U.S. NUCLEAR REGULATORY COMMISSION

DIRECTIVE TRANSMITTAL

TN: DT-09-06

To:	All NRC Employees
Subject:	Transmittal of Management Directive 3.17, "NRC Information Quality Program"
Purpose:	Directive and Handbook 3.17 are being issued to implement the NRC Information Quality Program, including guidance on how to make an information correction request, a description of the NRC process for processing Information Correction Requests and appeals, and procedures implementing the Office of Management and Budget Final Information Quality Bulletin for Peer Review.
Office and Division of Origin:	Office of Information Services Information and Records Services Division (IRSD)
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NRC Information Quality Program

Directive 3.17

Contents

NRC Information Quality Program
Directive 3.17

Policy
(3.17-01)

It is the policy of the U.S. Nuclear Regulatory Commission to ensure the quality of all information it relies on for making decisions or disseminates to the public. NRC's policies and practices are designed to ensure that the appropriate level of quality commensurate with the nature of the information is established and maintained. Thus, the most influential scientific, financial, and statistical data are subject to the most rigorous quality standards. Influential scientific, financial, or statistical information is defined as information that forms the technical basis for a substantive rulemaking that has substantial impact on an industry. NRC will correct information that does not meet its standards and the Office of Management and Budget's (OMB's) guidelines on the basis of the significance and the impact of the correction.

Objectives
(3.17-02)

To ensure that—

- NRC conforms to the NRC Information Quality Guidelines and OMB's guidelines. (a)

- Disseminated information meets the information quality criteria for utility, integrity, and objectivity as described in the information quality standards found in Handbook 3.17. (b)

Objectives
(3.17-02) (continued)

- The highest level of quality is imposed on influential scientific, financial, or statistical information. (c)

- Information Correction Requests (ICRs) from the public receive appropriate consideration. (d)

Organizational Responsibilities and Delegations of Authority
(3.17-03)

Executive Director for Operations (EDO)
(031)

- Provides oversight of the NRC Information Quality Program. (a)

- Performs functions assigned to the “head of agency” by the OMB Final Information Quality Bulletin for Peer Review. (b)

- Approves designation of information as "influential scientific information" (ISI) or as a "highly influential scientific assessment" (HISA) that must be peer reviewed under the OMB Final Information Quality Bulletin for Peer Review. (c)

Deputy Executive Director for Corporate Management (DEDCM)
(032)

Oversees NRC information management programs.

Director, Office of Information Services (OIS)
(033)

- Ensures that the NRC Information Quality Program is consistent with Federal statutes and OMB guidance. (a)

Organizational Responsibilities and Delegations of Authority
(3.17-03) (continued)

Director, Office of Information Services (OIS)
(033) (continued)

- Ensures that a program to address ICRs is effectively implemented throughout NRC. (b)
- Appoints the NRC Information Quality Coordinator (IQC). (c)
- Provides automated data processing assistance, including continuing development, enhancement, and modification of a tracking system to monitor correction requests. (d)
- Directs the agency's program to comply with the OMB Final Information Quality Bulletin for Peer Review. (e)

Office of the General Counsel (OGC) and Regional Counsels
(034)

- Provide legal opinions and advice related to the NRC Information Quality Program. (a)
- Review substantive ICR denials to ensure there is no legal objection to the denial. (b)

Director, Office of Nuclear Regulatory Research (RES) (or Directors of Other Offices Responsible for Scientific Information Products)
(035)

- Reviews scientific research activities to determine if any of those activities would result in information products that should be evaluated to determine whether they could potentially qualify as ISI or as a HISA. (a)

Organizational Responsibilities and Delegations of Authority
(3.17-03) (continued)

Director, Office of Nuclear Regulatory Research (RES) (or Directors of Other Offices Responsible for Scientific Information Products)
(035) (continued)

- Advises NRC Office Directors and Regional Administrators having program responsibilities involving scientific information products that could possibly qualify as ISI or as a HISA that would have to be peer reviewed in accordance with the OMB Final Information Quality Bulletin for Peer Review. (b)

- Directs peer review of scientific information products that the EDO states constitute ISI or a HISA. (c)

- Appoints a Peer Review Coordinator. (d)

NRC Office Directors and Regional Administrators With Program Responsibilities
(036)

- Evaluate the potential impact of scientific information products to determine if the information products could qualify as ISI or as a HISA that should be peer reviewed in accordance with the OMB Final Information Quality Bulletin for Peer Review. (a)

- Recommend to the Director of OIS information products that the office determines qualify for peer review under the OMB Final Information Quality Bulletin for Peer Review and provides information to document how the information product qualifies. (b)

Organizational Responsibilities and Delegations of Authority
(3.17-03) (continued)

NRC Office Directors and Regional Administrators With Program Responsibilities
(036) (continued)

- Assist the office responsible for conducting the peer review in preparing the peer review plan and conducting the peer review. (c)

- Appoint a Peer Review Coordinator. (d)

Office Directors and Regional Administrators
(037)

- Ensure that staff are aware of and follow the NRC's policies on the NRC Information Quality Program. (a)

- Appoint an Information Office Coordinator (IOC) to facilitate the review of requests for correction and be responsible for the management of the program within the office or region. (b)

Information Quality Coordinator (IQC)
(038)

- Manages the ICR review and appeal process of the NRC Information Quality Program. (a)

- Maintains the official ICR files. (b)

- Prepares the annual report to OMB and other necessary reports to keep management abreast of the status and issues relating to ICR reviews. (c)

- Assesses the consistency of decisions to correct or not to correct information. (d)

Organizational Responsibilities and Delegations of Authority
(3.17-03) (continued)

Information Quality Coordinator (IQC)
(038) (continued)

- Independently assesses each decision to correct information for its impact on other agency processes and activities. (e)
- Coordinates the agency's efforts to comply with the OMB's Final Information Quality Bulletin for Peer Review. (f)

Review Official - Initial ICR (ROI)
(039)

- Evaluates the assigned initial ICR for validity. (a)
- Evaluates the impact of the correction. (b)
- Evaluates the necessity of issuing the correction. (c)
- Documents the findings and sends them to the IQC through the IOC. (d)

Review Official - Appeal ICR (ROA)
(0310)

- Evaluates the assigned appeal ICR for validity based on additional appeal information. (a)
- Evaluates the impact of granting the appeal. (b)
- Evaluates the necessity of issuing the correction. (c)
- Documents the findings and sends them to the IQC through the IOC. (d)

Organizational Responsibilities and Delegations of Authority
(3.17-03) (continued)

Information Office Coordinator (IOC)
(0311)

- Facilitates ICR requests for correction. (a)
- Manages the ICR review and appeal process within the office or region to which it is assigned. (b)
- Sends initial review documents with findings and appeals from the ICR to the IQC. (c)

Peer Review Coordinator (PRC)
(0312)

- Serves as the office contact for processing the annual survey to identify information products that may qualify for peer review under OMB's Final Information Quality Bulletin for Peer Review. (a)
- Serves as the principal contact for the semiannual update to the Peer Review Agenda. (b)
- Serves as the principal contact for updates to a Peer Review Plan. (c)

Applicability
(3.17-04)

The policy and guidance in this instruction and handbook apply to all NRC employees, who must—

- Be knowledgeable of the NRC Information Quality Guidelines. (a)

Organizational Responsibilities and Delegations of Authority
(3.17-03) (continued)

Applicability
(3.17-04) (continued)

- Be knowledgeable of office standards set for work products. (b)
- Develop work products in accordance with the appropriate level of quality. (c)

Handbook
(3.17-05)

Handbook 3.17 contains detailed procedures on the NRC Information Quality Program.

References
(3.17-06)

Office of Management and Budget

OMB Final Information Quality Bulletin for Peer Review (70 FR 2664), January 14, 2005.

OMB Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies, *Federal Register*, Vol. 67, No. 36, February 22, 2002.

NRC Documents

NRC Information Quality Guidelines, 67 FR 61695, October 1, 2002.

References

(3.17-06) (continued)

NUREGs

"Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission," NUREG/BR-0058, Rev. 3.

"Regulatory Analysis Technical Evaluation Handbook," NUREG/BR-0184.

United States Code

Paperwork Reduction Act of 1995 (44 U.S.C. 3502(1)).

Treasury and General Government Appropriations Act for FY 2001 (Pub. L.106-554, Section 515(a)).

NRC Information Quality Program

Handbook 3.17

Contents

Part I
NRC Information Quality Guidelines

A. Introduction

NRC Information Quality Guidelines (67 FR 61695, October 1, 2002) address the scope of information covered by the guidelines, including the applicability of the guidelines to proposed rulemaking and other public comment processes, procedures for the waiver of standards under urgent conditions, NRC quality standards, and NRC's administrative process for the public to seek correction of information. The NRC Information Quality Guidelines follow.

B. NRC Information Quality Guidelines

NRC is committed to ensuring the quality of all information that it relies on or disseminates. NRC's policies and practices are designed to ensure that the agency establishes and maintains an appropriate level of quality commensurate with the nature of the information. Thus, the most influential scientific, financial, and statistical data are subject to the most rigorous quality standards. NRC will correct information that does not meet its guidelines or those of the Office of Management and Budget (OMB) based on the significance and impact of the correction. The NRC Information Quality Guidelines are general statements of agency policy and are not legally binding on the agency or on affected persons.

1. Scope of Information Subject to These Guidelines

The agency's information quality reviews will apply to NRC information that is publicly disseminated for the first time on or after October 1, 2002. The fact that an information product is already on NRC's Web site or in the Public Document Room prior to October 1, 2002, and is still maintained by NRC (e.g., in NRC's files, in publications that NRC continues to distribute on its Web site) does not make the information subject to these guidelines or to the request for correction process if it falls within the archival records exemption. This information would be subject to the correction and appeal process should the information be challenged and the complainant can demonstrate that the challenged data, which is publicly available through agency Web sites or other means, serves agency program responsibilities and/or is relied upon by the public as official Government data. Additionally, if specific information has previously been disseminated and is not covered by these guidelines, that information may still be

subject to the NRC Information Quality Guidelines during a post October 1, 2002, dissemination of the information in which NRC either adopts, endorses, or uses the information to formulate or support a regulation, guidance, or other agency decision or position.

Because of the importance of openness and transparency, NRC routinely makes available to the public the majority of its regulatory documents, information about its decisionmaking processes, and the standards used to analyze information submitted by the regulated community. OMB's guidelines require NRC to apply information quality standards only to a subset of this information; however, NRC is committed to ensuring the quality of all of the information it disseminates, whether or not it is specifically covered by these guidelines. In addition, NRC has many existing processes by which the public may comment on agency information. The agency will continue to use these processes to respond to comments and requests, regardless of whether they are specifically covered by these guidelines.

