



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

OFFICE OF THE  
INSPECTOR GENERAL

November 19, 2008

MEMORANDUM TO: R. William Borchardt  
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: DIRECTOR, OFFICE OF INFORMATION SERVICES,  
MEMORANDUM DATED OCTOBER 28, 2008

Attached is the Office of the Inspector General's analysis and status of recommendations 1, 2, 3, 4, 5, 6, and 8 as discussed in the agency's response dated October 28, 2008. Based on this response, recommendation 8 is closed and recommendations 1, 2, 3, 4, 5, and 6 remain in resolved status. Recommendation 7 was previously closed. Please provide an updated status of the resolved recommendations by April 30, 2009.

If you have any questions or concerns, please call me at 415-5915 or Beth Serepca, Team Leader, at 415-5911.

Attachment: As stated

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

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 Dated  
October 28, 2008:

The Office of Information Services (OIS) completed the update of Management Directive (MD) 3.4, "Release of Information to the Public." MD 3.4 now reflects the underlying principles of how to determine if an Official Agency Record (OAR) should be made public or remain non-public. It further explains the relationship with other agency reviews for information sensitivity. The revised MD 3.4 has been concurred on by all offices and was delivered to the Chairman for review and approval on May 1, 2008. On August 4, 2008, OIS received questions from the Chairman's office on the MD. The responses to the questions were given to the Office of Executive Director of Operations (OEDO) for review. Publication is targeted for Fiscal Year (FY) 2009 Second Quarter (Q2).

OIG Analysis:

The corrective action addresses the intent of this recommendation. This recommendation will be closed when OIG receives a copy of Management Directive 3.4, "Release of Information to the Public," and verifies that the underlying principles are included.

**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 28, 2008:	We have completed a supplemental guidance document entitled, "Guidance for Determining the Public Availability of NRC Documents," which identifies the categories of documents that are routinely not made public. Additionally, the guidance document includes the categories of information that are routinely made public. The final version of this new guidance document, referenced in the revised MD 3.4, is maintained by OIS on the NRC internal web site and can be viewed at <a href="http://www.internal.nrc.gov/2008-MD-Companion-Doc.pdf">http://www.internal.nrc.gov/2008-MD-Companion-Doc.pdf</a> . The updated MD 3.4 requires 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 revised MD 3.4 has been concurred on by all offices and was delivered to the Chairman for review and approval on May 1, 2008. On August 4, 2008, OIS received questions from the Chairman's office on the MD. The responses to the questions were given to the OEDO for review. Publication is targeted for FY 2009 Q2.
OIG Analysis:	The corrective action addresses the intent of this recommendation. This recommendation will be closed when OIG verifies that a supplemental guidance document has been posted in final form.
Status:	Resolved.

## Audit Report

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#### Status of Recommendations

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 Dated  
October 28, 2008:

The OIS staff is working with the Office of Human Resources to develop and incorporate appropriate training for staff with responsibilities for determining whether ADAMS records should be publicly or non-publicly available into the existing ADAMS training courses available at the Professional Development Center. Once implemented, this will help staff make informed decisions for determining whether documents should be publicly or non-publicly available. We currently estimate that the revised training courses will be available in FY 2009 Q2.

OIG Analysis:

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

**Status:**

Resolved.

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### AUDIT OF NRC'S PROCESS FOR PLACING DOCUMENTS IN THE ADAMS PUBLIC AND NON-PUBLIC LIBRARIES

OIG-07-A-16

#### Status of Recommendations

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 Dated  
October 28, 2008:

During the MD 3.4 concurrence phase, the Office of General Counsel (OGC) recommended that staff be required to document rationale for non-public designated documents only. OIS discussed this with the Office of Inspector General (OIG) staff and OIG agreed with the OGC recommendation. To document the rationale for non-public designations, the revised MD 3.4 requires staff to include the appropriate item number referenced in the "Guidance for Determining the Public Availability of NRC Documents" into the ADAMS document profile. The rationale tag will be a permanent part of each OAR's metadata and will permit an assessment of whether agency criteria are being applied correctly. The revised MD 3.4 has been concurred on by all offices and was delivered to the Chairman for review and approval on May 1, 2008. On August 4, 2008, OIS received questions from the Chairman's office on the MD. The responses to the questions were given to the OEDO for review. Publication is targeted for FY 2009 Q2.

OIG Analysis: The corrective action addresses the intent of this recommendation. This recommendation will be closed when OIG verifies that NRC developed a mechanism to document the rationale for non-public determinations.

**Status:** Resolved.

## 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 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 28, 2008:	The revised MD 3.4 requires all staff to use the mechanism described in our response to Recommendation 4. This will be communicated to Agency staff when the revised MD 3.4 is published. The revised MD 3.4 has been concurred on by all offices and was delivered to the Chairman for review and approval on May 1, 2008. On August 4, 2008, OIS received questions from the Chairman's office on the MD. The responses to the questions were given to the OEDO for review. Publication is targeted for FY 2009 Q2.
OIG Analysis:	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 after publication of the revised MD 3.4.
<b>Status:</b>	Resolved.

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OIG-07-A-16

#### Status of Recommendations

<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 28, 2008:	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. This will be implemented after the revised MD 3.4 has been published. The revised MD 3.4 document has been concurred on by all offices and was delivered to the Chairman for review and approval on May 1, 2008. On August 4, 2008, OIS received questions from the Chairman's office on the MD. The responses to the questions were given to the OEDO for review. Publication is targeted for FY 2009 Q2.
OIG Analysis:	The corrective action addresses the intent of this recommendation. This recommendation will be closed when OIG receives verification that the requirement for periodic assessments is included in some form of office guidance and that the first assessment is complete.
<b>Status:</b>	Resolved.

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OIG-07-A-16

#### 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 28, 2008:	The ADAMS software has been updated to include a change that clearly identifies documents in a "Non-Public Pending Review" status in the E-Rids notifications sent to staff. This update (ADAMS Release 4.7) was deployed to staff in August and September 2008.
OIG Analysis:	The corrective action addressed the intent of this recommendation. OIG verified that the updated software includes a change that clearly identifies documents in a "Non-Public Pending Review" status in the E-RIDS notifications sent to staff. This recommendation is therefore considered closed.
<b>Status:</b>	Closed.