U.S. Nuclear Regulatory Commission

Open Government Plan

Status Update
2017–2018

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Introduction and Status

In December 2009, the Office of Management and Budget (OMB) issued the Open Government Directive (M-10-06), instructing executive departments and agencies to incorporate the principles of transparency, participation, and collaboration set forth in the President's January 21, 2009, Memorandum on Transparency and Open Government. Since its creation in 1975, the U.S. Nuclear Regulatory Commission (NRC) has viewed openness, public participation, and collaboration as critical to achieving the agency's mission to protect public health, safety, and the environment through regulation of the Nation's civilian use of radioactive materials.

One of the actions identified by OMB was the development and publication of open government plans describing how each agency will "improve transparency and integrate public participation and collaboration into its activities."[1] In response, the NRC developed its first Open Government Plan, which was published on the agency's Open Government Web page.

Because of its long history of openness, the NRC welcomed this opportunity to reexamine work processes and regulations created during an era of primarily paper-based processes. The NRC initiated activities to better use technology and Internet capabilities to improve transparency and to better integrate public participation and collaboration. In 2010, the NRC's Open Government program focused on enhancing stakeholder engagement, publishing high-value datasets, and building a foundation for additional work. In 2011, the NRC introduced social media technology and redesigned its Web site. From 2012 to 2013, the agency focused on improving these activities, enhanced the processing of Freedom of Information Act (FOIA) requests, and began digitizing permanent records.

From 2014 to the present, the NRC has continued to look for new opportunities to incorporate the principles of transparency, participation, and collaboration. The agency has increased the visibility of rulemaking and other NRC documents open for discussion. It developed policies, procedures, and guidance; implemented tools to digitize NRC information repositories; and allowed staff and the public access to those repositories under the Records and Information Management program. The NRC has also improved its public meeting notification and feedback systems. The NRC has made significant improvements to business processes to encourage wider and earlier means of reaching out to stakeholders that may have been too costly or impractical in the past. The NRC's use of digital technology has been transformative, enabling the agency to conduct business in a more open, participatory, and transparent fashion.

Since 2009, the NRC has participated fully in the President's Open Government Directive. This status update highlights agency progress on ongoing and new initiatives to better integrate a "presumption of openness" into the NRC's core mission. It is to be used along with prior NRC Open Government Plans (available on the agency's Open Government Web page), and those planned activities are now part of the day-to-day NRC operations.

The NRC executive leadership is committed to participation and collaborative practices that promote transparency and encourage participation as early in the planning process as possible. This participation is vital in providing valuable insights to help focus agency efforts to ensure safety and security, while appropriately balancing the interests of NRC stakeholders. The NRC holds more than 1,000 public meetings every year to engage, solicit input from, and inform the public about the agency's regulatory activities. The following are examples of the NRC's

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[1] See OMB, "Open Government Directive (M-10-06)," December 8, 2009, Section 3a, p. 4.

commitment to proactively engage the public.

On July 26, 2016, the Commission held an all-day meeting with NRC stakeholders to gain their perspectives on the NRC's regulatory programs. The meeting participants included State and Tribal representatives, nongovernmental organizations, members of academia and the medical community, a former NRC Commissioner, and a former NRC Chairman.

As another example, the NRC began holding meetings with the public, interested stakeholders, and international, Tribal, State, and local governments in the development of the Fiscal Year (FY) 2018–2022 NRC Strategic Plan. Previously, the NRC only solicited involvement from government staff, interested stakeholders, and the public after publication of a near-final draft. The NRC now has an engagement process with these stakeholders before the development of a strategic framework. The agency documents this new strategic planning process in Exhibit 2, "Example Schedule for Completion of FY 2018–2022 Strategic Plan," in NRC Management Directive (MD) 6.10, "Strategic Planning," dated August 15, 2016. Management Directive (MD) 6.10 can be accessed at https://www.nrc.gov/reading-rm/doc-collections/management-directives/volumes/vol-6.html.

A third example is Project Aim, a major agency planning initiative to determine activities and resources needed over the next decade. As described on the NRC's Project Aim Web page, the Project Aim initiative "is meant to carry out changes in an open, collaborative, and transparent manner." The NRC initiated Project Aim in 2014 in response to projected changes in the agency's workload and budget. As part of Project AIM, the NRC conducted meetings with employees, union representatives, the public, interested stakeholders, and international, Tribal, State, and local governments to obtain input for forecasting workload and changes to the operating environment. In addition, the NRC contracted with the National Academy of Public Administration (NAPA) to conduct a review of the NRC Project Aim recommendations. The NAPA review resulted in the publication of two reports in 2015. Based on the NAPA report, stakeholder input, and staff evaluations, the NRC Project Aim team made a number of recommendations to the Commission, most of which were approved and are already underway.

