

respect to both the need for correction and the type of correction requested. In determining whether to correct information, the NRC may reject claims made in bad faith or without justification. The NRC is required to undertake only the degree of correction that it concludes is appropriate for the nature and timeliness of the information involved.

The 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 observation of budget and resource priorities and restraints, and the agency's more pressing priorities and obligations.

Subject to applicable laws, the NRC's corrective measures may include, without limitation, personal contacts via letter or telephone, form letters, press releases, postings on the NRC's Website, 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 the 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.

In cases where the agency disseminates a study, analysis, or other information prior to the final agency action or information product, ICRs will be considered prior to the final agency action or information product in those cases where the agency has determined that an earlier response would not unduly delay issuance of the agency action or information product and the requester has shown a reasonable likelihood of suffering actual harm from the agency's dissemination if the agency does not resolve the ICR prior to the final agency action or information product.

The NRC will continue to process any decision or document that has had a related ICR unless the 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 ICR and NRC responses will be made public through ADAMS. Note: Your personal privacy information will not be made public.

#### (7) Annual Report

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

Dated at Rockville, Maryland, this 20th day of September 2002.

For the Nuclear Regulatory Commission.

**Jacqueline E. Silber,**

*Deputy Chief Information Officer, Office of the Chief Information Officer.*

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### **NUCLEAR WASTE TECHNICAL REVIEW BOARD**

#### **Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the U.S. Nuclear Waste Technical Review Board**

**AGENCY:** U.S. Nuclear Waste Technical Review Board.

**ACTION:** Final notice.

**SUMMARY:** The Office of Management and Budget (OMB) issued government wide guidelines (*OMB Guidelines*) as required by Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106-554; H.R. 5658) to ensure and maximize the quality of information disseminated by Federal agencies. The *OMB Guidelines* were published on September 28, 2001, (66 FR 49718) and on January 3, 2002, (67 FR 369) and reprinted in their entirety on February 22, 2002, (67 FR 8452); *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies*. Each Federal agency is required to issue its own set of guidelines to comply with the Section 515 requirements.

The U.S. Nuclear Waste Technical Review Board (Board) is making its final information guidelines available both in the **Federal Register** and on its Web site at [www.nwtrb.gov](http://www.nwtrb.gov). These information guidelines include the proposed complaint and review process for addressing public requests for correcting information. Please bear in mind that the purpose of the complaint and review process is to deal with information quality, not to resolve underlying substantive policy or legal issues or factual disputes.

Comments received will be reviewed and their disposition included in the

Board's annual report to OMB in Section 515.

The Board's information quality guidelines apply to information first disseminated by the Board on or after October 1, 2002 and do not include archived information disseminated previously.

#### **NWTRB Guidelines for Disseminating Information**

##### *Board Mandate*

The U.S. Nuclear Waste Technical Review Board was established by Public Law 100-203, Part E, to "evaluate the technical and scientific validity of activities undertaken by the Secretary [of Energy] after the date of the enactment of the Nuclear Waste Policy Amendments Act of 1987, including: (1) [Yucca Mountain] site characterization activities; and (2) activities relating to the packaging or transporting of high-level radioactive waste or spent nuclear fuel."

To carry out its mandate, the Board strives for a high standard of quality in reviewing the U.S. Department of Energy's (DOE) technical and scientific activities. The Board holds open meetings, routinely schedules time for public comment at its meetings, and actively solicits the opinions of experts in fields allied with topics under review.

The Board also makes every effort to ensure the quality, objectivity, utility, and integrity of information that it disseminates. In developing these guidelines, the Board has followed the requirements set out by the OMB.

##### *Information Disseminated by the Board*

The Board was charged by Congress with providing technical and scientific advice to Congress and the Secretary of Energy based on the expert opinion of Board members. The mandate of the Board is to provide unbiased, expert advice. The quality of the information the Board provides is central to the Board's mission. Therefore, the Board makes every attempt to ensure that the process it uses to derive its opinions is open, and that standard scientific processes are used.

In accordance with its mandate, the Board performs an evaluation of the technical and scientific validity of factual information provided by the DOE. The Board does not normally originate technical and scientific research or data. Consequently, information disseminated by the Board is almost without exception based on Board-member opinion of the information that has been presented to it. Like all expert judgments, Board

opinions have a subjective element. Thus, every effort is made to ensure that they meet the standards of objectivity, reproducibility, and transparency described in the OMB guidelines.

To clarify how the Board conducts its reviews, the following guidelines for the information the Board disseminates have been formalized from procedures that were already in place. The guidelines have three elements. First, to the extent that Board opinions derive *directly* from specific technical analyses, those analyses are revealed. Second, the Board makes clear the logic and rationale for its expert opinions. Third, the Board makes every effort to ensure that the information on which it bases its opinions is credible.

**Technical analyses.** The Board includes a discussion of technical analyses that form the basis of its expert opinions in its twice-yearly reports to Congress and the Secretary of Energy. In addition, such technical analyses are referenced in Board correspondence with the DOE and in correspondence with and testimony before Congress.

