

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



September 16, 2003

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-03-0151

TITLE: DENIAL OF PETITION FOR RULEMAKING  
SUBMITTED BY OHIO CITIZENS FOR  
RESPONSIBLE ENERGY, INC. (DOCKET NO.  
PRM-9-2)

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of September 16, 2003.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in black ink, appearing to read "Annette Vietti-Cook".

Annette L. Vietti-Cook  
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
EDO  
PDR

**VOTING SUMMARY - SECY-03-0151**

**RECORDED VOTES**

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. DIAZ	X				X	9/9/03
COMR. McGAFFIGAN	X				X	9/3/03
COMR. MERRIFIELD	X				X	9/9/03

**COMMENT RESOLUTION**

In their vote sheets, all Commissioners approved the staff's recommendation and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on September 16, 2003.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: CHAIRMAN DIAZ  
SUBJECT: SECY-03-0151 - DENIAL OF PETITION FOR  
RULEMAKING SUBMITTED BY OHIO CITIZENS FOR  
RESPONSIBLE ENERGY, INC. (DOCKET NO. PRM-9-  
2)

Approved <sup>w/comments</sup> xx ly Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_  
Not Participating \_\_\_\_\_

COMMENTS:

ly  
SIGNATURE  
9/9/03  
DATE

Entered on "STARS" Yes X No \_\_\_\_\_

CHAIRMAN DIAZ'S COMMENTS ON SECY-03-0151

I approve the proposed denial of the petition for rulemaking, subject to the attached edits. Openness in nuclear regulation continues to be an important component of the way the NRC conducts the public's business, as reflected in many NRC programs and activities. However, I concur that the petition is overly broad and that the proposed action would create significant administrative burdens for the NRC and licensees without a clear and corresponding enhancement of safety.

It appears that a variety of external and internal initiatives over the years have contributed to the long delay in resolving the petition. Nonetheless, I do not find this protracted consideration to be justified. The length of the period between submission and resolution -- nearly ten years -- clearly fails to meet all reasonable expectations. The citizens of Ohio deserved timely action. Clearly, the review of action on pending rulemaking petitions must be more vigorous and every effort must be made to prevent a recurrence.

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practice reduces the amount of information to which the public has access. The Petitioner believes that when NRC proposes to reduce the number of licensee reports required to be submitted to NRC or retained by licensees, NRC should take into consideration that while NRC may have access to these reports or information based on its status as the regulator of the licensee, the public does not because these reports and information will not be placed in the PDR. As a result, the Petitioner contends the public will not be able to participate fully in the regulatory process since the public will not be able to evaluate potential health and safety problems contained in these documents. The Petitioner is concerned that this result will undermine the public's effective participation in NRC's regulatory process. The Petitioner is also concerned that this will restrict the public's effective participation in NRC hearing process as provided for under the Atomic Energy Act of 1954, as amended (AEA). In addition, the Petitioner argues that this result will promote an atmosphere where public distrust of nuclear energy will grow, eroding the public's confidence in NRC's regulatory program and fostering a perception of coziness with the regulated industry.

The Petitioner acknowledged that the primary reason for this petition for rulemaking is not to protect or enhance the public health and safety; rather, it has been designed to ensure effective public participation by extending public access to information in the possession of licensees. To accomplish this, the Petitioner proposes to amend 10 CFR Part 9 to require licensees to provide "any record relevant to NRC-licensed or regulated activities" subject to exemptions necessary to protect certain sensitive information such as personal information, proprietary information, safeguards information, identity of confidential sources, and classified information.

Legislative and Executive Branch directives, e.g., the PRA and the Clinton

*(revising and strengthening earlier requirements)*

Administration's 1993 National Partnership for Reinventing Government (NPR), were initiated at

been relocated to, other documents that have been submitted (as part of applications or in response to requests for additional information) and are placed in NRC's Public Electronic Reading Room and/or the PDR.

### III. Summary of the Public Comments

The notice of receipt of the petition for rulemaking invited interested parties to submit written comments concerning the petition. The NRC received 27 comment letters and an additional letter responding to those comments from OCRE. Of these, three letters from private citizens and the Clean Water Fund of North Carolina, an environmental group, favored granting the petition. Twenty-four letters opposing the petition were sent primarily by utilities or representatives of utilities such as Nuclear Energy Institute (NEI) and Nuclear Utility Backfitting and Reform Group (NUBARG). Many of the letters contained comments that were similar in nature. The following section summarizes, by issue, the public comments received and provides responses to those comments.