Prior NRC Open Government Plan activities continue to move forward as funding and resources become available. The NRC is committed to the principles of transparency, collaboration, and participation, and continues to expand on the open government principles with interested stakeholders, the public, Tribes, States, local governments, and employees. Regulations governing how the agency carries out its mission reflect an environment of openness, transparency, and participation.

This status update follows the guidance of OMB Memorandum M-16-16, "2016 Agency Open Government Plans," dated July 14, 2016, and highlights past initiatives from prior NRC Open Government Plans.

A.   Open Government Program Highlights

The NRC's initial Open Government Plan of April 7, 2010, along with subsequent updates, has served the agency well as a roadmap guiding its Open Government program. The NRC has made significant progress incorporating technology to enhance and incorporate early stakeholder engagement into its decisionmaking processes. The NRC increased use of social media platforms and the publication of multiple datasets used by the general public and agency

affiliates are just a few examples. The NRC has embraced digital government through the implementation of Mobile NRC, a mobile-based public meeting feedback utility. The NRC has also placed an increased focus on sharing information with Canadian and Mexican counterparts and the International Atomic Energy Agency in light of the Fukushima accident.

B.   The NRC's Approach to the Open Government Program

The NRC's updated internal directives and decisionmaking processes incorporate digital technologies to enhance and incorporate stakeholder engagement into decisionmaking. The agency not only is soliciting stakeholder input earlier than before, but it is reaching more stakeholders than in the past. Although the NRC has now incorporated the principles of open government into its day-to-day operations, the effort is not static, and ongoing initiatives continue to evolve. Existing programs and internal directives continue to be enhanced, and new approaches to engage the public are introduced and tried. Examples include the expanded capabilities that the NRC is continually introducing to engage the public in meetings, its continued use of Facebook and other social media tools, and the expanded use of videoconferencing. For example, stakeholders can now view both the text and video from past proceedings of the NRC's Regulatory Information Conferences. The NRC has posted information for past Regulatory Information Conferences since 2000, including the conference program, presentations, speeches, organizational charts, and action items.

C.   Transparency, Participation, and Collaboration

The NRC's mission is to regulate the Nation's civilian use of radioactive materials and thereby protect people and the environment. Since the NRC's creation in 1975, the agency has viewed openness, public participation, and collaboration as critical for achieving its mission. After the original Open Government Directive was issued in 2009, the NRC initiated activities to better use technology and Internet capabilities to improve transparency, and better integrate public, local, State, Tribal, and international government participation and collaboration. Stakeholder participation is encouraged and provided for through public meetings, hearings, conferences, symposia, and workshops. Through the NRC Web site, the public can learn about public meetings; comment on proposed rules and draft documents; learn the process to petition the agency to take an enforcement action; participate in hearings; and understand how to petition the agency to issue, amend, or rescind any regulation. The NRC encourages public and interested stakeholder participation, and the NRC Public Meeting Web site provides details on how to participate in public meetings. In all aspects of its work, the agency is committed to making public participation as expansive and meaningful as possible.

The NRC believes that transparency promotes accountability by providing the public with information about the NRC's activities. The agency encourages its program staff to provide public stakeholders with timely access to clear and understandable information about the NRC's role, processes, activities, and decisionmaking.

> *"Transparency promotes accountability by providing the public with information about what the Government is doing."*
> (Open Government Directive)

Participation allows members of the public to contribute ideas and expertise so that the NRC can make regulatory decisions with the benefit of information from a wide range of stakeholders. These stakeholders must have a reasonable opportunity to participate meaningfully in the NRC's regulatory processes.

> *"Participation allows members of the public to contribute ideas and expertise so that their government can make policies with the benefit of information that is widely dispersed in society."* (Open Government Directive)

The NRC is responsible for developing, implementing, and enforcing policies that are well informed and effective. To do so, the agency recognizes that the public must be informed about, and have a reasonable opportunity to participate meaningfully in, its regulatory processes and (where appropriate) its decisionmaking.

Collaboration improves Government effectiveness by encouraging partnerships and cooperation across Federal, State, local, and Tribal governments and with international regulatory authorities.