Information Subject to These Guidelines

These guidelines apply to print and electronic versions of agency information. The types of NRC information covered by the guidelines include, but are not limited to, the following (see Table 1 of this handbook for a comprehensive listing):

- Rulemakings
- Inspection reports
- Findings of the reactor oversight process
- Regulatory guides and other guidance to licensees
- Generic communications to licensees, including information notices, generic letters, bulletins, and others
- Technical reports
- Safety evaluation reports (SERs)
- Information that other parties provide to NRC, upon which NRC relies, and which NRC disseminates

Information Not Subject to These Guidelines

On the basis of the OMB guidelines, the types of NRC information exempt from the guidelines include, but are not limited to, the following (see Table 2 of this handbook for a comprehensive listing):

- Information products associated with the allegations process, public filings, subpoenas, records compiled for law enforcement purposes or that are involved in adjudicative processes

- Non-scientific and/or non-statistical general, procedural, or organizational information, which is prepared for NRC management and operation and is not primarily intended for public dissemination

- Information that is neither initiated nor sponsored by NRC

- Information that expresses opinions, rather than formal agency views

- Information that is intended primarily for intra-agency use

- Shared Government information or information that is intended for interagency use

- Information that is prepared for dissemination to agency employees, contractors, or grantees

- Agency correspondence that is not primarily intended for public dissemination but is made publicly available solely to enable the public to be aware of the NRC's interactions with individuals, including applicants, licensees, and others who make formal requests to the agency

- Agency press releases, fact sheets, press conferences, or similar communications (in any medium) that announce, support the announcement, or give public notice of information that NRC has disseminated elsewhere

- Congressional testimony and other submissions to Congress containing information that NRC has previously disseminated to the public

- Agency speeches

- Publications of individual employees, grantees, and contractors, in which the information is published in the same manner used by academic colleagues, and

which include an appropriate disclaimer that the views expressed are the individual's or the entity's own and do not reflect the views of NRC

- Archival records

- Trade secrets, intellectual property, classified, restricted, unclassified safeguards, sensitive unclassified non-Safeguards Information, proprietary, sensitive homeland security, privacy, and other information not subject to disclosure under the Freedom of Information Act (FOIA)

- Responses to requests made under the FOIA, the Privacy Act, the Federal Advisory Committee Act, or similar laws

- Interpretations of data or information, or requests to depublish information

Applicability to Proposed Rulemaking and Other Public Comment Processes

The correction and appeal process that will address data quality challenges does not apply to information disseminated by NRC through a comprehensive public comment process, for example, *Federal Register* notices of proposed rulemakings, regulatory analyses, requests for comments on information collections subject to the Paperwork Reduction Act, environmental impact statements, and other documents for which NRC solicits public comments. Persons questioning the quality of information disseminated in those documents, or documents referenced or relied upon in those documents, must submit comments as directed in the *Federal Register* or other notices requesting public comment on the given document. NRC will use its existing processes for responding to public comments in addressing the request for correction and will describe the actions it has taken with regard to the request in the *Federal Register* notice of the final agency rule, regulatory analysis, or other final action. An additional complaint and appeal process for information that is already subject to a public comment process would be inappropriate and unfair to other public commenters who submit timely comments.

Waiver of Standards Under Urgent Conditions

The NRC's information quality standards may be temporarily waived for information that is disseminated under urgent situations. NRC will consider "urgent situations" to include emergency conditions at licensed facilities, as well as imminent or credible threats to the public health and safety, the common defense and security, including homeland security, the environment, and other situations deemed to be urgent conditions on a case-by-case basis.

2. NRC Quality Standards

Information, including third-party information, that NRC relies on or disseminates must meet both the NRC Information Quality Standards and OMB Information Quality Guidelines in order to ensure and maximize information quality. These information quality standards also apply to the creation, collection, acquisition, and maintenance of information by NRC. NRC will ensure that its draft information collection packages submitted for OMB approval will result in the information being collected, maintained, and used in a manner that is consistent with NRC and OMB Information Quality Guidelines. Agency policies and procedures will ensure that NRC meets and maintains these standards.

NRC has set information quality as a measure of agency performance. NRC will meet the information quality criteria for utility, integrity, and objectivity, as defined in the OMB and NRC guidelines. The following NRC standards expound on how NRC will apply the OMB criteria in its regulatory environment. The degree of rigor of the pre-dissemination reviews will be commensurate with the nature and significance of the information.

NRC will impose the highest level of quality on *influential scientific, financial, or statistical information*, which the agency defines as information that forms the technical basis for a substantive rulemaking that has substantial impact on an industry. NRC may also deem other types of information as "influential" under Section 515(a) of Public Law 106-554 of the Treasury and General Appropriations Act, on a case-by-case basis. In determining what constitutes *influential scientific, financial, or statistical information*, NRC considers two principal factors. First, the information must have a clear and substantial impact that has a high probability of occurring. Second, the information must impact regulatory decisions affecting a broad class of applicants or licensees. (Although information contained in a regulatory decision for an individual applicant or licensee may have substantial impact, it is limited in its breadth, therefore will not be deemed "influential" for the purposes of these guidelines.)

NRC applies the most rigorous procedures to ensure the quality of such "influential" information. NRC achieves the highest level of quality by adherence to procedures that ensure utility, integrity, and objectivity. The reproducibility of original and supporting data for *influential scientific, financial, or statistical information* will be consistent with commonly accepted scientific, financial, or statistical standards. When reproducibility is not achievable through public access because of confidentiality protection or compelling interests, analytical results will receive especially rigorous reviews. NRC will describe the specific reviews, as well as the specific data sources, quantitative methods, and assumptions used.

The following provides a definition of the elements of information quality (utility, integrity, and objectivity) and a description of how NRC ensures information quality.

Utility is the usefulness of the information to its intended users. To ensure information utility, NRC will—

- Adhere to NRC policy on the dissemination of information to the public, which clearly specifies what is to be made available to the public and when it should be available for public release.

- Make information associated with the agency regulatory processes and decisions public unless release is restricted because, for example, a given regulatory process or decision contains classified national security information, Safeguards Information, sensitive unclassified non-Safeguards Information, proprietary information, sensitive homeland security information, or other information that is protected from disclosure under the FOIA.

- Use feedback mechanisms at the NRC's Web site to request public comments on what information NRC disseminates and how it is disseminated.

- Request public comments on individual documents and hold public meetings, as appropriate, to solicit public comments.

- Assist the public in quickly and conveniently locating the information they are seeking through the NRC's Public Document Room, or its Web site.

Integrity is the security of information from unauthorized access or revision to ensure that the information is not compromised through corruption or falsification. To ensure information integrity, NRC will adhere to agency policies for personnel security, computer security, information security, and records management, which include the following key components:

- Systems development and life cycle management policies require that computer systems must be designed and tested to prevent inadvertent or deliberate alteration and ensure appropriate access controls.

- Computer and personnel security policies ensure that employees and contractors who have access to electronic information and associated computer systems are screened for trustworthiness and assigned the appropriate level of access.

- Records management policies require that agency records be properly maintained and protected. In particular, the NRC's electronic records management system (i.e., the Agencywide Documents Access and Management System [ADAMS]) is designed to ensure that documents that are disseminated to the public are protected from alteration or falsification.

Objectivity involves two distinct elements, including presentation and substance. Information must be presented in a manner that is accurate, clear, complete, and unbiased. In addition, the substance of the information presented must be accurate, reliable, and unbiased. To ensure information objectivity, NRC will—

- Achieve accuracy and completeness in the following ways:

  – Provide formal review of and concurrence with all information disseminated, including rulemaking documents, inspection reports, technical reports, generic communications, and all other agency documents covered by these guidelines.

  – Encourage peer review of NRC research products. The primary objective of the peer review is to judge the technical adequacy of the research and to bring the widest and best knowledge to bear on the quality of research products. NRC has adopted criteria for the selection of peer reviewers and the performance of peer reviews that are consistent with OMB guidelines.

  – Adhere to Quality Management Control standards prior to disseminating information at the NRC's public Web site.

- Ensure that information is reliable and unbiased in the following ways:

  – Apply sound statistical and research methods to generate data and analytical results for scientific and statistical information.

  – Use peer reviews, consistent with OMB guidelines, of agency-sponsored research that is relied upon. Where information has been subjected to formal, independent, external peer review, the information may generally be presumed to be of acceptable objectivity. However, this presumption is rebuttable based on a persuasive showing in a particular instance.

  – Use reviews of agency information by independent advisory committees, as appropriate, including the Advisory Committee on Reactor Safeguards (ACRS) and the Advisory Committee on the Medical Uses of Isotopes (ACMUI).

- Use reviews by the Committee to Review Generic Requirements (CRGR), as appropriate, for information and related analyses with generic implications.

- Use reviews by Agreement States, as appropriate, for matters pertaining to the regulation of nuclear materials.

- Provide opportunities for the public and States to comment on rulemakings, Commission policy statements, regulatory guides, and other information products, as appropriate.

- Hold public meetings to seek public views and solicit public comments through the NRC's Web site and *Federal Register* notices, as appropriate.

- Comply with internal policy to ensure unbiased incident investigation team investigations.

- Use reviews of proposed policy decisions by the Commission.

• Achieve transparency in the following ways:

- Include in relevant agency information products descriptions of the data and methods used to develop the information product in a way that would make it possible for an independent, qualified individual or organization to reproduce the results.

- Adhere to NRC policy and guidance overseeing the performance of regulatory analyses as provided in publicly available "Regulatory Analysis Guidelines of the U. S. Nuclear Regulatory Commission," NUREG/BR-0058, Rev. 3, and publicly available "Regulatory Analysis Technical Evaluation Handbook," NUREG/BR-0184. NRC will perform regulatory analyses that assess uncertainty, in the context of quantifying risk, and communicate those findings to the public in a manner that meets the intent of the OMB referenced information quality standards.

• Achieve clarity in the following ways:

- Adhere to the NRC Plan Language Action Plan (http://www.internal.nrc.gov/NRC/PLAIN/index.html) in written and electronic products.

- Ensure that the analysis of technical information receives editorial review.

– Respond to stakeholder comments on the clarity of proposed actions.

NRC will identify the number and nature of complaints received and their resolution, including an explanation of decisions to deny or limit corrective actions in its annual fiscal year reports to OMB.

3. NRC Policy on Research Misconduct[1]

In accordance with "Federal Policy on Research Misconduct," published in the December 6, 2000, edition of the *Federal Register* (FR) (65 FR 76260), the following guidance defines NRC's policy on misconduct related to research results.

A. Research[2] Misconduct Defined

Research misconduct is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

- Fabrication is making up data or results and recording or reporting them.
- Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.[3]
- Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- Research misconduct does not include honest error or differences of opinion.

[1]No rights, privileges, benefits, or obligations are created or abridged by issuance of this policy alone. The creation or abridgment of rights, privileges, benefits, or obligations, if any, shall occur only upon implementation of this policy by the Federal agencies.

[2]Research, as used herein, includes all basic, applied, and demonstration research in all fields of science, engineering, and mathematics. This includes, but is not limited to, research in economics, education, linguistics, medicine, psychology, social sciences, statistics, and research involving human subjects or animals.

[3]The research record is the record of data or results that embody the facts resulting from scientific inquiry, and includes, but is not limited to, research proposals; laboratory records, both physical and electronic; progress reports; abstracts; theses; oral presentations; internal reports; and journal articles.

B. Findings of Research Misconduct

A finding of research misconduct requires that—

- There be a significant departure from accepted practices of the relevant research community
- The misconduct be committed intentionally, knowingly, or recklessly
- The allegation be proven by a preponderance of evidence

C. Responsibilities of the NRC and Research Institutions[4]

NRC and research institutions are partners who share responsibility for the research process. Federal agencies have ultimate oversight authority for federally funded research, but research institutions bear primary responsibility for prevention and detection of research misconduct and for the inquiry, investigation, and adjudication of research misconduct alleged to have occurred in association with their own institution.

