



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

OFFICE OF THE  
INSPECTOR GENERAL

April 2, 2009

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 MARCH 31, 2009

Attached is the Office of the Inspector General's analysis and status of recommendations 1, 2, 3, 4, 5, and 6 as discussed in the agency's response dated March 31, 2009. Based on this response, recommendations 1, 2, 4, and 5 are closed and recommendations 3 and 6 remain in resolved status. Recommendations 7 and 8 were previously closed. Please provide an updated status of the resolved recommendations by November 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).

Agency Response Dated  
March 31, 2009:

Management Directive (MD) 3.4, "Release of Information to the Public," was issued on February 6, 2009. The Office of administration (ADM) announced the publication of MD 3.4 on March 4, 2009, in an NRC Announcement. The revised MD 3.4 can be viewed at:

<http://www.internal.nrc.gov/ADM/DAS/cag/Management Directives/md3.4.pdf> and in the Agencywide Documents Access and Management System (ADAMS) under Accession Number ML080310417. The revised MD 3.4 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.

OIG Analysis: OIG reviewed MD 3.4 and determined that it contains the underlying principles of how to decide if an Official Agency record (OAR) should be made public or remain non-public. This recommendation is therefore closed.

**Status:** Closed.

## 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 2: Create a supplemental guidance document that is updated routinely to include, to the extent practicable, categories of information routinely not made public.

Agency Response Dated  
March 31, 2009:

The final version of supplemental guidance document, entitled, "Guidance for Determining the Public Availability of NRC Records" referenced in the revised MD 3.4, is maintained by OIS on the NRC internal web site and can be viewed at: <http://www.internal.nrc.gov/2008MDCompanion-Doc.pdf>. The revised MD 3.4 requires all offices to routinely monitor the guidance document and to notify OIS when modifications are necessary. Offices will be requested to review and update the supplemental guidance document on an annual basis. Interim changes will also be accommodated.

OIG Analysis: OIG reviewed the supplemental guidance and determined that procedures are in place to update the document as needed. This recommendation is therefore closed.

**Status:** Closed.

## 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 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.

Agency Response Dated  
March 31, 2009:

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 the third quarter Fiscal Year 2009.

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.

## 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 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.

Agency Response Dated  
March 31, 2009:

The MD 3.4, revised on February 6, 2009, includes a requirement in the Handbook, under Part IV (B), for the staff to document the rationale for non-public designations for documents dated April 1, 2009, or later, by including the appropriate item number referenced in the "Guidance for Determining the Public Availability of NRC Documents" into the ADAMS document profile. Two categories of the NRC documents not routinely released to the public have been developed; and with corresponding item numbers. The revised MD 3.4 also provides the correct entry format for the item numbers in the Keyword field of an OAR profile, thereby providing sufficient information to allow for an annual assessment of whether the agency's criteria are being applied accurately.

OIG Analysis: OIG reviewed MD 3.4 and determined that it contains procedures for documenting a rationale for non-public designations. This recommendation is therefore closed.

**Status:** Closed.

## 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 5: 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.

Agency Response Dated  
March 31, 2009:

The revised MD 3.4 requires all staff to use the mechanism described in our response to Recommendation 4. ADM announced the publication of the revised MD 3.4 on March 4, 2009. An ADAMS Bulletin was issued on March 11, 2009, to notify staff of the new requirement for non-public documents dated April 1, 2009, or later, in ADAMS. The staff was also notified in the ADAMS Bulletin, that the Document processing center will reject non-public documents lacking an item number in the profile, effective June 1, 2009.

OIG Analysis:

OIG reviewed MD 3.4 and determined that it requires staff to provide the rationale. This recommendation is therefore closed.

**Status:**

Closed.

## 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 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.
Agency Response Dated March 31, 2009:	OIS we will conduct an assessment in October 2009, 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 documents. The first assessment, set for October, will provide the staff with ample time to become familiar with the new requirement and apply the agency's criteria set forth in MD 3.4 and the "Guidance for determining the Public Availability of NRC records." OIS conducted a preliminary assessment of records in ADAMS by reviewing a random sample of 100 documents designated as non-public or public. The preliminary assessment findings show that 97 percent of the set of sample documents reviewed were accurately designated as public or non-public. The report of the preliminary assessment conducted can be found in ADAMS under accession Number ML090780078.
OIG Analysis:	The corrective action addresses the intent of this recommendation. This recommendation will be closed when OIG receives verification that the first assessment is complete.
Status:	Resolved.