> "*Collaboration improves the effectiveness of Government by encouraging partnerships and cooperation within the Federal Government, across levels of government, and between the Government and private institutions.*" (Open Government Directive)

The NRC continues to confront a variety of challenges in ensuring the safety and security of existing and proposed nuclear power plants and other licensed facilities and materials, preparing for emergencies, and storing and disposing of radioactive waste. The NRC recognizes that meeting these challenges will call for the highest levels of collaboration among its own employees, cooperation and partnership with other Federal and non-Federal government agencies, and collaboration with nonprofit and other private entities.

D.   Highlights of Initiatives

The NRC continues to pursue and expand the key initiatives described in the Open Government Plan Status Update 2016-2017. This section highlights these ongoing initiatives.

Open Data

The NRC is in compliance with OMB Memorandum M-13-13, "Open Data Policy—Managing Information as an Asset," dated May 9, 2013, and supplemental requirements related to Project Open Data. The agency has developed a Master Data Management (MDM) program to ensure that the NRC mission-critical systems and staff have timely access to specific sets of data collected, stored, and processed across the enterprise. The MDM program has reduced the storage of duplicate information and established an enterprisewide foundation for information sharing and exchange. The program ensures that covered agencywide data are complete and also provide controls to improve the quality of the data. The NRC facilitates the release of publicly releasable datasets that are cataloged in the Enterprise Data Inventory (EDI) as human- and machine-readable publications. New datasets and changes to existing datasets are obtained through use of the NRC's Dataset Quality Assessment Criteria listed in the agency's Open Government Dataset Identification and Submission Process document. NRC program

offices use the Dataset Quality Assessment to determine the dataset security level. Datasets are continuously added to the EDI that is updated on the NRC's Web site quarterly. All agency datasets and the EDI are downloadable from the NRC's public Web site at https://www.nrc.gov/data and from the DATA.GOV Web site at https://www.data.gov.

Proactive Disclosures

The NRC routinely examines material for proactive disclosure and has an established procedure for reviewing records for proactive disclosure as set forth in Title 10 of the Code of Federal Regulations (10 CFR) 9.15, "Availability of Records," and 10 CFR 9.21, "Publicly Available Records." The agency reports on its use of proactive disclosure within the Chief Freedom of Information Act (FOIA) Officer Report. The agency routinely analyzes information for eligibility to proactively disclose and examine each FOIA release for eligibility for proactive disclosure under the regulations, and separately for publication, in the NRC's Agencywide Documents Access and Management System.

On June 30, 2016, President Obama signed into law the FOIA Improvement Act of 2016 (Pub. L. 114-185) (the Act), which makes a number of changes to the Freedom of Information Act (5.S.C. § 552.1). Among other requirements, the Act codifies a new threshold requirement for withholding information under FOIA, allowing information to be withheld only if "disclosure is prohibited by law" or if the agency reasonably foresees that disclosure of the information would harm an interest protected by a FOIA exemption.

The NRC's MD 3.1 Handbook states that the "NRC has adopted a presumption in favor of disclosure" when responding to FOIA requests and appeals. Accordingly, this new threshold requirement should not require major changes to NRC policy.

Privacy

In accordance with existing OMB guidance, the NRC submits annually the Federal Information Security Management Act reports and the Annual Senior Agency Official for Privacy reports to OMB through CyberScope. Additionally, the NRC Web site posts the following material for public access:

- Federal Register notices for System of Records notices

- Privacy Impact Assessments

- Privacy Act Request Guide (guidance on how an individual can request access to or amend NRC Privacy Act Records)

- NRC Privacy Policy and Security Notice

Whistleblower Protection

The NRC's [Whistleblower Protection Web page](#) provides background and guidance on this program. The site informs employees and contractors of their rights and remedies under the Whistleblower Protection Act.

Web Sites

The NRC Open Government and related Web pages can be accessed from the main [NRC home page](#).

Open Source Software

On August 8, 2016, OMB issued [Memorandum M-16-21](#), "Federal Source Code Policy: Achieving Efficiency, Transparency, and Innovation through Reusable and Open Source Software." This policy establishes a governmentwide focus on the reuse of custom-developed code through cross-agency collaboration and the development of open source software. The NRC will continue to seek opportunities to enhance the reuse of custom-developed code by sharing project information with other Federal agencies (as appropriate), leveraging custom-code developed by other Federal agencies (where possible), and participating in the pilot program (where applicable).

Spending Information

The NRC reports obligation data for commercial contracts to https://www.usaspending.gov.

Participation in Transparency Initiatives

Table 1 summarizes the NRC's participation in governmentwide transparency initiatives.