NRC Referral to Research Institution

In most cases, NRC will rely on the researcher's home institution to make the initial response to allegations of research misconduct. NRC will usually refer allegations of research misconduct made directly to them to the appropriate research institution. However, at any time, NRC may proceed with its own inquiry or investigation. Circumstances in which NRC may elect not to defer to the research institution include, but are not limited to, the following:

- NRC determines the institution is not prepared to handle the allegation in a manner consistent with this policy;
- NRC involvement is needed to protect the public interest, including public health and safety;
- The allegation involves an entity of sufficiently small size (or an individual) that it cannot reasonably conduct the investigation itself.

[4]The term “research institutions” is defined to include all organizations using Federal funds for research, including, for example, colleges and universities, intramural Federal research laboratories, federally funded research and development centers, national user facilities, industrial laboratories, or other research institutes. Independent researchers and small research institutions are covered by this policy.

Multiple Phases of the Response to an Allegation of Research Misconduct

A response to an allegation of research misconduct will usually consist of several phases, including—

(1) An inquiry -- the assessment of whether the allegation has substance and if an investigation is warranted;

(2) An investigation -- the formal development of a factual record and the examination of that record leading to dismissal of the case or to a recommendation for a finding of research misconduct or other appropriate remedies;

(3) Adjudication -- during which recommendations are reviewed and appropriate corrective actions determined.

Agency Followup to Institutional Action

After reviewing the record of the investigation, the institution's recommendations to the institution's adjudicating official, and any corrective actions taken by the research institution, NRC will take additional oversight or investigative steps, if necessary. Upon completion of its review, NRC will take appropriate administrative action in accordance with applicable laws, regulations, or policies. When NRC has made a final determination, it will notify the subject of the allegation of the outcome and inform the institution regarding its disposition of the case. NRC’s finding of research misconduct and agency administrative actions can be appealed pursuant to NRC's applicable procedures.

Separation of Phases

Adjudication is separated organizationally from inquiry and investigation. Likewise, appeals are separated organizationally from inquiry and investigation.

Institutional Notification of NRC

Research institutions will notify NRC of an allegation of research misconduct if (1) the allegation involves NRC funded research (or an application for NRC funding) and meets the Federal definition of research misconduct given above and (2) the institution's inquiry into the allegation determines there is sufficient evidence to proceed to an investigation. When an investigation is complete, the research institution will forward to

NRC a copy of the evidentiary record, the investigative report, recommendations made to the institution's adjudicating official, and the subject's written response to the recommendations (if any). When a research institution completes the adjudication phase, it will forward the adjudicating official's decision and notify NRC of any corrective actions taken or planned.

Other Reasons To Notify NRC

At any time during an inquiry or investigation, the institution will immediately notify NRC if—

- Public health or safety is at risk
- Agency resources or interests are threatened
- Research activities should be suspended
- There is reasonable indication of possible violations of civil or criminal law
- Federal action is required to protect the interests of those involved in the investigation
- The research institution believes the inquiry or investigation may be made public prematurely so that appropriate steps can be taken to safeguard evidence and protect the rights of those involved

  or

- The research community or public should be informed

When More Than One Agency Is Involved

A lead agency should be designated to coordinate responses to allegations of research misconduct when more than one agency is involved in funding activities relevant to the allegation. Each agency may implement administrative actions in accordance with applicable laws, regulations, policies, or contractual procedures.

D. Guidelines for Fair and Timely Procedures

The following guidelines are provided to assist agencies and research institutions in developing fair and timely procedures for responding to allegations of research misconduct. They are designed to provide safeguards for subjects of allegations as well as for allegers. Fair and timely procedures include the following:

- Safeguards for Allegers

  Safeguards for allegers give individuals the confidence that they can bring allegations of research misconduct made in good faith to the attention of appropriate authorities or serve as informants to an inquiry or an investigation without suffering retribution. Safeguards include protection against retaliation for allegers who make good faith allegations, fair and objective procedures for the examination and resolution of allegations of research misconduct, and diligence in protecting the positions and reputations of those persons who make allegations of research misconduct in good faith. The Civil Service Reform Act of 1978 (CSRA) protects against discrimination or reprisal for whistleblowing, or for exercising an appeal, complaint, or grievance right. The CSRA is enforced by both the Office of Special Counsel (OSC) and the Merit Systems Protection Board (MSPB).

- Safeguards for Subjects of Allegations

  Safeguards for subjects give individuals the confidence that their rights are protected and that the mere filing of an allegation of research misconduct against them will not bring their research to a halt or be the basis for other disciplinary or adverse action absent other compelling reasons. Other safeguards include timely written notification of subjects regarding substantive allegations made against them; a description of all such allegations; reasonable access to the data and other evidence supporting the allegations; and the opportunity to respond to allegations, the supporting evidence, and the proposed findings of research misconduct (if any).

- Objectivity and Expertise

  The selection of individuals to review allegations and conduct investigations who have appropriate expertise and have no unresolved conflicts of interests help to ensure fairness throughout all phases of the process.

- Timeliness

  Reasonable time limits for the conduct of the inquiry, investigation, adjudication, and appeal phases (if any), with allowances for extensions where appropriate, provide confidence that the process will be well managed.

- Confidentiality During the Inquiry, Investigation, and Decisionmaking Processes

  To the extent possible, consistent with a fair and thorough investigation and as allowed by law, knowledge about the identity of subjects and informants is limited to those who need to know. Records maintained by NRC during the course of responding to an allegation of research misconduct are exempt from disclosure under the FOIA to the extent permitted by law and regulation.

E. Agency Administrative Actions

- Seriousness of the Misconduct

  In deciding what administrative actions are appropriate, NRC will consider the seriousness of the misconduct, including, but not limited to, the degree to which the misconduct was knowing, intentional, or reckless; was an isolated event or part of a pattern; or had significant impact on the research record, research subjects, other researchers, institutions, or the public welfare.

- Possible Administrative Actions

  Administrative actions available include, but are not limited to, appropriate steps to correct the research record, letters of reprimand, the imposition of special certification or assurance requirements to ensure compliance with applicable regulations or terms of an award, suspension or termination of an active award, or suspension and debarment in accordance with applicable Governmentwide rules on suspension and debarment. In the event of suspension or debarment, the information is made publicly available through the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the U.S. General Services Administration. With respect to administrative actions imposed upon Government employees, NRC must comply with all relevant Federal personnel policies and laws.

- In Case of Criminal or Civil Fraud Violations

  If NRC believes that criminal or civil fraud violations may have occurred, the agency shall promptly refer the matter to the NRC Inspector General.

Part II
NRC Administrative Process for The Public To Seek Correction of Information

A. What You Must Do If You Are an Affected Person

Use the following procedure to seek correction, under Section 515(a) of the "Treasury and General Government Appropriations Act," of information that does not meet NRC and Office of Management and Budget (OMB) Information Quality Guidelines:

1. Submit your request within 60 calendar days (absent good cause shown) of the initial information dissemination or within 60 calendar days (absent good cause shown) of NRC notice of intent to rely, or its reliance, on the information.

2. State that your request for correction of information is submitted in accordance with the NRC's Information Quality Guidelines.

3. Include your name, mailing address, fax number, e-mail address, telephone number, and organizational affiliation, if any. NRC needs this information to respond to your request and contact you if necessary.

4. Describe clearly the information you believe is in error and requires correction. Include the source of the information (for example, the name and date of the report or data product), the exact location of the error (for example, the page, figure, table, or Web page address), and a detailed description of the information to be corrected. A copy of the specific information that the request for correction covers would assist NRC in its review of your request.

5. State specifically why the information should be corrected and, if possible, recommend specifically how it should be corrected.

6. Provide a copy of supporting documentary evidence, such as comparable data or research results on the same topic, or a specific authoritative source to help in the review of your request. If you supply the documentary evidence by means of a reference, the reference must be specific enough to allow NRC to easily locate the information you identify as the basis for the correction request.

7. State specifically how you are affected by the information for which you are seeking correction.

B. What NRC Will Do

On the basis of a review of the information you provide, NRC will take the following actions:

8. Perform an acceptance review to confirm that you have provided the necessary information regarding the correction requested for the staff to review and make a decision.

9. Submit your request for review to a management official who is knowledgeable of the subject matter related to your request and who normally will be at the branch chief or deputy division director level. The designated management official may consult with other Federal agencies or NRC staff in responding to your request for correction, as appropriate.

10. Determine whether a correction is warranted and, if so, what action will be taken.

11. Respond to your request for correction of information within 45 calendar days of receipt by letter, e-mail, or fax. NRC's response will explain the findings of the review and any actions that NRC will take. The response will contain information on how the requester can appeal the agency's decision. If the request requires more than 45 calendar days to resolve, NRC will tell you that more time is required, state the reason why, and include an estimated decision date.

C. How To Submit Your Request

You must submit your request for correction of information under these guidelines in writing by mail, fax, e-mail, or Internet, as follows:

12. Mail: Information Quality
Records and FOIA/Privacy Services Branch
U. S. Nuclear Regulatory Commission
Mail Stop T-5 F53
Washington, DC 20555-0001

13. Fax: 301-415-6434

14. E-mail: INFO.Quality@nrc.gov

15. Internet: http://www.nrc.gov/public-involve/info-quality.html

D. How You May Appeal the NRC Decision in Regard to Your Initial Request

Use the following procedure if you wish to appeal NRC's denial of your request for correction, or if you wish to appeal the decision on the corrective action:

16. Submit your appeal within 30 calendar days of receipt of NRC's notification of denial or notification of the corrective action. (Only the original requester may appeal the decision.)

17. Identify clearly the original request for correction and specify the NRC decision that you are appealing.

18. Describe clearly the basis for your appeal and how the response failed to resolve your request for correction.

19. Submit your appeal in accordance with the directions in the agency's response.

Your appeal will be evaluated by an agency appellate official, typically at the division director level, who is a member of the SES and who does not supervise the deputy division director or branch chief responsible for the initial response to the request for correction. The appeal review will be limited to the basis of the appeal. You will be notified of the agency's final decision regarding your appeal within 30 calendar days. If the request requires more than 30 calendar days to resolve, NRC will tell you that more time is required, state the reason why, and include an estimated decision date. The agency's appellate official may consult with other Federal agencies or NRC staff in responding to your appeal, as appropriate.

E. Corrections

The correction process is designed to address the genuine and valid needs of affected persons without disrupting agency operations. You should be aware that you bear the burden of proof with respect to both the need for correction and the type of correction requested. In determining whether to correct information, NRC may reject claims made in bad faith or without justification. NRC is required to undertake only the degree of correction that it concludes is appropriate for the nature and timeliness of the information involved.

NRC may base its decisions regarding appropriate corrective action(s) on such factors as the significance of the asserted error, the benefits that are likely to be derived from such a correction, the costs of the correction, and the agency's more pressing priorities and obligations.

Subject to applicable laws, NRC's corrective measures may include, without limitation, personal contacts via letter or telephone, form letters, press releases, postings on the NRC's Web site, correction in the next version of a document, or other appropriate methods that would give affected persons reasonable notice of any corrective actions made.