#### Comment 1. Licensee-held information should not be withheld from the public.

Of those responding in favor of granting the petition, one private citizen <sup>contended</sup> ~~pointed out~~ that the petition is justified because it is illegal and unfair that the public does not have access to licensee-held information. Another private citizen agreed with that position but pointed out that the petition, as written, is too general with respect to the scope of records covered by the proposal and suggested that the scope be limited to the records used by the licensee to support a docketed submittal (i.e., those records which could have been included with the submittal). That commentor also noted that any proposed change to 10 CFR Part 9 must not interfere with the handling of licensee-prepared records as proprietary information. The Clean Water Fund of North Carolina supported the Petitioner's view that limiting public access to information increases public cynicism regarding the regulation of nuclear energy.

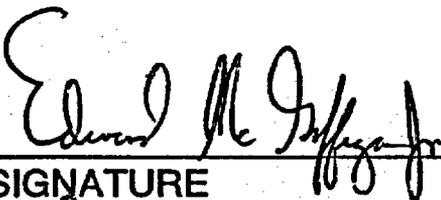
NOTATION VOTE  
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MCGAFFIGAN  
SUBJECT: **SECY-03-0151 - DENIAL OF PETITION FOR  
RULEMAKING SUBMITTED BY OHIO CITIZENS FOR  
RESPONSIBLE ENERGY, INC. (DOCKET NO. PRM-9-  
2)**

Approved  Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS: *see attached e-ltr.*

  
\_\_\_\_\_  
SIGNATURE  
*September 3, 2003*  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No \_\_\_\_\_

practice reduces the amount of information to which the public has access. The Petitioner believes that when NRC proposes to reduce the number of licensee reports required to be submitted to NRC or retained by licensees, NRC should take into consideration that while NRC may have access to these reports or information based on its status as the regulator of the licensee, the public does not because these reports and information will not be placed in the PDR. As a result, the Petitioner contends the public will not be able to participate fully in the regulatory process since the public will not be able to evaluate potential health and safety problems contained in these documents. The Petitioner is concerned that this result will undermine the public's effective participation in NRC's regulatory process. The Petitioner is also concerned that this will restrict the public's effective participation in NRC hearing process as provided for under the Atomic Energy Act of 1954, as amended (AEA). In addition, the Petitioner argues that this result will promote an atmosphere where public distrust of nuclear energy will grow, eroding the public's confidence in NRC's regulatory program and fostering a perception of coziness with the regulated industry.

The Petitioner acknowledged that the primary reason for this petition for rulemaking is <sup>directly</sup> not to protect or enhance the public health and safety; rather, it has been designed to ensure effective public participation by extending public access to information in the possession of licensees. To accomplish this, the Petitioner proposes to amend 10 CFR Part 9 to require licensees to provide "any record relevant to NRC-licensed or regulated activities" subject to exemptions necessary to protect certain sensitive information such as personal information, proprietary information, safeguards information, identity of confidential sources, and classified information. \*

Legislative and Executive Branch directives, e.g., the PRA and the Clinton Administration's 1993 National Partnership for Reinventing Government (NPR), were initiated at

approximately the same time that OCRE submitted its petition to NRC for consideration. These initiatives required federal agencies, including NRC, to move toward a less expensive and more efficient federal government. Phase 2 of NPR included a directive requiring agencies to focus on core mission competencies and service requirements and to review their current programs to identify areas that could be eliminated, including, among other things, areas that are particularly relevant to OCRE's petition, i.e., deleting obsolete regulations and improving government management of communications technology which included a review of the need for, and use of, various information collections. The objectives of the PRA include reducing Government-required recordkeeping and reporting requirements, a greater use of electronic technology for operational efficiency and information dissemination, and a concerted effort, using information technology, to improve government management of information collections.<sup>3</sup>

