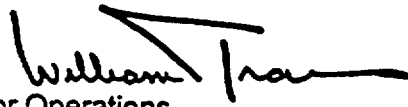




UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 20, 1999

MEMORANDUM TO: Chairman Meserve

FROM: William D. Travers 
Executive Director for Operations

SUBJECT: MISLEADING NRC RESPONSE TO CONGRESSIONAL
REQUEST FOR INFORMATION CONCERNING
CIRCUMSTANCES SURROUNDING THE RELEASE OF DRAFT
SECY-99-143 (Case No. 99-31D, 10/25/99)

I have reviewed the Inspector General's Report concerning the above referenced issue. Both OEDO and NRR management conclude that the individuals' actions do not reflect intentional misleading by the NRC staff. On the contrary, the staff attempted in good faith to verify that the draft SECY paper at issue was available to the public on April 7, 1999. The staff was not aware, however, that simply because the document had a PDR "accession date" of April 7, 1999 did not mean that it was readily available for public review on that date. Further, the record in this matter does not support the view that the subject employees intended to mislead when, in the Congressional response, they indicated that the draft SECY paper was being placed in the PDR at the same time that it was made available to NEI. The record reflects support for the staff's assertion that when the draft SECY paper was transmitted to NEI on March 30, the staff intended that the document be made public at the same time.

While we believe that any misleading statement in the Congressional response was the result of error and not an intent to mislead, we have re-emphasized to the staff involved the importance of being clear and accurate in drafting written communications. We also issued the attached guidance to all office directors and regional administrators on September 15, 1999, on the timely availability of public documents. Moreover, the implementation of a uniform policy under ADAMS that will result in the release of public documents three working days after the document is issued in final form will result in the availability of public documents to all interested parties simultaneously.

cc: Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OIG

Attachment: As stated

Enclosure 2



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

September 15, 1999

MEMORANDUM TO: Those on the Attached List

FROM: William D. Travers *William Travers*
Executive Director for Operations

SUBJECT: TIMELY AVAILABILITY OF PUBLIC DOCUMENTS

One of NRC's performance goals in the draft Strategic Plan is to improve public confidence. We do this, in part, by providing the public, those we regulate, and other stakeholders with timely, clear and accurate information about NRC's regulatory program. We believe that this will instill respect for and confidence in our program.

To support this, I request that all office directors review their distribution procedures to ensure that documents are submitted to the NUDOCS Document Control Desk within 24 hours of the date a document can be made publicly available. This paper distribution must continue until ADAMS becomes NRC's official recordkeeping system, currently targeted for January 1, 2000.

On July 9, 1999, the staff met with public interest groups, industry representatives, and members of the general public to discuss concerns about NRC's method of releasing information to the public. A major concern of the public participants was a perceived lack of NRC timeliness in making documents publicly available. They perceive that some documents are made available to the public in a timely manner, but some documents are delayed for reasons unknown to them. To address this concern, we are looking at the ways a document could be delayed during the public release process.

The NRC currently releases information to the public through the Public Document Room (PDR). The PDR receives documents from the NUDOCS Document Control Desk, which, in turn, receives publicly releasable documents from the staff. We have reviewed the process from the Document Control Desk to the PDR for potential delays that could be addressed. In this letter, I am also asking that the staff ensure that documents are sent to the Document Control Desk in a timely manner.

Further information on this subject is available to the staff in Management Directives (MDs) and Handbooks 3.4 and 3.50, "Release of Information to the Public" and "Document Management", which establish responsibilities, policies, and associated procedures. Part II of the Handbook in MD 3.4 describes the types of documents that may routinely be made publicly available and those that require specific approval. It also specifies the approving officials. Exhibit 1 of the Handbook is a Table of NRC Documents Routinely Released to the Public. The table shows

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Those on the Attached List

- 2 -

the primary source for the public for each type of document that is made publicly available (the NRC PDR, the Government Printing Office, or the National Technical Information Service) and the established hold time for certain documents before they can be made public. MD 3.5 provides guidance on placing documents into NUDOCS.

Your assistance in ensuring that the staff is following these procedures and promptly making distribution of public documents will help us to meet our public confidence goal.

MEMORANDUM TO THOSE ON THE ATTACHED LIST DATED:

SUBJECT: TIMELY AVAILABILITY OF PUBLIC DOCUMENTS IN THE PUBLIC DOCUMENT ROOM

	<u>Mail Stop</u>
Chairman Dicus	O-16 C1
Commissioner Diaz	O-16 C1
Commissioner McGaffigan	O-16 C1
Commissioner Merrifield	O-16 C1
B. John Garrick, Chairman, Advisory Committee on Nuclear Waste	T-2 E26
Dana A. Powers, Chairman, Advisory Committee on Reactor Safeguards	T-2 E26
John T. Larkins, Executive Director, Advisory Committee on Reactor Safeguards/Advisory Committee on Nuclear Waste	T-2 E26
G. Paul Bollwerk, III, Chief Administrative Judge, Atomic Safety and Licensing Board Panel	T-3 F23
Karen D. Cyr, General Counsel	O-15 D21
John F. Cordes, Jr., Acting Director	O-15 D21
Office of Commission Appellate Adjudication	
Stuart Reiter, Acting Chief Information Officer	O-16 C1
Jesse L. Funches, Chief Financial Officer	O-17 F3
Hubert T. Bell, Inspector General	T-5 D28
Janice Dunn Lee, Director, Office of International Programs	O-16 C1
Dennis K. Rathbun, Director, Office of Congressional Affairs	O-16 C1
William M. Beecher, Director, Office of Public Affairs	O-2 A13
Annette Vietti-Cook, Secretary of the Commission	O-16 C1
William D. Travers, Executive Director for Operations	O-16 E15
Frank J. Miraglia, Jr., Deputy Executive Director for Reactor Programs	O-16 E15
Malcolm R. Knapp, Deputy Executive Director for Materials, Research and State Programs	O-16 E15
Patricia G. Norry, Deputy Executive Director for Management Services	O-16 E15
James L. Blaha, Assistant for Operations, OEDO	O-16 E15
Michael L. Springer, Director, Office of Administration	T-7 D59
Richard W. Borchardt, Director, Office of Enforcement	O-14 E1
Guy P. Caputo, Director, Office of Investigations	O-3 F1
Paul E. Bird, Director, Office of Human Resources	T-3 A2
Irene P. Little, Director, Office of Small Business and Civil Rights	T-2 F18
Carl J. Paperiello, Director, Office of Nuclear Material Safety and Safeguards	T-8 A23
Samuel J. Collins, Director, Office of Nuclear Reactor Regulation	O-5 E7
Ashok C. Thadani, Director, Office of Nuclear Regulatory Research	T-10 F12
Paul H. Lohaus, Director, Office of State Programs	O-3 C10
Frank J. Congel, Director, Incident Response Operations	T-4 D18
Hubert J. Miller, Regional Administrator, Region I	RGN-I
Luis A. Reyes, Regional Administrator, Region II	RGN-II
James E. Dyer, Regional Administrator, Region III	RGN-III
Ellis W. Merschoff, Regional Administrator, Region IV	RGN-IV

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REVISED: 8/10/99