It is NRC's intent to make corrections within a reasonable time after the agency has made the determination that a correction is appropriate. However, the NRC's budget, resources, and priorities, as well as the complexity of the correction itself, may affect when corrections are made.

NRC will continue to process any decision or document that has had a related request for correction of information unless NRC decides that the information requires correction before the process may continue.

Your request for correction and the correction process will be open to the public as a commitment to transparency. Your requests and NRC's responses will be made public through ADAMS. **Note: Your personal privacy information, that is, home address, fax and phone numbers, and e-mail address, will not be made public**.

F. Annual Report

NRC will identify the number and nature of complaints received and their resolution, including an explanation of decisions to deny or limit corrective actions in its annual fiscal year reports to OMB by December 15 of each year.

Part III
Processing Information Correction Requests

A. Corrections

Affected parties can request correction of information that has been disseminated by NRC. NRC will correct information that does not meet its standards and the Office of Management and Budget (OMB) guidelines based on significance and impact of the correction.

The correction process is designed to address the genuine and valid needs of affected persons without disrupting agency operations. In making a determination of whether to correct information, claims may be rejected if they are made in bad faith or without justification and NRC is required to undertake only the degree of correction that it concludes is appropriate for the nature and timeliness of the information involved.

Subject to applicable laws, correction measures may include, without limitation, personal contacts via letter or telephone, form letters, press releases or posting on the NRC Web site, correction in the next version of a document, or other appropriate methods that would give affected persons reasonable notice of any corrective actions made.

It is NRC's intent to make corrections within a reasonable time after the agency has made the determination that a correction is appropriate. However, budget, resources, and priorities, as well as the complexity of the correction itself, may affect when corrections are made.

NRC will continue to process any decision or document that has had a request for correction of information related to the decision or document unless it is decided that the information requires correction before the process may continue.

The request for correction process will be open to the public as a commitment to transparency. The public requests and NRC's responses will be made public.

B. Receipt of Initial Information Correction Request (ICR)

Any ICR must be submitted by an affected party in writing within 60 calendar days (absent good cause shown) of the initial information dissemination or within 60 calendar

days (absent good cause shown) of NRC's notice of intent to rely or its reliance on the information.

The ICR must state that it is being submitted in accordance with NRC's Information Quality Guidelines and describe clearly the information that is believed to be in error and requires correction.

The ICR must state specifically why the information should be corrected, and if possible, recommend specifically how it should be corrected.

Any NRC employee who receives an ICR will immediately send it to the Information Quality Coordinator (IQC).

C. Information Quality Coordinator (IQC) Actions

When the IQC receives an ICR, the ICR will be marked with the date of receipt and assigned a sequential case number to be used as the reference in all matters about the ICR.

The IQC will perform an acceptance review within 5 calendar days that will include—

- Determining if the submitter of the ICR is an affected party.

- Determining if all the necessary information on which the correction review will be performed was included with the ICR.

If the IQC determines that the ICR does meet the acceptance criteria, the requester will be informed that the ICR has been accepted and given the anticipated completion date.

If the IQC determines that the ICR does not meet the acceptance criteria, the requester will be informed why the ICR was not accepted and how to appeal this decision.

If the ICR is accepted, the IQC will assign the ICR to the office that is knowledgeable about the information in question, typically the office that issued the document for which correction is being requested. If the IQC assigns the ICR to an office other than the originating office, the IQC will notify the originating office.

D. Office Processing Actions

The Information Office Coordinator (IOC) should follow his or her office procedures to ensure that the appropriate management official at the branch chief or deputy division director level is assigned to review the ICR for correctness.

The management official will review the ICR for correctness and all information submitted by the requester and make a determination whether there is an error or not, if a correction is warranted, and if so, what action will be taken. The management official may consult with other Federal agencies or staff in making this determination.

The management official will consider, at a minimum, the following in making the determination:

- The significance of the asserted error
- The benefits that are likely to be derived from such a correction
- The costs of the correction
- The agency's more pressing priorities and obligations

The management official will provide a written determination to the IOC. This determination, at a minimum, will decide whether there is an error and, if so, the following will be added:

- The justification for making a correction or not making a correction
- The corrective action taken or to be taken
- The schedule for future corrective actions
- The management official's name, title, office, and date of determination

Within 30 calendar days after the IOC received the action from the IQC, the IOC will provide the written determination to the IQC.

E. Responding to the Requester

The IQC will independently assess each decision to correct information for its impact on other agency processes and activities.

The IQC will prepare the response to the requester. The response will contain the management official's determination. If the corrective action taken or to be taken was not the requester's recommended solution or if no corrective action was taken, the response will contain information on how the requester can appeal the agency's decision.

The IQC will obtain the necessary concurrences in the response.

If the ICR review requires more than 45 calendar days to resolve, the requester will be informed that more time is required, the reason why, and an estimated decision date.

F. Receipt of Appeal ICR

Any NRC employee who receives an appeal to an ICR shall immediately send it to the IQC.

When the IQC receives an appeal, it will be marked with the date of receipt and assigned a sequential case number to be used as the reference in all matters about the appeal ICR.

The IQC will perform an acceptance review within 2 calendar days that will include—

- Determining if the submitter of the appeal is the original requester.

- Determining if all the necessary information on which the appeal review will be performed was included with the ICR.

If the IQC determines that the appeal does meet the acceptance criteria, the requester will be informed that the appeal has been accepted and the anticipated completion date.

If the IQC determines that the appeal does not meet the acceptance criteria, the requester will be informed why the appeal was not accepted.

If the appeal is accepted, the IQC will assign the appeal to the office that is knowledgeable of the information in question, typically the office that made the determination on the initial ICR.

G. Office Processing Actions

The IOC should follow his or her office procedures to ensure that the appropriate management official at the division director level is assigned to review the appeal. In most cases, this management official will be a member of the SES. This division director will **not** supervise the branch chief or deputy division director responsible for the initial determination.

The management official's review will be limited to the basis of the appeal. The management official may consult with other Federal agencies or staff in reaching a decision on the appeal.

The management official will provide a written determination to the IOC. This determination, at a minimum, will include—

- The justification for upholding or overturning the decision on the initial ICR
- If the decision is to overturn the initial decision, any corrective action taken or to be taken
- The schedule for future corrective actions
- The management official's name, title, office, and date of determination

Within 20 calendar days after the IOC receives the action from the IQC, the IOC will provide the written determination to the IQC.

H. Responding to the Requester

The IQC will prepare the response to the requester. The response will contain the management official's determination.

If the decision on the initial ICR was overturned, the IQC will independently assess the decision to correct information for its impact on other agency processes and activities.

The IQC will obtain the necessary concurrences in the response.

I. Followup Actions

If corrective actions are not completed at the time the response is sent to the requester, the IQC will track any necessary followup actions.

Part IV
Applying Final Information Quality Bulletin for Peer Review

A. Identification of Scientific Information Subject to Office of Management and Budget Peer Review Guidelines

1. Introduction

On January 14, 2005, the Office of Management and Budget (OMB) issued the Final Information Quality Bulletin for Peer Review (70 FR 2664), hereinafter referred to as the OMB bulletin. The OMB bulletin (Exhibit 2) contains guidelines for conducting peer review of information that qualifies as "influential scientific information (ISI)" or as a "highly influential scientific assessment (HISA)." Under the guidelines, an agency should post to its public Web site an agenda of Peer Review Plans describing all planned and ongoing peer reviews of information products qualifying as ISI and as a HISA. The agenda is to be updated at least semiannually. For each peer review, the agency is required to prepare a Peer Review Plan and post the plan to its public Web site. Also, each agency must provide an annual report to OMB by December 15 of each year.

2. Definitions

a. ‘‘Scientific information’’ means factual inputs, data, models, analyses, technical information, or scientific assessments related to such disciplines as the behavioral and social sciences, public health and medical sciences, life and earth sciences, engineering, or physical sciences. This definition includes any communication or representation of knowledge such as facts or data, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms. This definition includes information that an agency disseminates from a Web page but does not include the provision of hyperlinks on a Web page to information that others disseminate. This definition excludes opinions where the agency’s presentation makes clear that an individual’s opinion, rather than a statement of fact or of the agency’s findings and conclusions, is being offered.

b. ‘‘Influential scientific information’’ (ISI) means scientific information the agency reasonably can determine will have or does have a clear and substantial impact on important public policies or the private sector. Influential information, as defined in the NRC Information Quality Guidelines, is information that forms the technical basis

for a substantive rulemaking that has substantial impact on an industry. On a case-by-case basis, information that supports other regulatory actions or decisions may be deemed "influential."

In determining what constitutes influential scientific information, the NRC Information Quality Guidelines state that NRC considers two principal factors:

(1) The information must have a clear and substantial impact that has a high probability of occurring.

(2) The information must impact regulatory decisions affecting a broad class of applicants or licensees.

Note: There is a presumption that a “Major Rule” defined in the Congressional Review Act (see 5 U.S.C. §804 (2)) that is based on scientific information would be influential (for example, having a greater than $100 million impact). This presumption is not a qualifier for the two provisions noted above.

c. "Scientific assessment" is one type of scientific information and means an evaluation of a body of scientific or technical knowledge, which typically synthesizes multiple factual inputs, data, models, assumptions, and/or applies best professional judgment to bridge uncertainties in the available information. These assessments include, but are not limited to, state-of-science reports; technology assessments; weight-of-evidence analyses; meta-analyses; health, safety, or ecological risk assessments; toxicological characterizations of substances; integrated assessment models; hazard determinations; or exposure assessments. Such assessments often draw upon knowledge from multiple disciplines. Typically, the data and models used in scientific assessments have already been subject to some form of peer review (e.g., refereed journal peer review or peer review under Section II of the OMB bulletin).

d. "Highly influential scientific assessment" (HISA) is a scientific assessment utilized as the basis of a rulemaking or regulatory action that NRC determines could have a potential impact of more than $500 million in any single year on either the public or private sector or that the action represents a novel, controversial, or precedent-setting approach, or has significant interagency interest.

3. Annual Survey

A flow chart, Peer Review Identification Process, summarizing the annual process for identifying scientific information that may qualify for peer review under the OMB Final Bulletin for Peer Review is shown in Exhibit 3.

a. Initiation of the Survey

The Director of the Office of Information Services (OIS) (on or before September 1 of each year) will survey NRC offices to determine if those offices will likely disseminate information within the next 3 years that will qualify as ISI or as a HISA.

b. Identification of Potential Information Products

The Office of Nuclear Regulatory Research (RES) and any other office involved in scientific research will review their scientific research activities to determine if any of those activities would result in information products that should be evaluated to determine whether they could potentially qualify as ISI or as a HISA. The information products identified are to be referred to the Office of Nuclear Reactor Regulation (NRR), the Office of Nuclear Material Safety and Safeguards (NMSS), the Office of New Reactors (NRO), or the Office of Federal and State Materials and Environmental Management Programs (FSME), as appropriate.

c. Evaluation of Impact

NRR, NMSS, NRO, or FSME will evaluate information products identified as potentially qualifying as ISI or as a HISA to determine if the information product may be utilized to support a rulemaking or other regulatory action resulting in a substantial impact on an industry or class of applicants or licensees, thus requiring a peer review under OMB peer review guidelines.