In addition to these external initiatives, there were ongoing internal agency initiatives such as the establishment of NRC's Regulatory Review Group which, in 1993, provided a report to the Commission focusing on key areas in which changes in the way the NRC conducted business could significantly reduce stakeholder and NRC costs without adversely affecting the level of safety at operating nuclear power plants. The report recommended moving toward more performance-based requirements and proposed efficiencies in the area of reporting requirements. Based on those recommendations, NRC assessed reporting and recording requirements in order to identify those requirements which could be reduced in scope or

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<sup>3</sup> This initiative has more recently evolved into the development of E-GOV which uses improved internet-based technology to make it easy for citizens and business to interact with the government, saving the taxpayer dollars while streamlining citizen-to-government communications. In 1998, the Government Paperwork Elimination Act (GPEA) (Pub.L. 105-277) was enacted to, among other things, help citizens gain one-stop access to existing Government information and services and increase Government accountability to citizens.

and to reduce unnecessary reporting burden, consistent with NRC's needs (e.g., eliminating the reporting design and analysis defects and deviations with little or no risk or safety significance (65 FR 63778-9)).

Subject to the need to protect safeguards and national security-related information, commercial nuclear facility licensing and regulation should be transacted publicly. In that regard, the NRC had made available substantial amounts of information for public review on its website, which since 2000 and the development of its Agency-wide Document Access and Management System (ADAMS) has provided this information in a more searchable form at NRC's Public Electronic Reading Room, i.e., <http://www.nrc.gov/reading-rm.html>. These documents, which include substantial amounts of information relevant to licensing decisions, e.g., the license application, as well as changes thereto, correspondence between the licensee and NRC,<sup>4</sup> and inspection reports, are available in ADAMS and continue to also be available in the PDR. NRC also has a comprehensive set of reporting requirements which have had the benefit of public comment and have been promulgated in accordance with the Administrative Procedure Act after careful consideration as to whether NRC needs to obtain licensees' records and information to carry out NRC's public health and safety responsibilities. The Petitioner has apparently discounted <sup>the process by which NRC determined</sup> the fact that many of the documents which are the subject of the petition for rulemaking are those which NRC has determined are unnecessary for NRC to possess in order to <sup>make regulatory decisions that</sup> protect the public health and safety, or has determined may be kept onsite at licensees' facilities for NRC inspection purposes but are not required to be submitted to NRC. In addition, much of the information which is of interest to the Petitioner and being retained onsite by licensees may also be available to members of the public because it is contained in, or has

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<sup>4</sup>Although the terrorist attacks of September 11, 2001, led to the NRC's decision to remove material from its website, the agency, after conducting a deliberate and systematic review of that material, has now restored most of the material to the website.

been relocated to, other documents that have been submitted (as part of applications or in response to requests for additional information) and are placed in NRC's Public Electronic Reading Room and/or the PDR.

### **III. Summary of the Public Comments**

The notice of receipt of the petition for rulemaking invited interested parties to submit written comments concerning the petition. The NRC received 27 comment letters and an additional letter responding to those comments from OCRE. Of these, three letters from private citizens and the Clean Water Fund of North Carolina, an environmental group, favored granting the petition. Twenty-four letters opposing the petition were sent primarily by utilities or representatives of utilities such as Nuclear Energy Institute (NEI) and Nuclear Utility Backfitting and Reform Group (NUBARG). Many of the letters contained comments that were similar in nature. The following section summarizes, by issue, the public comments received and provides responses to those comments.

#### **Comment 1. Licensee-held information should not be withheld from the public.**

Of those responding in favor of granting the petition, one private citizen pointed out that the petition is justified because it is illegal and unfair that the public does not have access to licensee-held information. Another private citizen agreed with that position but pointed out that the petition, as written, is too general with respect to the scope of records covered by the proposal and suggested that the scope be limited to the records used by the licensee to support a docketed submittal (i.e., those records which could have been included with the submittal). That comment<sup>e</sup> also noted that any proposed change to 10 CFR Part 9 must not interfere with the handling of licensee-prepared records as proprietary information. The Clean Water Fund of North Carolina supported the Petitioner's view that limiting public access to information increases public cynicism regarding the regulation of nuclear energy. X

