



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

**OFFICE OF THE
INSPECTOR GENERAL**

August 3, 2015

MEMORANDUM TO: Mark A. Satorius
Executive Director for Operations

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

SUBJECT: STATUS OF RECOMMENDATIONS: AUDIT OF NRC'S
FREEDOM OF INFORMATION ACT PROCESS
(OIG-14-A-17)

REFERENCE: DIRECTOR, OFFICE OF INFORMATION SERVICES,
MEMORANDUM DATED JULY 24, 2015

Attached is the Office of the Inspector General's analysis and status of recommendations as discussed in the agency's response dated July 24, 2015. Based on this response, recommendations 3, 4, 6, 7, 8, and 9 are closed and recommendations 1, 2, and 5 remain in resolved status. Please provide an updated status of the resolved recommendations by December 31, 2015.

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

Attachment: As stated

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AUDIT REPORT

AUDIT OF NRC'S FREEDOM OF INFORMATION ACT PROCESS

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Status of Recommendations

Recommendation 1: Implement technology, such as RedactXpress, in the regions and larger program offices to more efficiently process FOIA requests.

Agency Response
Dated July 24, 2015:

This task has begun, and will continue until the MD 3.1 is revised to require electronic processing. OIS has begun piloting electronic redactions with the OEDO, OE and OIG, using either RedactXpress or Adobe. Region IV has initiated a pilot to use Adobe to electronically process their documents. OIS is encouraging other program offices to bracket FOIA documents electronically using Adobe. MD 3.1 is in the revision process, and ultimately electronic bracketing will become an agency-wide requirement. The revised MD is scheduled for publication in FY 16.

Target Completion Date: December 15, 2016

OIG Analysis:

The proposed action meets the intent of the recommendation. This action will be closed when OIG receives verification that MD 3.1 was revised to include the requirement for electronic processing and that the technology is implemented.

Status:

Resolved.

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Status of Recommendations

Recommendation 2: Conduct annual reviews to determine the feasibility of upgrading technology within OIS to more efficiently process FOIA requests.

Agency Response
Dated July 24, 2015: This task is complete. November 2014, OIS upgraded to FOIAXpress 9.0. OIS reviewed its technology requirements and determined that we can use Adobe and Sharepoint to more efficiently process FOIA requests. On April 7, 2015, the agency upgraded to Adobe XI pro.

Target Completion Date: October 31, 2015 (annually)

OIG Analysis: The proposed action meets the intent of the recommendation. This action will be closed when OIG receives verification that the first annual review has been conducted and also verification that a similar assessment will be performed each year.

Status: Resolved.

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Status of Recommendations

<u>Recommendation 3:</u>	Develop a process to ensure that the FOIA office's information technology needs are met in a timely manner, specifically with regard to FOIAXpress updates.
Agency Response Dated July 24, 2015:	This task is complete. OIS will ensure that the FOIA program technology needs are subject to established IT technology refresh and enhancement process.
OIG Analysis:	Based on the previous responses to recommendations 1 and 2, OIG accepts OIS's assurance that OIS will ensure that the FOIA office's information technology needs are met in a timely manner, specifically with regard to FOIAXpress updates. This recommendation is therefore considered closed.
Status:	Closed.

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Status of Recommendations

Recommendation 4: Develop and implement an OCHCO and DOJ-approved formal training and development program for all FOIA office personnel.

Agency Response
Dated July 24, 2015: This task is complete. A formal NRC FOIA training plan has been approved and is in effect.

OIG Analysis: OIG spoke with the FOIA office to verify that the training plan had been approved. This recommendation is therefore considered closed.

Status: Closed.

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Status of Recommendations

Recommendation 5: Obtain DOJ FOIA e-learning training modules and encourage all agency staff to pursue completion through annual agency communications.

Agency Response
Dated July 24, 2015: DOJ E-FOIA training modules have been obtained and tested. A request is pending to make them available in ILearn. Once the modules are available in ILearn, OIS will submit an agency-wide announcement, which will be re-issued annually.

Target Completion Date: September 30, 2014

OIG Analysis: The proposed action meets the intent of the recommendation. OIG acknowledges that the modules have been obtained and will close the recommendation after the agency provides documentation showing that the staff was encouraged to pursue completion through annual agency communications.

Status: Resolved.

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Status of Recommendations

Recommendation 6: Reintroduce FOIA branch-led training for NRC staff on an annual basis.

Agency Response
Dated July 24, 2015:

This task is complete. The FOIA staff hosts two-agency-wide training sessions annually, and other training sessions, targeted for the needs of specific work groups as needed. This year, the branch has conducted five training sessions. Four hours of classroom FOIA training has been provided in 2015 and is available in ILearn.

Target Completion Date: June 30, 2015 (annually)

OIG Analysis: OIG verified that the training sessions are in ILearn on an annual basis. This recommendation is therefore considered closed.

Status: Closed.

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Status of Recommendations

Recommendation 7: Conduct a review of FOIA requests to determine if frequently requested nonpublic documents can be proactively placed into public ADAMS for future use.

Agency Response
Dated July 24, 2015: This task is complete. The FOIA team now makes this determination at the time of release, and frequently requested non-public documents have been placed in ADAMS.

Target Completion Date: April 30, 2015 (annually)

OIG Analysis: OIG verified in ADAMS that frequently requested nonpublic documents are now placed into public ADAMS for future use. This recommendation is therefore considered closed.

Status: Closed.

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Status of Recommendations

<u>Recommendation 8:</u>	Develop and implement a process to confirm appropriate program and regional office management review of FOIA records.
Agency Response Dated July 24, 2015:	This task is complete. OIS, in consultation with the OGC and the program offices, developed "Delegation of Discretionary Release Authority"(NRC Form 512) to address this recommendation. Office Heads can now formally delegate their discretionary release authority to a position no lower than a GS-15.
OIG Analysis:	OIG verified that the form was developed and is in place. This process should confirm that the appropriate review of FOIA records will be conducted. This recommendation is therefore considered closed.
Status:	Closed.

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Status of Recommendations

Recommendation 9: Either revise Management Directive 3.1 to comply with the disclosure review requirements found in 10 CFR Part 9.25(f) or revise 10 CFR Part 9.25(f) to allow office heads the authority to delegate the initial disclosure review determination responsibility to a designee at a managerial Grade 15 level or above.

Agency Response
Dated July 24, 2015:

This task is complete. OIS submitted a request to revise 10 CFR Part 9.25 (f). It was denied. We were advised by the rule making working group and by OGC that the CFR and MD 3.1 are not in conflict because office heads have an inherent authority to delegate their authority. The recommendation has been addressed with the new discretionary release delegation memo form 512. (See update to recommendation 8)

Target Completion Date: September 30, 2016

OIG Analysis: OIG acknowledges that efforts to change 10 CFR Part 9.25 were unsuccessful and determined that the new discretionary release delegation memo form 512 is sufficient to address the intent of the recommendation. This recommendation is therefore considered closed.

Status: Closed.