4. Office Response

If NRR, NMSS, NRO, or FSME identifies an information product that the office believes may qualify as ISI or as a HISA, the office director will inform RES or another office responsible for the information product and will provide to the Director of OIS the following information:

a. A description of the scientific information product (e.g., research reports, other Federal agency report, etc.).

b. The date when the scientific information is expected to be made public (e.g., published).

c. The anticipated rulemaking or other regulatory action for which the information will form the technical basis.

d. The projected time frame during which the proposed rule will be issued.

e. The industry or class of licensees or applicants that will be affected.

f. A description of the nature of the impact on the affected industry or class of applicants or licensees as follows:

(1) The anticipated increase in costs or reduction in costs (i.e., benefits) to the affected industry, applicants, or licensees.

(2) The anticipated increase in costs or reduction in costs (i.e., benefits) to other private sector activities and the general public.

(3) The highest financial costs or benefits that may occur in a single year.

(4) A brief analysis describing why the impact meets the standard of "having a clear and substantial impact on regulatory decisions affecting a broad class of applicants or licensees."

g. If the scientific information product constitutes a HISA, provide the following additional information:

(1) The research products relied upon in the assessment and the type of peer review, if any, that was performed on those products.

(2) Whether the financial impact will exceed $500 million in any single year on either the public or private sector.

(3) Whether the anticipated rulemaking or other regulatory action represents a novel, controversial, or precedent-setting approach, or has significant interagency interest.

h. Whether the projected rulemaking or other regulatory action is likely to qualify as a “major rule” under the Congressional Review Act (see 5 U.S.C. §804 (2)). This act states that any rulemaking or other regulatory action that would result in, for

example, at least an $100 million impact on an industry in any year must be reported as a "major rule."

i. The NRC office that will be responsible for the peer review, if approved by the Executive Director for Operations (EDO).

j. An estimate of the resources required to conduct the peer review, including NRC staff resources and contractor resources.

k. Special circumstances, if any, the agency should consider that may merit deferral of the peer review or waiver of the requirement for a peer review. (See Section F of this part and OMB Bulletin Section VIII.)

l. Scientific information products that may qualify for peer review but are exempt under the OMB bulletin or the NRC Information Quality Guidelines. (See Section G of this part and OMB Bulletin Section IX.)

5. Adequacy of an Office Response

The Director of OIS will review each office's response to ensure for any information product recommended for designation as either ISI or as a HISA that the information required in Section 4 above provides an adequate basis for the EDO to determine if a peer review is required.

6. Formal Designation as "Influential Scientific Information" or as a "Highly Influential Scientific Assessment"

The Director of OIS, on the basis of an office response, will submit a report to the EDO prior to November 1 of each year recommending the regulatory actions and associated information products that qualify as ISI or as a HISA. This report will be coordinated with the offices responsible for the information products and regulatory actions.

The EDO will approve or disapprove the recommendation and provide the decision to the Director of OIS prior to December 1 of each year.

7. Posting Peer Review on the NRC Public Web Site

On the basis of the EDO action, the Information Quality Coordinator will prepare and post an agenda of planned and ongoing peer reviews, if any, to the NRC public Web

site. Where no peer reviews have been identified, a notice will made on the public Web site.

8. Semiannual Update of the Peer Review Agenda

The Director of OIS will semiannually contact offices to update the status of the peer review agenda. If any information products are added, dropped, or changed from influential to highly influential or vice versa, OIS will obtain the EDO's approval before making the changes to the Web site.

B. Peer Review Plan

1. Responsibility

Once the EDO provides a decision, the Director of OIS will request each office responsible for a qualifying information product to prepare a Peer Review Plan. The office assigned responsibility for conducting the peer review will, within 120 days of the approval by the EDO of an information product as either ISI or as a HISA, prepare a Peer Review Plan.

2. Contents of a Peer Review Plan

a. Include a beginning paragraph containing the title, subject, and purpose of the planned report, as well as an agency contact to whom inquiries may be directed to learn the specifics of the plan;

b. Indicate the type of information product (ISI or a HISA);

c. Describe the timing of the review (including deferrals);

d. Describe whether the review will be conducted through a panel or individual letters (or whether an alternative procedure will be employed);

e. Describe whether there will be opportunities for the public to comment on the work product to be peer reviewed and, if so, how and when these opportunities will be provided;

f. Describe whether the agency will provide significant and relevant public comments to the peer reviewers before they conduct their review;

g. Describe the anticipated number of reviewers (3 or fewer; 4 to 10; or more than 10);

h. Give a succinct description of the primary disciplines or expertise needed in the review;

i. Describe whether reviewers will be selected by a designated outside organization;

j. Describe whether the public, including scientific or professional societies, will be asked to nominate potential peer reviewers; and

k. Provide other information that OMB may request be included in a particular year's annual report, as communicated by OIS in the annual survey.

3. Posting the Peer Review Plan on the NRC Public Web Site

The Peer Review Plan must be submitted to the Information Quality Coordinator who will post the plan on the NRC Public Web site.

C. Conduct of Peer Reviews

1. Influential Scientific Information

For that scientific information that the EDO has determined qualifies as ISI, the office director responsible for that information and resulting rulemaking or other regulatory action will conduct a peer review in accordance with requirements set forth in Section II of the OMB bulletin (Exhibit 2). Agencies are given broad discretion in determining what type of peer review is appropriate and what procedures should be employed to select appropriate reviewers. Any peer review for ISI must adhere to the guidance found in Section II of the OMB bulletin, highlights of which are set forth below.

a. Peer Review Mechanisms: OMB Bulletin Section II.4.

(1) Can range from individual letter reviews to panels.

(2) Considerations in selecting a peer review mechanism:

(a) Novelty and complexity of the information to be reviewed

(b) Importance of the information to the decisionmaking

(c) The extent of prior peer reviews

(d) Expected benefits and costs of review

(e) Transparency

b. Scope of peer reviewer charge: The review will be solely of scientific and technical matters; policy determinations are left for the agency (OMB Bulletin Section II.1).

c. Informing peer reviewers of applicable Federal information quality standards: access, objectivity, reproducibility, and other quality standards under Federal laws governing information access and quality (OMB Bulletin Section II.1).

d. Adequacy of prior peer reviews (OMB Bulletin Section II.2).

(1) No further peer review is required if prior peer reviews are adequate. Publication in a refereed scientific journal may mean that adequate peer review has been performed. The agency must determine if such a peer review is adequate.

(2) In determining whether further peer review is required, consider—

(a) Novelty and complexity of the information to be reviewed

(b) Importance of the information to the decisionmaking

(c) The extent of prior peer reviews

(d) Expected benefits and costs of the review

(3) National Academy of Sciences (NAS) principal findings, conclusions, and recommendations are generally presumed to be adequately peer reviewed.

e. Selection of reviewers: OMB Bulletin Section II.3 and Supplementary Information.

(1) Expertise (OMB Bulletin Section II.3.a and Supplementary Information)

(a) Most important factor.

(b) Reviewers must represent a necessary spectrum of knowledge where information spans a variety of scientific disciplines.

(c) Consider requesting that the public, including scientific and professional societies, nominate potential reviewers.

(2) Balance (OMB Bulletin Section II.3.a and Supplementary Information)

(a) Represent diversity of scientific perspectives relevant to the information.

(b) NAS policy on committee composition is a useful guide (www.nationalacademies.org).

(3) Independence (OMB Bulletin Section II.3.c)

(a) The reviewer should not be involved in producing information.

(b) Careful evaluation is required for use of NRC employees as peer reviewers.

(c) Careful evaluation is required for Government-funded scientists — may differ for grantees vs. contractors. (Grantees are considered more independent than contractors unless the contractor is used only to perform a peer review.)

(d) Rotate peer reviewers.

(4) Conflict of interest (OMB Bulletin Section II.3.b)

(a) Ensure that financial arrangements and organizational relationships do not impair the individual's objectivity or create an unfair competitive advantage for a person or an organization.

(b) Federal employees who serve as peer reviewers must comply with Federal ethics requirements.

(c) Adapt NAS policy for committee selection with respect to evaluating conflicts for potential non-Federal Government peer reviewers.

f. Public Participation: See OMB bulletin discussion on public participation.

(1) Public comment is encouraged but not required for the peer review of ISI.

(2) Public comment can be obtained through a variety of means.

(3) Clearly specify the time period allowed for public comment.

g. Transparency: OMB Bulletin Section II.5, Peer Review Report.

(1) Peer reviewers will prepare a report that describes the nature of their review, findings, and conclusions and will—

(a) Include a verbatim copy of each reviewer's comments (either with or without attribution) or represent the views of the group as a whole, including any disparate and dissenting views.

(b) Include the names of reviewers and their organizational affiliations. Reviewers will be notified in advance about the extent of disclosure and attribution planned by the agency. Public attribution of specific reviewer comments is not mandated. Prior to public disclosure of this information, consult with the NRC Freedom of Information Act (FOIA)/Privacy Act Officer.

(2) The peer review report should be—

(a) Posted to the agency Public Web site.

(b) Discussed in the preamble of any related rulemaking and include the administrative record of the agency.

h. Release of proprietary and other sensitive information to peer reviewers.

Consult the Office of the General Counsel (OGC) if there is a need to disclose "proprietary" confidential commercial or financial information or intellectual property, or other sensitive unclassified information, to the peer reviewers. The specific arrangements will depend on whether the peer reviewers are NRC employees, NRC consultants, other Federal employees, or NRC contractors.

i. Outside Management of Peer Review.

NRC may commission independent entities to manage the peer review process, including selection of peer reviewers, in accordance with the OMB bulletin.

2. Highly Influential Scientific Assessment

For that scientific information that the EDO has determined qualifies as a HISA, the office director responsible for that information and resulting rulemaking or other regulatory action will conduct a peer review in accordance with requirements set forth in Section III of the OMB bulletin (Exhibit 2). Section III of the OMB bulletin states that all the guidelines in Section II (described in the preceding Subsection C.1) will be met for a peer review of a HISA, in addition to the guidelines set forth in Section III. Section III should be consulted regarding additional guidelines, the highlights of which are set forth below.

a. Presumption of peer review adequacy of NAS official reports

   There is a general presumption that principal findings, conclusions, and recommendations in official reports of NAS require no further peer review.

b. Selection of peer reviewers

   (1) Expertise and balance in selection of reviewers

      (a) Require expertise, experience, and skills, including specialists from multiple disciplines, as necessary.

      (b) Group of reviewers will be sufficiently broad and diverse to fairly represent the relevant scientific and technical perspectives and fields of knowledge.

      (c) Agencies will consider requesting that the public, including scientific and professional societies, nominate potential reviewers.

   (2) Conflicts of interest

      (a) Federal Government employees serving as reviewers must meet Federal ethics requirements; for non-Federal Government employees, adopt NAS policy on committee selection for evaluating potential conflicts.

      (b) For scientific assessments relevant to specific regulations, a reviewer's financial ties to regulated entities and other stakeholders will be carefully examined.

   (3) Independence

Participation of scientists employed by NRC is barred unless employment is only for conducting the peer review or qualifies for an exception by applying the NAS criteria for evaluating use of "employees of sponsors."

Refer to Section III.c of the OMB bulletin if an exception is needed.