## NRC Response:

<sup>does</sup>  
 NRC is not preventing or limiting public access to licensee-held information necessary X  
<sup>regulatory</sup>  
 for NRC to fulfill its mission to protect public health and licensing decisions. Applicants for an X  
 NRC license and licensees provide this information to NRC under the agency's requirements,  
 See, e.g., 10 CFR 30.6, 30.32 and 10 CFR 50.4, 50.33, 50.34, 50.90, which set out certain  
 NRC license application requirements; 10 CFR 50.72 and 50.73, which require nuclear power  
 reactor licensees to immediately notify NRC when certain conditions arise, followed by written X  
 event reports; and, licensee reports sent in response to NRC requests for additional information  
 as part of a specific licensing or regulatory action. This information is submitted on the docket  
 for the particular licensee and, except when it contains safeguards, personal information or  
 other information that may be protected from public disclosure under 10 CFR 2.790, is placed in  
 the PDR where it is available for public inspection and copying<sup>5</sup> and, in most instances, is  
 available in electronic form through NRC's Public Electronic Reading Room, discussed above.  
 In this way, the public has access to very large amounts of relevant licensee information. In  
 addition, NRC allows licensees to retain specified records onsite for inspection purposes.  
 Although NRC has the right to access these records or obtain them permanently, NRC has  
 determined that it is not necessary, under most circumstances, for licensees to submit this  
 information to NRC. To require the submission of information and documents beyond those  
 that NRC determines it needs to have submitted for its regulatory function would be contrary to  
 the objectives of the PRA. Finally, general information held by a licensee but not required to be  
 retained or submitted for NRC's regulatory purposes is the property of the licensee. Absent an  
 NRC determination that such information must be submitted to NRC in order for NRC to carry

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<sup>5</sup>NRC has restored access to a large volume of licensing and regulatory materials that were removed from its website and PDR for review and screening following the September 11, 2001 terrorist attacks on the World Trade Center and the Pentagon.

out its statutory and regulatory obligations, the AEA does not provide NRC with the authority to require that licensees provide such information to a third party.

**Comment 2. The petition would, in effect, modify the FOIA without Congressional action.**

Several of the comment<sup>e</sup>ors endorsed NEI's comment that the proposed petition for rulemaking would expand the NRC's current requirements for granting public access to licensee documents. They believe that the proposed rulemaking, without Congressional action, would modify the FOIA by making the statute applicable to entities other than government agencies and to records other than those within a government agency's control. In addition, most comment<sup>e</sup>ors believe that the petition challenges the Congressional delegation of authority to the NRC by giving access to almost all of a licensee's internal documents, including those which the NRC has determined can be retained onsite, as well as those which NRC believes are unnecessary for it to possess or obtain access to in order to protect the public health and safety. X

**NRC Response:**

NRC believes the requested amendment is overly broad and, if granted, would allow access to almost all of a licensee's internal documents including drafts and other documents without a showing of need. The petition requests access to "any record relevant to NRC licensed or regulated activities held by a possessor." In the context of NRC regulation, a very broad range of licensees' records may arguably be "relevant" to NRC activities. OCRE's petition relies heavily on NRC's authority under the AEA to access and, if it chooses, obtain permanent custody of such records. Section 161o. of the AEA, for example, provides NRC with the authority to require reports and recordkeeping, and to require licensees to maintain these documents for inspection purposes, for specified activities and studies, and activities under

licenses issued pursuant to the AEA, "as may be necessary to effectuate the purposes of" the AEA.

When in the possession and control of NRC, documents become "agency records," and, in accordance with FOIA and the agency's regulations, such documents are available for public inspection and copying upon request by any person. The petition, if granted, would arguably amount to an unprecedented and legally questionable extension of the FOIA by granting access to private documents of regulated entities that are not "agency records" (as defined in the PRA) and are not required for NRC regulation and licensing. The FOIA applies to every record which an agency has, in fact, obtained; and not to documents which merely could have been obtained. The United States Supreme Court considered this issue in Forsham v. Harris, 445 U.S. 169 (1980), and concluded that Congress could not have intended FOIA to embrace documents that the ~~Federal~~ <sup>e</sup> Government has the right of access to, as this would include an extraordinarily large amount of private documents. X

