

**POLICY ISSUE  
(Information)**

March 10, 2010

SECY-10-0025

FOR: The Commissioners

FROM: R. W. Borchardt  
Executive Director for Operations

SUBJECT: STATUS OF NRC'S RESPONSE TO THE OPEN GOVERNMENT  
DIRECTIVE

PURPOSE:

The purpose of this paper is to inform the Commission of staff action taken in response to the Open Government Directive, issued by the Office of Management and Budget (OMB) on December 8, 2009.

SUMMARY:

This paper transmits the comprehensive Open Government Plan (Enclosure 1) drafted by the Nuclear Regulatory Commission (NRC) staff in response to the OMB directive. In accordance with OMB guidance, the staff intends to publish the plan on the newly created NRC Open Government Web page by April 7, 2010, as outlined in the directive. The paper also outlines other major elements of the Open Government Directive and provides information on the progress made by the NRC in implementing them. Enclosure 2 provides the NRC's Open Government Directive response schedule, which gives the due dates and status for each major item in the directive.

BACKGROUND:

On December 8, 2009, Peter R. Orszag, Director of OMB, issued the Open Government Directive in a memorandum to the heads of executive departments and agencies (M-10-06), as required by the President's Memorandum on Transparency and Open Government, dated January 21, 2009. The directive outlined specific agency actions to implement the principles of transparency, participation, and collaboration stated in the President's memorandum. The directive addresses action in three distinct areas: (1) publishing Government information online;

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(2) improving the quality of Government information; and (3) creating and institutionalizing a culture of open government. Although the NRC and the other independent agencies are not required to comply with the directive, the President's memorandum stated that the independent agencies should comply with it. The NRC staff is striving to be in full compliance.

#### DISCUSSION:

The NRC is firmly committed to transparency, participation, and collaboration as key principles governing the agency's relationship with the public and other stakeholders. The agency has demonstrated its commitment to these openness principles through its long-standing efforts to keep stakeholders informed and involved in the NRC's regulatory process. The agency's response to the Open Government Directive reaffirms that commitment, extending agency efforts through the use of social media, such as citizen-engagement tools that quickly gather and rank stakeholder ideas, and collaboration technologies such as Web conferencing tools that broaden participation in public meetings.

On January 7, 2010, the NRC created the Open Government Working Group to expedite the NRC's implementation of the Open Government Directive. Working group participants come from offices across the agency and include representatives from the Office of the Secretary, Office of the Executive Director for Operations, Office of Administration, Office of the Chief Financial Officer, Office of Federal and State Materials and Environmental Management Programs, Office of the General Counsel, Office of Human Resources, Office of Information Services, Office of Nuclear Material Safety and Safeguards, Office of New Reactors, Office of Nuclear Reactor Regulation, Office of Nuclear Security and Incident Response, Office of Public Affairs, and Office of Nuclear Regulatory Research. To support collaboration by working group members and facilitate broader staff involvement in developing the agency's Open Government Plan, the working group created a dedicated team collaboration site accessible from the NRC Intranet. That site contains the background material, working papers, and documents referenced in this paper.

The directive calls for agencies to meet four major requirements. Continuing its tradition of openness, the NRC has embraced the spirit of the directive by responding to each of these requirements in a timely and effective manner. The following outlines agency actions in these four areas:

- (1) **Publish Three High-Value Datasets.** The directive states that each agency shall identify three high-value datasets and publish the data in an open format on the agency's public Web site. The NRC published the following datasets on the dates indicated, in advance of the 45-day deadline (January 22, 2010):
  - [U.S. Nuclear Research and Test Reactors](#) (January 14, 2010)—This dataset contains information on operating U.S. research and test reactors, including licensee data, location, and capacity (megawatts).
  - [NRC Commercial Contracts of Value Greater Than or Equal to \\$100,000](#) (January 14, 2010)—This dataset lists the contract purpose, suppliers, dollar amount, effective date, NRC identifying number, and award type for each contract whose estimated value is greater than or equal to \$100,000.
  - [U.S. Nuclear Power Reactor Plant Status](#) (January 15, 2010)—This dataset provides the daily operating capacity of commercial nuclear reactors during 2009.

These datasets are now publicly accessible via a link on [Data.gov](http://Data.gov), a Federal Web site that offers consolidated access to published datasets and provides feedback links for members of the public to comment on available data and to recommend datasets for future publication. The NRC is already working to select additional datasets to share with the public. To encourage members of the public to identify high-value datasets of interest to them, on January 11, 2010, the NRC published a *Federal Register* notice (75 FR 1418) requesting public input on this matter and on other aspects of the NRC's Open Government Plan. The public comment period set forth in this *Federal Register* notice remained open through February 10, 2010.