(4) Rotation of peer reviewers

Repeated use of the same reviewers on multiple assessments needs to be avoided unless it is essential and reviewers cannot be obtained elsewhere.

c. Peer review access to information

Agencies are to provide peer reviewers access to sufficient information, including background information about key studies and models, to enable them to understand the data, analytic procedures, and assumptions used to support the key findings or conclusions of the draft scientific assessment. Consult OGC if there is a need to disclose "proprietary" confidential commercial or financial information or intellectual property, or other sensitive unclassified information to the peer reviewers.

d. Public participation

(1) Where feasible and appropriate, the draft scientific assessment being peer reviewed will be made available to the public for comment at the same time it is submitted to the peer reviewers, or during the time the peer review is being conducted.

(2) Public comment can be made by oral presentation or in writing before the peer reviewers.

(3) Peer reviewers, whenever practicable, are to be provided access to public comments on the draft scientific assessment.

(4) Time limits on public participation will be clearly specified

e. Transparency: Peer Review Report

A Peer Review Report will be prepared and include—

(1) Information required by OMB Bulletin Section II.5.

(2) The charge (i.e., instructions) given the peer reviewers.

(3) Short paragraph on both the credentials and relevant experiences of each peer reviewer. Before public disclosure of this information, consult with the NRC FOIA/Privacy Act Officer.

(4) NRC written response to the peer review explaining—

(a) NRC agreement or disagreement with the views expressed in the report.

(b) The actions NRC has undertaken or will undertake in response to the report.

(c) The reasons NRC believes those actions satisfy the key concerns stated in the report.

(5) The Peer Review Report will be disseminated on the NRC's Web site with the related material specified in OMB Bulletin Section II.5.

f. NRC has the option to commission independent entities to manage the peer review process, including the selection of peer reviewers.

D. Administrative Record Certification

The NRC Information Quality Coordinator will, when NRC relies on ISI or a HISA to support a regulatory action, maintain an administrative record for that action, including a certification, that is, a statement that explains how the agency has complied with the requirements of the OMB bulletin and the applicable information quality guidelines, along with relevant materials. This certification will also be maintained in the administrative record for the action.

E. Alternatives Procedures To Comply With Peer Review Requirements in the OMB Final Information Quality Bulletin for Peer Review (Consult OMB Bulletin Section IV)

The following alternatives are available:

1. Rely on the principal findings, conclusions, and recommendations of a report produced by NAS.

2. Commission NAS to peer review an agency's draft scientific information.

3. Employ an alternative scientific procedure or process that ensures the agency's scientific information satisfies applicable information quality standards. The alternative procedure(s) may be applied to a designated report or group of reports.

F. Waivers and Deferrals of Certain Requirements

The OMB bulletin provides for waivers and deferrals of the requirements in Sections II and III of the bulletin as follows:

1. Deferral of peer review is allowed — usually because of the need to comply with legal deadlines.

2. Waiver of the requirements is allowed in some instances (see OMB Bulletin Section VIII).

3. Deferrals and waivers must have a compelling rationale and be made by the agency head.

4. OMB bulletin notes deferrals and waivers should seldom be warranted.

G. Exemptions

NRC does not need to have a peer review conducted on an information product that is exempt from the application of Sections II and III of the OMB bulletin. To be exempt, an information product should qualify under one of the exemptions set forth in OMB Bulletin Section IX that are summarized below:

1. Related to certain national security, foreign affairs, negotiations involving international treaties and trade where compliance with the OMB bulletin would interfere with the need for secrecy or promptness.

2. Information disseminated in the course of an individual agency adjudication or permit proceeding unless the agency determines that peer review is practical and appropriate and that the influential dissemination is scientifically or technically novel or likely to have precedent-setting influence on future adjudications and/or permit proceedings.

3. A health or safety dissemination where NRC determines that the dissemination is time-sensitive.

4. An agency regulatory impact analysis or regulatory flexibility analysis, except for underlying data and analytical models.

5. Routine statistical information released by Federal statistical agencies and analyses of these data to compute standard indicators and trends.

6. Accounting, budget, actuarial, and financial information, including that which is generated or used by agencies that focus on interest rates, banking, currency, securities, commodities, futures, or taxes.

7. Information disseminated in connection with routine rules that materially alter entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof.

8. Information products exempted under the NRC Information Quality Guidelines.

H. Annual Report

1. Responsibility for Preparing the Annual Report

The Director of OIS will prepare the NRC Annual Report required by Section VI of the guidelines.

2. Contents of the Annual Report

The report will consist of a summary of the peer reviews conducted by the agency during the fiscal year, including the following:

a. The number of peer reviews conducted subject to the OMB bulletin (i.e., for ISI and HISAs);

b. The number of times alternative procedures were invoked;

c. The number of times waivers or deferrals were invoked (and in the case of deferrals, the length of time elapsed between the deferral and the peer review);

d. Any decision to appoint a reviewer pursuant to any exception to the applicable independence or conflict-of-interest standards of the OMB bulletin, including determinations by the Executive Director for Operations pursuant to Section III(3)(c);

e. The number of peer review panels that were conducted in public and the number that allowed public comment;

f. The number of public comments provided on the agency's Peer Review Plans; and

g. The number of peer reviewers that the agency used that were recommended by professional societies.

3. Submission of the Annual Report

The Director of OIS will submit the NRC Annual Report to the Administrator of the Office of Information and Regulatory Affairs, OMB, by December 15 of each year.

Exhibit 1
Overview of the Quality of NRC Products

NRC has long been committed to ensuring the quality of the information that it makes publicly available. Existing policies and practices ensure that NRC's publicly available information reflects a level of quality commensurate with the nature of the information. The NRC uses a graduated approach to ensuring information quality — the more influential the information, the more robust the quality standards used — with the most influential scientific, financial, and statistical data being subject to the most rigorous quality standards.

For example, NRC quality control practices include—

(1) The appropriate level of management review and approval as part of the concurrence process;

(2) Internal peer review groups like the Committee to Review Generic Requirements, the Probabilistic Risk Assessment Steering Committee, and the Risk-Informed Licensing Panel;

(3) Public comment on NRC policy before it is finalized;

(4) Participation of the public and affected parties in meetings, both with the staff and the Commission;

(5) Early and substantial feedback from the Agreement States;

(6) Independent peer review of research products;

(7) Independent review by the Advisory Committee on Reactor Safeguards (ACRS), the Advisory Committee on Nuclear Waste (ACNW), and the Advisory Committee on the Medical Uses of Isotopes (ACMUI); and

(8) Review by the Commission.

NRC information subject to these Information Quality Guidelines includes, but is not limited to, documents pertaining to rulemakings, inspections of regulated facilities, regulatory guides, findings of the reactor oversight process (ROP), generic communications, and technical reports such as NUREGs. Table 1 lists information that

is subject to the guidelines and NRC quality processes that currently exist for ensuring quality.

There are several types of NRC-initiated or -sponsored information that are not subject to the Office of Management and Budget's (OMB's) or the NRC's Information Quality Guidelines. The guidelines apply only to information "disseminated" to the public, and OMB says that "dissemination" does not include—

(1) Adjudicative process, public filings, or subpoenas;

(2) Distribution limited to Government employees or agency contractors or grantees;

(3) Intra- or interagency use or sharing of Government information;

(4) Responses to requests for agency records under the Freedom of Information Act (FOIA), the Privacy Act, the Federal Advisory Committee Act, or similar law;

(5) Correspondence with individuals or persons;

(6) Press releases; and

(7) Archival records.

In addition, the information quality standards may be waived temporarily for information disseminated under urgent situations. NRC will consider the following as urgent situations: emergency conditions at licensed facilities and imminent or credible threats to the public health and safety, the environment, and the common defense and security, including homeland security.

It should be recognized that just because OMB and NRC do not apply their guidelines to a particular NRC information product does not mean that NRC is any less committed to the quality of its information, whether "disseminated" or not. Indeed, NRC will ensure the level of quality appropriate to each kind of information it generates. Therefore, in effect, the primary difference is that information subject to the guidelines will also be subject to correction through the special administrative mechanism called for by OMB's guidelines and the NRC's conforming guidelines, whereas information not subject to the guidelines will not be subject to correction through this special administrative mechanism.

At interagency working group meetings held by OMB following the publication of its guidelines, OMB encouraged the agencies to interpret in a broad manner the types of agency-initiated or agency-sponsored information that are not covered by the guidelines. NRC has followed OMB's guidance here. For example—

- Adjudication will encompass only actions actually being adjudicated.

- Intra-agency use includes all Office of the Secretary (SECY) papers since these documents are primarily for the use of agency decisionmakers and in many cases are made public as a matter of Commission policy. This is a reasonable interpretation of the OMB guidelines since there is no legal requirement that many of these SECY papers be released to the public, even if requested under the Freedom of Information Act (FOIA). Moreover, even though NRC does not believe SECY papers are the type of information products that OMB envisioned being covered by the information quality law, this broad approach is consistent with the purposes underlying the OMB guidelines.

- NRC information products that contain trade secrets, intellectual property, unclassified Safeguards Information, sensitive unclassified non-Safeguards Information, classified national security information, proprietary information, restricted data, sensitive homeland security information or other information withholdable under the FOIA are not covered by the guidelines and its administrative mechanism for correction.

- NRC information products that are nonscientific/nonstatistical general, procedural, or organizational information, such as 10 CFR Part 2 and the fee rule.

- NRC correspondence with individuals or persons, including correspondence to members of Congress.

Table 2 lists information that is not subject to the guidelines, the reasons why it is not, and the NRC quality processes that currently exist. It should be understood that while the table indicates a class of information is not covered by the guidelines, there may be limited circumstances where information within that class would be subject to these guidelines.

OMB guidelines require that agencies review information to assure its quality prior to being disseminated. The current NRC quality practices and processes are considered to meet this "pre-dissemination" review. These NRC quality reviews would apply to agency information publicly disseminated for the first time on or after October 1, 2002. Information that was already on NRC's Web site or in the Public Document Room prior

to October 1, 2002, need not go through a special NRC quality review. All information subject to these guidelines and disseminated on or after October 1, 2002, is subject to the administrative process for correction regardless of when the information was first disseminated.

