number and nature of the ICRs received and their resolution, including an explanation of decisions to deny or limit corrective actions in its annual fiscal year reports to the OMB.

Dated at Rockville, Maryland, this 20th day of September 2002.

For the Nuclear Regulatory Commission.

_____/RA/
Jacqueline E. Silber ,
Deputy Chief Information Officer
Office of the Chief Information Officer.