

June 8, 1998

FOR: The Commissioners

FROM: L. Joseph Callan /s/
Executive Director for Operations

SUBJECT: ADDITIONAL FUNDING TO MAKE U.S. NUCLEAR REGULATORY COMMISSION DOCUMENTS ON HUMAN RADIATION EXPERIMENTS AVAILABLE ON WORLD-WIDE WEB

PURPOSE:

To obtain Commission approval of the staff's proposal to transfer an additional \$55,000 to Argonne National Laboratory (Argonne or ANL), a contractor for the Human Radiation Interagency Working Group, to complete the task of making Nuclear Regulatory Commission (NRC) documents related to human radiation experiments available to the public on the World Wide Web (WWW). The attached letter from the Department of Energy (DOE) Deputy Assistant Secretary for Health Studies encourages the Commission to join the other Federal agencies in completing the public database.

BACKGROUND:

As discussed in SECY 97-064, Executive Order 12891 established the Presidential Advisory Committee on Human Radiation Experiments (ACHRE) to review human radiation experiments and to provide advice and recommendations to a cabinet-level Human Radiation Interagency Working Group. NRC was not a member of the cabinet-level Group, but did provide relevant documents and information to the Group and to the ACHRE. The Group established a

site, on the WWW, to make the full text of the documents retrieved by the Group, and used by ACHRE in its review, available. In 1997, the Group asked NRC to provide \$50,000 to place NRC documents on the Website.

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In SECY 97-064, the staff requested Commission approval to transfer \$50,000 to ANL, to put NRC documents on human radiation experiments into electronic format and make them available, to the public, on the WWW. In a Staff Requirements Memorandum dated April 15, 1997, the Commission did not object to the staff proposal and added that the staff should not exceed \$50,000 without specific Commission approval. The staff transferred the \$50,000 to ANL. ANL began work in September 1997 and by early January had expended the \$50,000. With NRC's \$50,000, ANL scanned more than 12 boxes (approximately 39,000 pages) of NRC documents; processed about 10 boxes through optical character recognition (OCR) software; audited 4 boxes to enhance low-quality images; indexed documents for 12 boxes; and constructed the source database for 12 boxes. Essentially, ANL provided NRC with \$50,000 worth of services between September 1997 and January 1998 by preparing 12 boxes of NRC human radiation experiments documents for the Website.

Although NRC did benefit from not having to pay startup and development costs for the Website and the document-processing operation, the staff transferred a larger volume of documents than originally estimated (21 boxes rather than 15) and ANL's costs per box for processing the documents were higher than originally estimated. In addition, ANL had hoped that the Department of Defense (DOD) would be able to absorb the excess cost for NRC documents. DOD has allowed ANL to use \$9000 of DOD funds to process NRC documents. However, DOD has identified more of its own documents than originally expected and will be unable to cover additional costs beyond the \$59,000 already spent on the NRC documents.

As a result, ANL advised NRC that it would be unable to complete processing of NRC documents without additional funds, totaling \$55,000, from NRC. DOE has sent the attached letter urging NRC to provide the additional funds necessary to complete the effort for NRC documents.

DISCUSSION:

The availability of the documents in electronic form on a Website, with the system's extensive indexing and search capability, would make the documents widely and conveniently available, and would spare NRC the necessity of providing documents in response to requests or making the documents available in the Public Document Room. Since the system has been developed, tested, and is already operational, NRC benefits from not having to pay a share of startup costs for the system.

As part of a series of activities under the President's "Openness in Government Initiative," the availability of documents related to human radiation experiments has a high government-wide priority. NRC has the third-largest collection of documents of the Federal agencies involved, and the Group wants to assemble a comprehensive database to provide a complete and clear view of radiation experimentation.

The additional \$55,000 would allow ANL to complete the scanning, OCR processing, auditing, indexing, and source database construction for the additional boxes. In addition, it would allow ANL to perform quality assurance for the entire collection of 21 boxes and to post the entire collection on the Website. Based on work performed to date, the contractor has clearly identified the scope of work and the level of effort needed to complete the project. The staff has reviewed the contractor's proposal and considers it reasonable. The staff has sought and obtained verbal assurances from the contractor that ANL will be able to complete the work for \$55,000. If the Commission approves the additional funding, the staff will obtain contractual commitments from ANL to complete all remaining work without further requests for funding. If NRC does not provide the additional funds needed, ANL will not be able to place the NRC document collection on the Website, likely leading to more inquiries, including requests under the Freedom of Information Act (FOIA),

to NRC.

The staff seeks Commission guidance concerning three options for dealing with the NRC documents related to human radiation experiments:

Option 1: Provide no additional money for document processing or posting the documents on the Website.

Option: This option would allow NMSS to spend the funds on other needs. The \$50,000 spent to date by NRC has been expended and cannot be recovered. Under this option, the goal of making documents available would not be accomplished. NRC would stand out as the only agency of those involved not to make its documents available on the Website and would have to expend agency resources to place documents in the Public Document Room and to respond to requests for information, including frequent FOIA requests, about human radiation experiments.

Option 2 Provide the requested funding.

Option: This option would complete the interagency database and place NRC documents with those of the other Federal agencies. It would allow NRC to avoid expending additional agency resources on information requests related to human radiation experimentation. This alternative could be accomplished by reprogramming from within the NMSS budget. This would be the surest, quickest and most cost-effective way of accomplishing the goal of making the documents available and ensuring that the funds spent to date are not wasted.

Option 3: Provide approximately \$12,000-15,000 now to ANL to post the documents already processed on the Website.

Option: For the NRC documents that have already been scanned into digital format, this option would make those documents available on the Website. This approach would only partially achieve the project's original goal, by making slightly more than half of NRC's total volume of human radiation experimentation records available on the Web. This option would require a smaller immediate expenditure of funds than Option 2 and would not single out NRC as the sole agency without documents on the Website. The staff understands from ANL that they would require approximately \$12,000-\$15,000 to post the already-digitalized documents on the Website. If the Commission selects this option, the staff will obtain contractual commitments from ANL to post all of NRC's human radiation experimentation documents, that are already in electronic format, on the Web without further requests for funding.

RESOURCES:

Regardless which option is selected, no additional resources will be required as funds will be reprogrammed from other, lower-priority activities. There will be no significant impact on existing budgeted activities.

REQUESTED COMMISSION ACTION:

The staff recommends Option 2: using existing NMSS funds to immediately transfer the additional \$55,000 dollars requested by the contractor, in order to complete the work requested by the Interagency Group.

COORDINATION:

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

The Office of the Chief Information Officer has reviewed the Commission paper for information technology and information management implications and concurs in it. The Office of the Chief Financial Officer has reviewed this paper for resource implications and has no objection to the transfer of funds.

L. Joseph Callan
Executive Director for Operations

Attachments:

1. Ltr. from P. Seligman, DOE to L. Joseph Callan, dtd 3/16/98
2. Executive Order dtd 1/18/94