Table 1
NRC Information Products
Information Subject to the Public Seeking Correction

Information Product	Existing Guidance Documents/Processes that Pertain to Quality of Data	Existing Required Data Quality Reviews	Existing Way Public Can Request Corrections?
Published proposed and final rules and final policy statements, including supporting documents (except those of a nonscientific/nonstatistical, general, procedural, or organizational nature)	- MD 6.3, "The Rulemaking Process" - NUREG/BR-0053, Rev. 5, "NRC Regulations Handbook" - NUREG/BR-0058, Rev. 3, "Regulatory Analysis Guidelines of the U.S. NRC" - MD 3.54, "Collections of Information and Reports Management" - Paperwork Reduction Act Review by OMB - NRR Office Letters - FSME Policy and Procedures - ACRS/ACNW/ACMUI/CRGR Charter - EDO/ACRS MOU	- Office Concurrence - EDO Concurrence - Reactor: ACRS/CRGR - Waste/Decommissioning: ACNW - 10 CFR Part 35: ACMUI - Materials: Agreement State Coordination	Yes Public comment on all proposed rules

Table 1 (continued)

Information Product	Existing Guidance Documents/Processes that Pertain to Quality of Data	Existing Required Data Quality Reviews	Existing Way Public Can Request Corrections?
Generic Communications, including Bulletins, Letters, Information Notices, Regulatory Issue Summaries (RISs)	- ACRS/ACNW/ACMUI/CRGR Charters - EDO/ACRS MOU - Licensing Assistant Handbook - Inspection Manual	- Division Concurrence - Reactor: ACRS/CRGR - Waste/Decommissioning: ACNW sometimes - 10 CFR Part 35: ACMUI sometimes - Materials: Agreement States	No
Regulatory Actions not Subject to Adjudication (NOEDs, Exemptions, and Reliefs)	- Enforcement Manual - Project Manager Handbook	- Division or Branch Concurrence	No
Non-Licensing SERs (e.g., approves a topical report) and generic EAs/EIS	- Project Manager (PM) Handbook - Licensing Assistant Handbook - Standard Review Plans	- Division or Branch Concurrence	Public comment for EIS and certification of compliance SERs for spent fuel casks
Licenses and Certificates, Amendments, Renewals, Transfers, Exemptions	- NRR Office Letters - Project Manager Handbook - Licensing Assistant Handbook - NUREG-1556	- Branch/Division/Office Concurrence	No
Licensing EIS and EAs	- NUREGs for EAs/EISs - Project Manager Handbook - Licensing Assistant Handbook	- Branch/Division/Office Concurrence	Yes Public comment on all proposed EISs and EAs.

Table 1 (continued)

Information Product	Existing Guidance Documents/Processes that Pertain to Quality of Data	Existing Required Data Quality Reviews	Existing Way Public Can Request Corrections?
Safety Evaluation Report (for license)	- NRR Office Letters - Project Manager Handbook - Licensing Assistant Handbook - Standard Review Plans	- Branch/Division Concurrence	No
Generic Environmental Impact Statements	- MD 3.6, "Distribution of Unclassified NRC Staff- and Contractor-Generated Reports" MD 3.7, "NUREG-Series Publications" - ACRS Charter - EDO/ACRS MOU - Part 51	- Publications Review - ACRS/ACNW - Office/Division Review	Yes - Public comment
Guidance for licensees including Regulatory Guides, Standard Format and Content Guides, Branch Technical Positions	- ACRS/ACNW/ACMUI/CRGR Charters - EDO/ACRS MOU - NUREG on Standard Format and Content for Regulatory Guides	- Reactor: Office Concurrence, ACRS, CRGR - Waste/Decommissioning: Office or Division concurrence, ACNW - Part 35: Division concurrence, ACMUI - Materials: Division concurrence	Yes - Public comment
Reactor Oversight Process (ROP) Findings	- MC 0609 - Risk Significance Determination	- Regional Concurrence	Yes - Licensee comment

Table 1 (continued)

Information Product	Existing Guidance Documents/Processes that Pertain to Quality of Data	Existing Required Data Quality Reviews	Existing Way Public Can Request Corrections?
Inspection Reports	- Inspection Manual	- Regional Branch or HQ Branch Concurrence	Yes - Licensee exit meeting
Publicly Accessible Databases (Daily Plant Status, etc.)	- Compliance with SDLCM - Data Entry Quality Assurance	- Sponsor QC	No
NUREGs (Staff Technical)	- MDs 3.6 and 3.7 - ACRS and ACNW Charter - EDO/ACRS MOU - RES Office Instructions	- Publications Review - ACRS/ACNW - CRGR - Office or Division review - Peer Review (some)	Varies with importance of topic and end use
NUREG/CRs (Contractor)	- MDs 3.6 and 3.7 - ACRS and ACNW Charter - EDO/ACRS MOU - RES Office Instructions	- Publications Review - Office or Division Review - Peer Review (some)	Varies with importance of topic and end use
NUREGs intended for the general public	- MDs 3.6 and 3.7	- Publications Review - OPA Office - Office/Division Review	No
Communications with standard-setting organizations	- MD 6.5, "NRC Participation in the Development and Use of Consensus Standards"		No

Table 1 (continued)

Web page content other than documents	- Web Management Controls	- Review by Sponsor - Web Liaison - Sensitivity Reviews - Publications Staff (Web, Editors, Graphics)	Yes Contact page owner as noted on Web page

Legend

ACMUI - Advisory Committee on the Medical Uses of Isotopes
ACNW - Advisory Committee on Nuclear Waste
ACRS - Advisory Committee on Reactor Safeguards
CFR - *Code of Federal Regulations*
CRGR - Committee to Review Generic Requirements
EA - environmental assessment
EDO - Executive Director for Operations
EIS - environmental impact statement
HQ - Headquarters
MC - manual chapter
MD - management directive
MOU - memorandum of understanding
NMED - Nuclear Materials Event Database
NMSS - Office of Nuclear Material Safety and Safeguards
NOED - notice of enforcement discretion
NRR - Office of Nuclear Reactor Regulation
OMB - Office of Management and Budget
OPA - Office of Public Affairs
PM - project manager
QC - quality control
RES - Office of Nuclear Regulatory Research
RIS - regulatory issue summary
ROP - reactor oversight process
SDLCM - systems development and life cycle management
SER - safety evaluation report

Table 2
NRC Information Not Subject to the Public Seeking Corrections

Information Product	Exemption	Guidance Documents, Processes (Name/number)	Existing Required Pre-dissemination Reviews	Existing Way Public Can Request Corrections?
Correspondence to licensees, public, individual members of Congress, States, petitioners, contractors	Correspondence with individuals or persons	- MD 3.57, "Correspondence Management" - ADAMS - Internal Commission Procedures - Project Manager Handbook - Licensing Assistant Handbook	Branch/Division/Office/ EDO/ Commission Concurrence	No
Reports to Congress or letters to Congressional Committees (includes President's Budget to Congress, Performance and Accountability Report, Strategic Plan, Information Digest)	- Correspondence with individuals or persons - Nonscientific/ nonstatistical general, procedural, or organizational	- MD 3.57 - ADAMS - Internal Commission Procedures	Office/EDO/ Commission Concurrence	No

Table 2 (continued)

Information Product	Exemption	Existing Guidance Documents, Processes (Name/number)	Existing Required Pre-dissemination Reviews	Existing Way Public Can Request Corrections?
International Agreements and supporting information (bilateral and multilateral) and technical information supplied to others as part of international agreements	Interagency (with State Department)	- MD 5.13, "NRC International Activities Practices and Procedures"	Office/Commission Concurrence	No – An international agreement is a legally binding document that cannot be changed unless agreed to and authorized by both parties.
Reports to other agencies, including Small Business Regulatory Enforcement Fairness Act Report to OMB, Report on Information Collection Budget to OMB, etc.	Interagency use	- NUREG/BR-0053, "The NRC Regulations Handbook"	Branch/Division/Office Concurrence	No
Internal Memoranda	Intra-agency use	- MD 3.57 - ADAMS	Branch/Division/Office Concurrence	No

Table 2 (continued)

Information Product	Exemption	Existing Guidance Documents, Processes (Name/number)	Existing Required Pre-dissemination Reviews	Existing Way Public Can Request Corrections?
Internal NRC Policy and Procedures, including Management Directives, Internal Commission Procedures, Office Letters and Procedures, Inspection Procedures, Enforcement Manual, PM Handbook, Decommissioning PM Handbook, etc.	Intra-agency use	- MD 1.1, "NRC Management Directives System"	Division Director or Office Director Concurrence; MD review process	No
Response to FOIA or Privacy Act Requests	Responses to requests made under FOIA, Privacy Act, FACA or similar laws	- 10 CFR Part 9 - MD 3.1, "FOIA"	Division/Office Concurrence	No
Procurement solicitations	Distribution limited to agency contractors or grantees	- FAR 5.201 - MD 11.1, "NRC Acquisition of Supplies and Services"	Contract Officer	No

Table 2 (continued)

Information Product	Exemption	Existing Guidance Documents, Processes (Name/number)	Existing Required Pre-dissemination Reviews	Existing Way Public Can Request Corrections?
Interagency agreements and interagency MOUs	Interagency use	- MD 11.1 - MD 11.7, "NRC Procedures for Placement and Monitoring of Work With the U.S. Department of Energy (DOE)" - MD 11.8, "NRC Procedures for Placement and Monitoring of Work With Other Federal Agencies Other Than the U.S. Department of Energy (DOE)"	Office/Commission Concurrence	No
Research Information Letters (RILs)	Intra-agency use	- RES Office Instruction	Office Concurrence	No
E-gov applications, including forms, how to file, fee information	Nonscientific/ nonstatistical general, procedural, or organizational	- MD 3.55, "Forms Management Program" - RIS 2001-5	Branch/Division/Office Concurrence	No

Table 2 (continued)

Information Product	Exemption	Existing Guidance Documents, Processes (Name/number)	Existing Required Pre-dissemination Reviews	Existing Way Public Can Request Corrections?
Organizational information, including organization charts, descriptions of laws and regulations that underpin agency activities, biographies, phone directories	Nonscientific/ nonstatistical general, procedural, or organizational	- MD Vol 9, Organization and Functions - MD Vol 10, Personnel Management	Branch/Division/Office Concurrence	No
Federal employee pay, benefits, employment opportunities and the like	Nonscientific/ nonstatistical general, procedural, or organizational	- OPM Regulations - MD Vol 9, Organization and Functions - MD Vol 10, Personnel Management	EDO Concurrence for Management Directives	No
SECY Papers	Intra-agency use	- Internal Commission Procedures - MD 3.57 - NRR Office Letters	EDO Concurrence	No
Staff Requirements Memoranda (SRMs)	Intra-agency use	- Internal Commission Procedures	Commission concurrence	No
Commission Voting Records (CVRs)	Intra-agency use	- Internal Commission Procedures	Commission concurrence	No
Commission Action Memoranda (COMs)	Intra-agency use	- Internal Commission Procedures	Commission concurrence	No

Table 2 (continued)

Information Product	Exemption	Existing Guidance Documents, Processes (Name/number)	Existing Required Pre-dissemination Reviews	Existing Way Public Can Request Corrections?
Individual Commissioner Vote Sheets on SECY Papers, COMs	Intra-agency use	- Internal Commission Procedures	Commissioner concurrence	No
Commission History (Books)	Archival		- External Peer Review - Publisher Review	No
Press Releases	Press Release	- MD 5.5, "Public Affairs Program"	- OPA/Chairman	No
Public Meeting Notices	Nonscientific/ nonstatistical general, procedural, or organizational	- MD 3.5, "Attendance at NRC Staff Sponsored Meetings" - Project Manager Handbook - Licensing Assistant Handbook	Project Manager	No
CRGR Meeting Notices and Minutes	Nonscientific/ nonstatistical general, procedural, or organizational	- CRGR Charter	CRGR	No

Table 2 (continued)