**Comment 3. There are many administrative costs associated with information requests.**

Comment<sup>e</sup>rs stated that there are many administrative costs associated with information X requests. Most comment<sup>e</sup>rs believe that since the subject of a request does not have to be X well defined, nor is a stated purpose for the search required, it is likely that many licensees would have to create or recreate their filing systems at a substantial cost to accommodate broad requests. This cost would, in turn, be passed on to consumers. One comment<sup>e</sup>or, the X Mayo Clinic, stated that "the petition would result in increased licensee efforts and costs with no benefit nor increase in safety for society. These additional costs would need to be passed on to customers who would gain nothing. In particular, medical licensees would be forced to pass these costs onto patients while at the same time reacting to federal health care initiatives to reduce costs." One licensee (Commonwealth Edison) estimated that any one request costs

anywhere from \$1,500 to \$3,000, and would clearly require dedicated resources to this proposed effort.

**NRC Response:**

NRC agrees with the general comments and assertions that the requirements proposed by the Petitioner would result in some, possibly substantial, administrative costs for licensees to respond to requests for documents. A licensee's process would likely include provisions for: 1) receipt, acknowledgment, and tracking of the request; 2) evaluation of the request to determine if it will require a document search effort, and, if so, the nature and scope of the search; 3) conducting a search including interactions with document custodians; 4) reviewing collected materials and screening for "relevance" or other bases for non-disclosure such as trade secrets or privileged information; and 5) reproduction and transmittal of responsive documents. Since the documents which can be requested are "any record," there are likely to be significant administrative burdens and costs for locating and compiling the requested information for reproduction. The cost could include dedicating personnel to this task. In addition, unlike the FOIA, the petitioner's proposal does not provide for the recovery of the costs associated with searching and reviewing documents.

Granting the petition could adversely impact the effectiveness of NRC by increasing the burden on the Commission's adjudicatory activities without a corresponding enhancement of safety. The appeal process provided by this petition would require AJs to be called upon to determine if a record can be the subject of a request, if reproduction fees are reasonable, and if the licensees' responses are timely. The proposal would strain the existing resources of the Atomic Safety and Licensing Board Panel. It might also necessitate seeking additional resources for NRC which might be difficult to obtain in the absence of a safety justification. The petition does not provide for effective Commission oversight of the AJs that is afforded other <sup>for</sup> <sub>^</sub> other X

adjudicatory matters; indeed, the Petitioner's proposal that the AJs' decisions would be final and would not be appealable or subject to review by the Commission, undermines the Commission's ability to effectively monitor and administer its adjudicatory processes. The Commission's regulations require licensees to provide full disclosure of information that NRC has determined is necessary for it to fulfill its mission to protect the public health and safety. OCRE's petition does not explain how its proposed document access and appeal process would enhance NRC's ability to accomplish that mission.

**Comment 4. OCRE has not provided a specific purpose for the information other than wanting access to it.**

Several comment<sup>e</sup>rs stated that OCRE has not provided any specific reason for needing to review the onsite information it is requesting other than its belief that the public should have access to this information. The Petitioner has pointed out that the requested access is not directly for protection of the public health and safety. The comment<sup>e</sup>rs' criticisms further questioned whether OCRE is not casting public citizen groups into the role of providing oversight of NRC's regulatory program.

**NRC Response:**

NRC recognizes the important contribution the public makes to NRC's regulatory process. To facilitate public involvement, NRC has developed more effective and efficient methods of providing information to the public in order that the public can be more fully informed on the licensing and regulatory process and issues associated with these activities. With the improvement of communication technology since the submittal of OCRE's petition, NRC has developed ADAMS, as discussed above, that provides access to documents relevant to its licensing decisions, as well as <sup>the website with</sup> additional links containing information regarding the regulation and management of nuclear facilities and materials to facilitate public participation in

hearing procedures in 10 CFR Part 2,<sup>8</sup> NRC strongly disagrees with the Petitioner's assertion that without the proposed rule, the public's effective participation in NRC's hearing process will be restricted.