**Logic and rationale.** To make the logic and rationale that support its opinions clear, the Board makes every effort to ensure that its findings and recommendations and the technical analysis on which they are based are understandable, relevant, and widely accessible.

**Credible information.** To help ensure that its opinions are based on credible information, the Board stays informed on progress in the program by holding meetings several times a year, by being updated on current scientific and technical research, by conducting field observations, and by gathering information from parties to the process and experts in related fields. The Board cites all materials referenced as supporting documentation in its reports and correspondence. However, even with its scrupulous review the quality of information from external sources cannot be guaranteed by the Board.

From time to time, the Board retains technical experts to provide their opinions on specific technical and scientific issues related to the Board's review of the DOE program. Expert opinion generated or disseminated by these expert consultants are disseminated, the Board includes an appropriate disclaimer in the document, for example: "The views in this document are those of the consultant and are not necessarily those of the Board."

In addition, Board members, staff members, and consultants may independently publish information in their areas of expertise, without

implying the official Board endorsement of the views presented.

#### *Process of Disseminating Information*

The Board strives for a high degree of transparency in its evaluation of the DOE program. Consequently, the Board ensures that all Board documents, covered by these guidelines, are widely disseminated and available to other organizations, to members of Congress, and to members of the public. The Board mails its twice-yearly reports and its meeting notices directly to its extensive mailing list. The Board makes all its reports, correspondence, congressional testimony, meeting transcripts, and other documents available on its Web site and on request. Most of these documents can be downloaded and are accessible to those who use assistive technology for reading online material.

#### *Quality Management Principles*

In reviewing information for dissemination, the Board complies with statutory requirements for protecting certain information. The statutory requirements include the Privacy Act of 1974, the Freedom of Information Act, and the computer security provisions of the Paperwork Reduction Act. The Board strives to ensure that the information in Board documents is unbiased, relevant, accurate, and clear by using the following procedures.

The Board reviews documents for adherence to quality standards as part of its internal review process. Board members and Board staff perform multiple reviews of Board reports, Board correspondence, Board congressional testimony, and other documents. All Board documents are reviewed for consistency and clarity. Text is edited to ensure that thoughts and arguments flow logically and are clear, concise, easy to read, and grammatically correct. Tables and charts are edited to ensure that they clearly and accurately illustrate and support points made in the text. Sound statistical and analytical techniques are used in developing Board documents.

#### **Complaint and Review Procedures**

##### *Information Covered by These Guidelines*

Board guidelines include the following procedures for members of the public to seek and obtain appropriate correction of information disseminated by the NWTRB after October 1, 2002. Archived materials released prior to this date are not included in these guidelines unless they are revised. As required by OMB Guidelines, the

NWTRB will report annually to the director of the OMB on the number and disposition of such requests received.

##### *Information Not Covered By These Guidelines:*

- archival records
- transcripts of meetings
- correspondence with an individual
- reports containing a disclaimer
- dissemination for adjudicative processes

##### *The Filing and Review Process*

Please follow the procedures provided on the Board's Web site for available from the Board's office. Provide the information requested on the form and submit it to [IQG@nwtrb.gov](mailto:IQG@nwtrb.gov) or to U.S. Nuclear Waste Technical Review Board; Section 515 Compliance; 2300 Clarendon Blvd., Suite 1300; Arlington, VA 22201.

Each person submitting a complaint must describe the specific information that does not comply with OMB or NWTRB guidelines, and how they are affected by the information error. Requests that are specific and provide evidence to support the need for and type of correction will enable the Board to develop an appropriate response and remedy. A decision on whether and how to correct the information will be made within 60 days of receipt, and the requester will be notified of the decision by mail, telephone, e-mail, or fax, excepting unusual cases, as appropriate. If the complaint needs more time to resolve the Board will notify the complainant that the response will be delayed, the reason for the delay, and an estimated date for the response. The NWTRB may choose not to respond to requests based on claims deemed frivolous or unlikely to have substantial future effect.

If the claim is denied, the requester may ask within 30 days of the date of the decision for reconsideration of the Board's decision. Such requests must be made by e-mail ([IQG@nwtrb.gov](mailto:IQG@nwtrb.gov)) or in writing (U.S. Nuclear Waste Technical Review Board; Director of Administration; 2300 Clarendon Blvd., Suite 1300; Arlington, VA 22201). The NWTRB will then reconsider its decision. Reconsiderations will be made by the Director Administration or delegate. The claimant will be notified of the final decision within six weeks.

If the claim is found valid, the Board will work with the complainant to resolve the issue satisfactorily within the resources of the Board. A correction may be made on the website, published in the **Federal Register**, an erratum may be included in further distribution of the material, or other avenues may be

discussed. The information corrected and actions taken will be included in the Boards Section 515 annual report to OMB.