- (2) **Designate a Senior High-Level Accountability Official.** In response to the directive, the NRC has designated the Deputy Executive Director for Corporate Management as the high-level senior official accountable for the quality and objectivity of, and internal controls over, the Federal spending information publicly disseminated by the NRC through such venues as [USASpending.gov](http://USASpending.gov) and other similar Web sites.
- (3) **Publish the NRC's Open Government Web Page.** The directive calls for each agency to create an Open Government Web page to serve as the public gateway for its activities related to the Open Government Directive. The NRC published its Web page on February 4, 2010, at [www.nrc.gov/open](http://www.nrc.gov/open). On the same day, the NRC issued a news release announcing the opportunity for public input and posted it on the home page of the agency's public Web site. The agency will accept public input regarding dataset publication and the NRC's Open Government Plan via this gateway on a continuing basis. The NRC issued a second *Federal Register* notice on February 5, 2010, to emphasize this point. In addition, the staff is posting on its Open Government Web page all public comments submitted by mail, by fax, or through [Regulations.gov](http://Regulations.gov) before February 10, 2010. Mechanisms are in place to ensure that the agency maintains and updates the Open Government Web page in a timely fashion.
- (4) **Publish the Agency's Open Government Plan.** According to the directive, each agency is to develop an Open Government Plan to serve as a public roadmap detailing how the agency will incorporate the principles of open government into its core mission objectives. In line with the directive, the enclosed plan addresses how the NRC will improve transparency and further integrate public participation and collaboration into its activities. The NRC expects to publish its plan on the newly created NRC Open Government Web page by April 7, 2010. Highlights of the plan include the following:
  - *Transparency.* The NRC has a long-standing practice of conducting its regulatory responsibilities in an open and transparent manner to keep the public informed of the agency's regulatory, licensing, and oversight activities. The NRC will build upon its current commitment to ensure transparency in its operations through increased use of Web streaming, new tools for public communication, and improvements to the Agencywide Documents Management and Access System (ADAMS) and the NRC public Web site.
  - *Participation.* The NRC is responsible for developing, implementing, and enforcing informed and effective policies. To do so, the agency recognizes that the public must have a reasonable opportunity to participate meaningfully in its regulatory processes and (where appropriate) decisionmaking. In response to the directive, the plan describes the numerous tools the NRC uses to foster citizen participation and

engagement, including public meetings, public hearings, the agency's public Web site, and document comment processes. It also addresses agency activities underway to review current communication practices with the objective of using Web-based technologies to expand opportunities for public participation.

- *Collaboration.* In the coming years, the NRC will confront a variety of challenges, including ensuring the safety and security of existing and proposed nuclear power plants and other licensed facilities and materials, emergency preparedness, and disposition of high-level radioactive waste. Meeting these challenges will call for the highest levels of collaboration among NRC employees, as well as cooperation and partnership with other Federal and non-Federal governmental agencies, international counterparts, and with nonprofit and other private entities. The plan addresses what the NRC is doing now to promote collaboration as well as planned actions designed to enhance collaborative relationships critical to ensuring that it achieves its mission and strategic goals. Existing and emerging technologies that provide the means to broaden and strengthen collaborative activities will play a key role in supporting these efforts.
- *Flagship Initiative.* The directive states that each agency is to identify a flagship initiative designed to foster transparency, participation, and collaboration. The NRC has identified enhanced stakeholder engagement as its flagship initiative. As part of this effort, the NRC is revising its public Web site, and examining new media and Web-based technologies to improve the conduct of public meetings to increase citizen engagement before, during, and after the meeting. One example is the expansion of Web streaming for public meetings to enable more of the agency's stakeholders to view these meetings "live" as they occur, as well as any time later through a video archive. The agency is also exploring the best means to expand a Web conferencing pilot project that has been used to more broadly share information about possible changes to emergency preparedness regulations. A 2-minute video, available at the [White House Open Government Innovations Web site](#), explains how the NRC is successfully using this technology.

In the longer term the NRC plans to evaluate additional Web-based technology designed to engage the public, as well as other stakeholder groups with whom we interact, in new and innovative ways. The new approaches will be used to meet specific transparency, participation, and collaboration objectives such as collaborating with other government partners to develop a document, or gathering ideas from the public in an open dialog. The NRC's Open Government Web page will be used to introduce these new technologies and assess their usability and usefulness to agency stakeholders.

RESOURCES:

Some of the actions required to advance the NRC's responsibilities under the Open Government Directive are already being addressed by NRC offices and can be implemented within existing agency resources. Resources for additional planned actions, such as increased use of Web-based technologies to transform NRC interactions with stakeholders and the public, will be addressed using the NRC's planning, budgeting, and performance management process.

COORDINATION:

The Office of the General Counsel has reviewed this paper and has no legal objection.

The Office of the Chief Financial Officer has reviewed this Commission paper for resource implications and has no objections.

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Enclosures:

1. Open Government Plan
2. Open Government Directive  
Response Schedule

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## Enclosures:

1. Open Government Plan
2. Open Government Directive  
Response Schedule

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