**Comment 5. The petition could have a negative impact on the public health and safety.**

Several comment<sup>e</sup>ors pointed out that the petition for rulemaking could actually have a negative effect on public health and safety by producing a chilling effect on the development of utilities' self-assessments (which have been promoted by NRC) because the utilities fear that such documents could be used for purposes other than that for which they were intended. X

**NRC Response:**

NRC agrees it is possible that granting the petition could discourage licensee self-assessment. NRC agrees that providing access to draft and other preliminary documents may have a chilling effect and discourage employees of licensees from documenting information that may be perceived as adverse to their employers, resulting in less candid and frank self-assessments and "lessons learned" analysis. It should be noted that NRC encourages self-assessments and licensee-initiated corrective actions and NRC would not want to impose unnecessary requirement that discourage these activities.

**Comment 6. Some information now being retained by licensees is still available to members of the public through reports to the NRC which are placed in the NRC's Public Document Room.**

One comment<sup>e</sup>or, Westinghouse Electric Corporation, pointed out that in each case provided by OCRE, "there is voluminous information in the possession of the NRC and hence X

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<sup>8</sup>The NRC has proposed changes to the adjudicatory process 66 FR 19610 (April 16, 2001). The proposed changes would not affect the access to documents and information currently provided to the public.

publicly available . . . " Westinghouse took the examples provided by OCRE where documents are now being retained onsite, and pointed out where the information that is being retained onsite is still being provided in other records that are sent to NRC and, thereafter, placed in the PDR.

Another comment<sup>e</sup>or, BG&E, responded to OCRE's appraisal of the current situation, by pointing out that approximately 90% of the information that it will take out of its technical specifications will be transferred to publicly available documents, such as the Updated Final Safety Analysis Report and the Quality Assurance Plan, and the remaining 10% will be transferred to more appropriate, publicly available documents which are controlled by existing regulations. X

**NRC Response:**

NRC agrees with the comment<sup>e</sup>ors that information retained on site often is provided in other records that are sent to NRC. Although some of this material may have been removed from its website and PDR after the terrorist attack of September 11, 2001, NRC has restored access to a large volume of licensing and regulatory materials that were removed. X

**Comment 7. OCRE is mischaracterizing the 1989 Rules of Practice and overstating the effects of not having access to the records sought.**

OCRE stated that "without sufficient factual information to support admission of contentions, petitioners will never become interveners and will never have the right to discovery." However, while the Rules of Practice will preclude a contention from being admitted where an intervener has no facts to support its position and NRC hearing practice does not permit discovery to frame contentions, allowing access to "any record relevant to NRC-licensed or regulated activities held by a possessor," would allow, as several comment<sup>e</sup>ors X

NOTATION VOTE  
RESPONSE SHEET

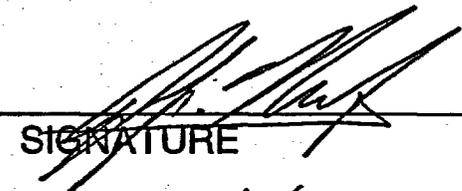
TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MERRIFIELD  
SUBJECT: SECY-03-0151 - DENIAL OF PETITION FOR  
RULEMAKING SUBMITTED BY OHIO CITIZENS FOR  
RESPONSIBLE ENERGY, INC. (DOCKET NO. PRM-9-  
2)

Approved  Disapproved  Abstain

Not Participating

COMMENTS:

*See attached comments.*

  
SIGNATURE

*9/9/13*  
DATE

Entered on "STARS" Yes  No

Comments of Commissioner Merrifield on SECY-03-0151

I approve the denial of the petition for rulemaking submitted by Ohio Citizens for a Responsible Energy, Inc. as edited by Commissioner McGaffigan and subject to the following Insert. The Insert addresses the extensive and unacceptable delay in responding to the petition. The NRC staff should take all reasonable measures in the future to prevent delays of this length. As for the merits of the petition, although I believe it is important for the Commission to be open and accessible to the public, the petition's information request is too broad to provide a workable process for a regulatory agency to follow.

**INSERT (page 3, after first full paragraph)**

A response to the petition was delayed a number of times to consider the petition in light of the Commission's ongoing public information initiatives and legislative and executive branch directives on reducing unnecessary reporting and recordkeeping. For example, there was a significant delay associated with developing and implementing ADAMS, the Commission's electronic document library system. During the review period the staff contacted the petitioner to provide updates on the status of the agency's review. Nevertheless, this delay is unacceptable and embarrassing to the Agency. We need to rededicate ourselves to answering such petitions on a more timely basis.



9/9/03