Table 1: NRC Participation in Government wide Transparency Initiatives

Transparency Initiative	Description of Participation
[Data.gov](#)	New datasets, after security screening, are added to the dataset listing on NRC.gov and are available for download.
[ITDashboard.gov](#)	All major information technology (IT) investments are reported on the IT Dashboard.
eRulemaking	The eRulemaking Program has simplified the public's participation in the NRC rulemaking process by making regulatory information more accessible on [Regulations.gov](#). Executive Order 13563 calls on agencies to promote public participation and an open exchange of information and perspectives among State, local, and Tribal officials; experts in relevant disciplines; affected stakeholders in

Transparency Initiative	Description of Participation
	the private sector; and the public as a whole. Regulations.gov improves the NRC public engagement process by supporting the notice and public comment process for rulemakings. Using the Federal Docket Management System, the NRC has created dockets on Regulations.gov for all documents it has published in the Federal Register since December 2007. The NRC also posts to Regulations.gov stakeholder comments on guidance and other nonrulemaking documents, as well as supplemental background information and supporting documents for significant agency actions.
Grants.gov	All competitive funding opportunities are posted on Grants.gov.
CFDA.gov	The NRC publishes its annual Federal financial assistance program in the Catalog of Federal Domestic Assistance (CFDA).
SAM.gov	The NRC is a voting member of the Integrated Acquisition Environment and System of Award Management (SAM) Change Control Boards. SAM is used as the definitive source for vendor payment information, and all vendors doing business with the NRC must be registered in SAM.
FSRS.gov	The NRC uses the data in the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) in concert with the data in the electronic Subcontracting Reporting System (eSRS) to monitor prime contractor performance with regard to subcontracting requirements.
USAspending.gov	The NRC reports obligation data for commercial contracts and grants to USAspending.gov.

Public Participation and Notice

The NRC uses a variety of approaches to notify the public about proposed actions, significant agency activities, and business. As previously mentioned, the NRC holds more than 1,000 public meetings every year to engage and inform the public about its regulatory activities. The agency also improved its Public Meeting Notification System and Public Meeting Feedback System to provide easier means for the public to obtain and share information with the NRC. The NRC has made significant progress to improve business processes to encourage wider and earlier means for reaching out to stakeholders.

The NRC also produces high-quality content for its social media platforms—the NRC Blog, Twitter, YouTube, Facebook, and Flickr. The NRC continues to review and assess the use of new technologies to enhance and expand its social media platforms. Since the 2014 update of its Open Government Plan, NRC activities such as the NRC Facebook platform and the use of additional social media tools have increased subscriber and viewer rates for agency social media platforms and allowed the agency to better communicate event and incident information. The NRC Crisis Communication plan incorporated the use of social media as a way to distribute information. The NRC also actively participates in the Federal Government Social Media Community of Practice.

Records Management

The NRC's Information and Records Management (IRM) program is focused on providing complete and accurate agency information by developing policies, procedures, guidance, and tools for the capture, use, storage, and disposition of information to allow staff and the public to access NRC information repositories, now and in the future. Current policies and procedures, as well as National Archives and Records Administration-approved retention schedules for NRC records, can be found on the NRC's Records Management Web site.

Freedom of Information Act Requests

The NRC has implemented a number of strategies for streamlining the FOIA process, which can be found in the "Chief FOIA Officer Report for March 1, 2016 through March 1, 2017." The NRC has also been researching new FOIA processing technology, which will contribute to an increase in the agency's efficiency in processing FOIA requests and aid the NRC in keeping pace with the increasing volume of FOIA requests.

Information about the NRC FOIA program and its value as a tool for greater government transparency is available from FOIA.gov. Additional information on the NRC's administration of FOIA is available from the NRC FOIA Web site.

Congressional Requests

The NRC's Office of Congressional Affairs (OCA) Web site discusses the functions of that office. OCA is responsible for ensuring that the NRC meets its statutory responsibility to keep the appropriate Congressional oversight committees fully and currently informed about the NRC's activities.

Declassification Program

The NRC's Declassification Program Web site provides information about that program. The NRC administers its Declassification Program in accordance with Executive Order 13526, "Classified National Security Information," dated December 29, 2009, as well as NRC MD 12.2, "NRC Classified Information Security Program." This program promotes declassification of information that no longer requires protection (in accordance with established information security procedures) to promote the free flow of information.

E.   Prior Open Government Milestone Commitment Status

The NRC has completed all key Open Government Plan milestones as referenced in Section E of the Status Update 2016-2017 publication.