

April 9, 2008

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

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

SUBJECT: STATUS OF RECOMMENDATION: AUDIT OF
NRC'S PROCESS FOR RELEASING COMMISSION
DECISION DOCUMENTS (OIG-06-A-22)

REFERENCE: DIRECTOR, OFFICE OF INFORMATION
SERVICES, MEMORANDUM DATED
DECEMBER 26, 2007

Attached is the Office of the Inspector General's (OIG) analysis and status of recommendation 1 as discussed in the agency's December 26, 2007, memorandum. Based on your response, recommendation 1 is resolved.

Please provide an updated status by May 30, 2008.

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

Attachment: Status of Recommendation

cc: V. Ordaz, OEDO
J. Arildsen, OEDO
P. Shea, OEDO

Audit Report

Audit of NRC's Process for Releasing Commission Decision Documents OIG-06-A-22

Status of Recommendation

Recommendation 1: Develop a program for NRC compliance with FOIA's automatic disclosure requirements.

Agency Response of December 26, 2007: The Office of Information Services (OIS) is scheduled to complete a revision of Management Directive (MD) 3.4, "Release of Information to the Public," to address this recommendation. This revision incorporates the necessary information addressing NRC's compliance with FOIA's automatic disclosure requirements, specifically the disclosure provisions of 5 U.S.C. 552 (a) (1) or (a) (2) and reflects the involvement of the Office of General Counsel and OIS in all determinations. The draft of MD 3.4, "Release of Information to the Public," is currently out for office comment. We anticipate publication of MD 3.4 early in 2008.

OIG Analysis: In our September 28, 2007, memorandum, OIG expressed concern that the agency's FOIA guidance must require the involvement of the Office of General Counsel (OGC) and OIS until the Secretary of the Commission develops the expertise needed to ensure compliance with the FOIA automatic disclosure provisions.

OIG accepts the agency's response that the revision to MD 3.4 will reflect the involvement of the OGC and OIS "in all determinations." OIG also acknowledges that the agency anticipated the publication of the revised MD 3.4 in early 2008. However, a review of the agency's management directives identified that the new MD 3.4 has not been published to date.

Furthermore, the agency's December 26, 2007, memorandum does not discuss the agency's progress in addressing OIG's September 28, 2007, statement that the revised Internal Commission Procedures must

Audit Report

Audit of NRC's Process for Releasing Commission Decision Documents OIG-06-A-22

Status of Recommendation

require involvement by the OGC and OIS. An April 2, 2008, review of the Internal Commission Procedures revealed that the language has not been revised to mirror that in MD 3.4; specifically, that OGC and OIS will be involved in all FOIA automatic disclosure determinations.

Therefore, this recommendation will be closed when:

1. Internal Commission Procedures are modified to reflect the involvement of OGC and OIS in all determinations; and
2. Management Directive 3.4 is finalized and determined to include the proposed language regarding the involvement of OGC and OIS.

Status:

Resolved.