Information Product	Exemption	Existing Guidance Documents, Processes (Name/number)	Existing Required Pre-dissemination Reviews	Existing Way Public Can Request Corrections?
Full Written Explanation and Certification of Closed Commission Meetings	Nonscientific/ nonstatistical general, procedural, or organizational	- Sunshine Act	OGC	No
Meeting presentations, minutes summaries, and transcripts (Commission, Advisory Committee)	- Nonscientific/ nonstatistical general, procedural, or organizational - Personal opinions	- Internal Commission Procedures - Project Manager Handbook	- SECY - Advisory Committee Management Officer	No
Speeches, Testimony, Q's & A's, and Presentations	Nonscientific/ nonstatistical general, procedural, or organizational	- Internal Commission Procedures	Division/Office/EDO/ Commission concurrence	No
Papers, Journal Articles	Opinions	- MD 3.9, "NRC Staff and Contractor Speeches, Papers, and Journal Articles on Regulatory and Technical Subjects" - NRR Office Letters - Project Manager Handbook	Branch/Division/Office/ EDO concurrence	No

Table 2 (continued)

Information Product	Exemption	Existing Guidance Documents, Processes (Name/number)	Existing Required Pre-dissemination Reviews	Existing Way Public Can Request Corrections?
NMSS Licensee Newsletter, MOX Newsletter, etc.	Press Release	- NUREG/Staff Report	Section concurrence	No
Federal Register Notices (themselves), including FONSIs and General Notices	Nonscientific/ nonstatistical general, procedural, or organizational	- Project Manager Handbook - Licensing Assistant Handbook - Part 51 for FONSI	Project Manager/ Branch/Division/Office/ EDO/Commission concurrence	No
Orders	Adjudicative	10 CFR Part 2	Office/EDO/ Commission concurrence	Opportunity for hearing; emergency public safety information exemption
Demand or Request for Information	Adjudicative	10 CFR Part 2	- Division/Office/EDO concurrence - CRGR	Yes—Licensee can correct information in response
Notice of Violation	Adjudicative	Enforcement Manual	Branch/Division concurrence	Licensee response can correct and exit meeting
Adjudicatory Documents, including Licensing Board Notifications	Adjudicative	Licensing Assistant Handbook	- Division concurrence - ASLBP/SECY review	No

Table 2 (continued)

Information Product	Exemption	Existing Guidance Documents, Processes (Name/number)	Existing Required Pre-dissemination Reviews	Existing Way Public Can Request Corrections?
2.206 Director Decision and Petition Status Reports	Adjudicative	- MD 8.11, "Review Process for 10 CFR 2.206 Petitions" - NRR Office Letters - Project Manager Handbook - Licensing Assistant Handbook	Office concurrence	No, MD now provides for issuance of proposed decision
Petitions (2.206 petitions and rulemaking petitions)	Correspondence with individuals or persons not originated or sponsored by the agency	- Regulations Handbook - 10 CFR Part 2	(none)	Rulemaking petitions are published for comment
License Applications or other information provided by licensees (includes Topical Reports and Event Reports)	Correspondence with individuals or persons not originated or sponsored by the agency	10 CFR Part 2	(none)	Public can request hearing on application
Comments, including rulemaking comments and all other comments	Correspondence with individuals or persons not originated or sponsored by the agency	10 CFR Part 2	(none)	Further comments from public

Table 2 (continued)

Information Product	Exemption	Existing Guidance Documents, Processes (Name/number)	Existing Required Pre-dissemination Reviews	Existing Way Public Can Request Corrections?
Preliminary Notifications	Nonroutine safety related information	Inspection Manual	Office concurrence	No
Integrated Materials Performance Evaluation Program (IMPEP) and Review of New Agreement Requests	Interagency use (with States)	- MD 5.6, "IMPEP" - MD 5.10, "Formal Qualifications for IMPEP Team Members" - STP Procedures SA-100, SA-106, SA-111, and SA-700	- IMPEP Board - Office/Commission concurrence	- States may comment, but not public - New Agreement Requests published for public comment
Confirmatory Action Letters	Correspondence	- Inspection Manual - Licensing Assistant Handbook	Division/Office concurrence	No
Standard Review Plan	Intra-agency use	Generally become NUREGs	Branch/Division/Office concurrence	Some are published for public comment
NUREGs intended for internal use, e.g., NUREG/BR-0053 - "The NRC Regulations Handbook"	Intra-agency use, frequently procedural	MD 3.6, "Distribution of Unclassified NRC Staff- and Contractor-Generated Reports" MD 3.7, "NUREG-Series Publications"	Branch/Division/Office concurrence	No

Table 2 (continued)

Information Product	Exemption	Existing Guidance Documents, Processes (Name/number)	Existing Required Pre-dissemination Reviews	Existing Way Public Can Request Corrections?
NRC portion of the Unified Agenda of Federal Regulatory and Deregulatory Actions	Compilation	- Public Law 96-354, Regulatory Flexibility Act - Executive Order 12866, Regulatory Planning and Review	Branch concurrence	No
NRC Regulatory Agenda (NUREG-0936)	Compilation	OMB Guidance	Branch concurrence	No
NRC Rules and Regulations (based on public documents; this is a compilation of all rules)	Compilation	- NUREG/BR-0053 (specifically Parts 5, 7, and 17) - Administrative Procedure Act (5 U.S.C. 551-553)	Concurrence	No

Table 2 (continued)

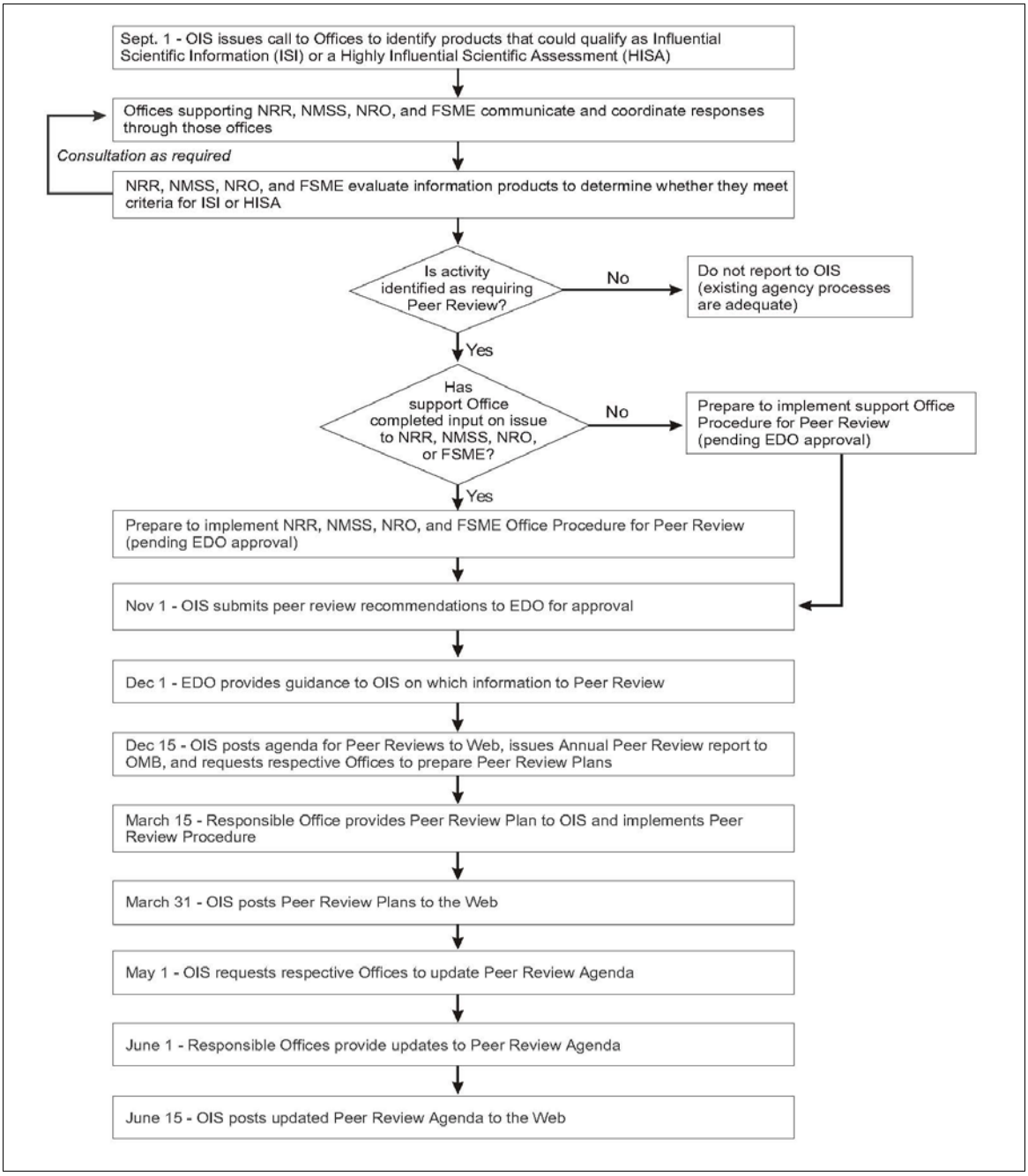
Information Product	Exemption	Existing Guidance Documents, Processes (Name/number)	Existing Required Pre-dissemination Reviews	Existing Way Public Can Request Corrections?
Published nonscientific/ nonstatistical, general, or procedural proposed and final rules and final policy statements, including supporting documents (e.g., Parts 2, 170, and 171)	Nonscientific/ nonstatistical general, procedural, or organizational	- MD 6.3,"The Rulemaking Process" - NUREG/BR-0053, Rev. 5, "NRC Regulations Handbook" - NUREG/BR-0058, Rev. 3, "Regulatory Analysis Guidelines of the U.S. NRC" - MD 3.54, "Collections of Information and Reports Management" - Paperwork Reduction Act Review by OMB	- Office Concurrence - EDO Concurrence	Yes Public comment on all proposed rules

Legend
ACRS - Advisory Committee on Reactor Safeguards
ADAMS - Agencywide Documents Access and Management System
ASLBP - Atomic Safety and Licensing Board Panel
CFR - *Code of Federal Regulations*
COM - Commission action memorandum
CRGR - Committee to Review Generic Requirements
CVR - Commission voting record
EDO - Executive Director for Operations
E-gov - E-government
FACA - Federal Advisory Committee Act
FOIA - Freedom of Information Act
FONSI - finding of no significant impact
IMPEP - Integrated Materials Performance Evaluation Program
MD - management directive
MOU - memorandum of understanding
MOX - mixed oxide
OGC - Office of the General Counsel
OMB - Office of Management and Budget
OPA - Office of Public Affairs
OPM - Office of Personnel Management
PM - project manager
Q&A's - questions and answers
NMSS - Office of Nuclear Material Safety and Safeguards
NRR - Office of Nuclear Reactor Regulation
RES - Office of Nuclear Regulatory Research
RIL - research information letter
RIS - regulatory issue summary
SECY - Office of the Secretary
SRM - staff requirements memorandum
STP - Office of State and Tribal Programs (now FSME - Office of Federal and State Materials and Environmental Management Programs)

Exhibit 2
Final Information Quality Bulletin for Peer Review
(70 FR 2664)
January 14, 2005
Office of Management and Budget

See
http://edocket.access.gpo.gov/2005/pdf/05-769.pdf

Exhibit 3
Flow Chart
Peer Review Identification Process



Source: Memorandum from E. T. Baker, III, "Request for Comments: NRC Implementation of OMB Final Information Quality Bulletin for Peer Review," May 10, 2005.