#### Definitions

**Quality:** An encompassing term comprising utility, objectivity, and integrity, as defined below.

**Utility:** The usefulness of the information to its intended users.

**Objectivity:** A focus on ensuring that information is accurate, reliable, and unbiased, and that information products are presented in an accurate, clear, complete, and unbiased manner.

**Integrity:** The security of information from unauthorized access or revision to ensure that the information is not compromised through corruption or falsification.

**Information:** Any communication or representation of knowledge, such as facts or data, in any form. This does not include individual Board member or staff opinions, where the agency makes it clear that what is being offered is someone's opinion rather than fact or the Board's view.

**Dissemination:** Agency-instituted or agency-sponsored distribution of information to the public. Dissemination under these guidelines does not include distributions limited to government employees or agency contractors or grantees; interagency or intraagency use or sharing of government information; and responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act, or other similar law.

**Influential:** The Board can reasonably determine that dissemination of the information will have or does have a clear and substantial effect on important public policies.

**Reproducibility:** The information is capable of being substantially reproduced, subject to an acceptable degree of imprecision.

Dated: September 25, 2002.

**William D. Barnard,**

*Executive Director, Nuclear Waste Technical Review Board.*

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## OFFICE OF MANAGEMENT AND BUDGET

### Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies

**AGENCY:** Office of Management and Budget, Executive Office of the President.

**ACTION:** Notice of availability.

**SUMMARY:** The Office of Management and Budget (OMB) is giving notice of availability of its Information Quality Guidelines. These Information Quality Guidelines describe OMB's predissemination information quality control and an administrative mechanism for requests for correction of information publicly disseminated by OMB. The Information Quality Guidelines are posted on OMB's Web site: <http://www.whitehouse.gov/omb/inforg/infopoltech.html>.

**DATES:** OMB's predissemination review applies to information that OMB first disseminates on or after October 1, 2002. OMB's administrative mechanism for correcting information that OMB disseminates applies to information that OMB disseminates on or after October 1, 2002, regardless of when OMB first disseminated the information.

**FOR FURTHER INFORMATION CONTACT:** Brooke J. Dickson, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Telephone (202) 395-3785 or e-mail to: [informationquality@omb.eop.gov](mailto:informationquality@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** OMB published a notice of availability for proposed information quality guidelines in the **Federal Register** on May 1, 2002 (67 FR 21779). OMB amended its proposed guidelines to reflect guidance provided to all the agencies in a Memorandum from John D. Graham for the President's Management Council, "Agency Draft Information Quality Guidelines" (June 10, 2002) and a Memorandum from John D. Graham to the President's Management Council, "Agency Final Information Quality Guidelines" (September 5, 2002). These memoranda are available on OMB's Web site: <http://www.whitehouse.gov/omb/inforg/infopoltech.html>. OMB also received a few agency-specific textual comments that were helpful in clarifying the guidelines. A summary of significant amendments to the proposed guidelines follows, in order of the text.

In the introductory paragraph to these guidelines, OMB establishes these guidelines as its performance standard,

as called for at page 7 in the June 10, 2002 memorandum. (*See also*, paragraph III.1 of the Agency-wide Guidelines, 67 FR 8452 (February 22, 2002)).

In a new paragraph I.A.6, OMB adds more specific language involving the dissemination of influential scientific, financial, or statistical information. (*See* June 10, 2002 memorandum, page 9; Agency-wide Guidelines, paragraph V.b.ii.B).

OMB clarified its predissemination review procedures in renumbered paragraph I.A.7.

In a new paragraph I.A.9, OMB links its clearance of proposed collections of information under the Paperwork Reduction Act with ongoing implementation of these information quality guidelines (*See* June 10, 2002 memorandum, p. 10).

In the introduction to section II, OMB stresses that the purpose of any corrective action will be to serve the genuine and valid needs of OMB without disrupting OMB processes, and to deal with information quality matters, not to resolve underlying substantive policy or legal issues. (*See* **SUPPLEMENTARY INFORMATION** to interim final Agency-wide Guidelines, 66 FR 49718, 49721 (September 28, 2001)).

In paragraph II.1, OMB stresses that the person seeking correction of information has the burden of proof with respect to the necessity for correction as well as with respect to the type of correction requested. (*See* June 10, 2002 memorandum, page 11). In addition, OMB adds a description of the kinds of information that a person seeking correction of information needs to provide to help meet that burden of proof.

In paragraph II.9, OMB points out that if it needs to extend the time it will take to notify the person seeking correction, it will provide a reasoned basis for the extension and an estimated decision date. (*See* September 5, 2002 memorandum, Appendix, topic (3)).

In a new paragraph II.10, OMB adds a provision stating that requests for correction of information will be considered, in cases where OMB disseminates a study, analysis, or other information for public comment, prior to disseminating the final OMB action or information product if (1) an earlier response would not unduly delay dissemination of the OMB action or information product; and (2) the requestor had shown a reasonable likelihood of suffering actual harm from the dissemination if the correction were not made until dissemination of the final OMB action or information