

October 23, 2007

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

FROM: Stephen D. Dingbaum **/RA/**
Assistant Inspector General for Audits

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

REFERENCE: DEPUTY EXECUTIVE DIRECTOR FOR INFORMATION
SERVICES AND CHIEF INFORMATION OFFICER,
MEMORANDUM DATED OCTOBER 4, 2007

Attached is the Office of the Inspector General's analysis and status of recommendations 1, 2, 3, 4, 5, 6, 7, and 8 as discussed in the agency's response dated October 4, 2007. Based on this response, all recommendations are resolved. Please provide an updated status of the resolved recommendations by March 30, 2008.

If you have any questions or concerns, please call me at 415-5915.

Attachment: As stated

cc: V. Ordaz, OEDO
M. Malloy, OEDO
P. Tressler, OEDO

Audit Report

Audit of NRC's Process for Placing Documents In The ADAMS Public and Non-Public Libraries OIG-07-A-16

Status of Recommendations

<u>Recommendation 1:</u>	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 Dated October 4, 2007:	The agency agrees with the recommendation and is in the process of updating Management Directive (MD) 3.4, "Release of Information to the Public." The agency 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. The revision of MD 3.4 is expected to be completed by February 19, 2008.
OIG Response:	The corrective action addresses the intent of this recommendation. This recommendation will be closed when OIG verifies that Management Directive 3.4, "Release of Information to the Public," has been granted final agency approval and issuance.
Status:	Resolved.

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Status of Recommendations

<u>Recommendation 2:</u>	Create a supplemental guidance document that is updated routinely to include, to the extent practicable, categories of information routinely not made public.
Response Dated October 4, 2007:	The agency agrees with the recommendation and is planning to create and regularly 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. This guidance document is expected to be completed by February 19, 2008.
OIG Response:	The corrective action addresses the intent of this recommendation. This recommendation will be closed when OIG verifies that a supplemental guidance document has been created to include categories of documents that are routinely not made public.
Status:	Resolved.
<u>Recommendation 3:</u>	After MD 3.4 and supporting guidance are updated and

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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 Dated
October 4, 2007:

The agency agrees with the recommendation. After the publication of MD 3.4 in February 2008, OIS is planning to work with the Office of Human Resources (HR) to conduct a training needs analysis. Based on the outcome of that analysis, OIS will develop appropriate training to help staff make informed decisions for determining whether documents should be publicly available or non-publicly available. The training needs analysis is expected to be completed by July 30, 2008.

OIG Response:

The corrective action addresses the intent of this recommendation. This recommendation will be closed when OIG verifies that the agency has completed a training analysis and developed appropriate training

Status:

Resolved.

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Status of Recommendations

<u>Recommendation 4:</u>	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 Dated October 4, 2007:	The agency agrees with the recommendation. 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," as described in the agency's 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. This corrective action is expected to be completed by March 1, 2008.
OIG Response:	The corrective action addresses the intent of this recommendation. This recommendation will be closed when OIG receives verification that the rationale was developed.
Status:	Resolved.

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<u>Recommendation 5:</u>	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 Dated October 4, 2007:	The agency agrees with the recommendation. The October 4, 2007, revised MD 3.4 will require all staff to use the mechanism described in our response to recommendation 4. This recommendation is expected to be completed by February 19, 2008.
OIG Response:	The corrective action addresses the intent of this recommendation. This recommendation will be closed when OIG receives verification that offices were notified to use the mechanism developed.
Status:	Resolved.

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<u>Recommendation 6:</u>	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 Dated October 4, 2007:	The agency agrees with the recommendation. The agency is planning to 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. The agency expects to conduct the first annual assessment by October 31, 2008.
OIG Response:	The corrective action addresses the intent of this recommendation. This recommendation will be closed when OIG receives verification that periodic assessments will be conducted.
Status:	Resolved.

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<u>Recommendation 7:</u>	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 Dated October 4, 2007:	The agency agrees with the recommendation. The agency 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. The agency expects to complete the implementation of the quarterly reports by January 31, 2008.
OIG Response:	The corrective action addresses the intent of this recommendation. This recommendation will be closed when OIG receives documentation that that the NRC office directors have been noticed about pending documents.
Status:	Resolved.

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Status of Recommendations

<u>Recommendation 8:</u>	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 Dated October 4, 2007:	The agency agrees with the recommendation. The agency has submitted an ADAMS Change Request 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 schedule to be included in the ADAMS 4.7 release, which has tentatively been scheduled for deployment in May 2008.
OIG Response:	The corrective action addresses the intent of this recommendation. OIG will close this recommendation when NRC verifies that E-RIDS text messages clearly indicate the need for SUNSI review action on ADAMS documents.
Status:	Resolved.