

April 1, 2002

Mr. Don Moniak  
Blue Ridge Environmental  
Defense League  
P.O. Box 3487  
Aiken, SC 29802

Dear Mr. Moniak:

I am writing in response to your letter of February 23, 2002, to Chairman Meserve. I will address your two questions in the order they were asked.

Question 1

**“The legitimacy of the Commission’s statements regarding the complete erasure of the agency’s nrc.gov web site, and the subsequent replacement with a newly designed website.** According to an agency contractor report from August 2001, plans were already in place to replace the website with a newly designed version. The current version matches that proposed version. When did the Commission decide to use this new design? Is the reason for lack of access to information today caused by website construction rather than document scrutiny?”

Answer

The Commission tasked the Office of the Chief Information Officer (OCIO) to redesign the agency’s public Web site in Staff Requirement Memorandum 001109A, May 18, 2000, resulting from a Commission meeting held with agency stakeholders on November 9, 1999. Subsequent to this guidance, the OCIO, in conjunction with representatives from all other agency offices, and with input from outside agency stakeholders, settled on the current design of the public site on December 28, 2000.

The reason for lack of access to some site information today was not caused by Web site construction. The OCIO was developing content for the new design preceding September 11, 2001. On October 11, 2001, the agency decided to close down the public site in order to reassess the information because of increased security concerns in light of the events of 9/11. A much-reduced version of the old site was re-posted on October 17. Between then and December 3, 2001, when the partially restored content on the old site was posted in the new design, the OCIO decided as a practical site administration matter, given how far advanced the new design had developed, that it would be more efficient to rebuild the site in the new design rather than to restore the old design and then replace it. In the meantime, post September 11, 2001, NRC staff was reviewing all documents on the old site for sensitive safeguards information. This review process, still underway, accounts for why there are far fewer documents on the redesigned site. Had 9/11 not occurred, all documents on the old site would likely appear on the new, redesigned site.

I can assure you that it is the Commission's intention to return appropriate information to the Web site as quickly as possible.

Question 2

**“The criteria for making the determination that information “might be useful to terrorist” and therefore must be withheld from the public.** In response to a Freedom of Information Request, the Commission recently released the name and license numbers of every licensed nuclear power plant operator in the United States to a private “headhunting” firm from Louisiana. Is it the policy of the NRC to release documents that provide no benefit to the public and violate privacy concerns?”

Answer

A Freedom of Information Act request can be made to a Federal Agency by any person and can be made for any reason whatsoever. The purpose for which records are sought has no bearing upon the merits of the request itself. If a FOIA requester seeks a waiver or reduction of processing fees, then the requester must provide additional information in sufficient detail for the agency to make an informed decision as to whether it can appropriately waive or reduce the fees in question. However, absent a request for waiver or reduction of fees, FOIA requesters do not have to explain or justify their requests.

In order for NRC to deny requested information, one of the exemptions contained in the statute must apply to the information. You have suggested that release of the information was an invasion of the privacy of the individuals listed in the printouts. All of these individuals have, currently or in the past, held a license issued by the NRC. Information contained in licenses issued by the NRC is public information. There is no basis for withholding these individuals' names.

Nevertheless, be assured that FOIA requests are reviewed for potential security issues and the agency would take appropriate action if the requested information appeared to have a clear and significant benefit to a terrorist in a potential attack.

We hope these responses clearly explain the release of information to the public via the public Web site and the basis for this Freedom of Information Act response by NRC. As I'm sure you understand, like many other organizations that maintain information about the nation's infrastructure, the NRC must carefully balance the public's right to information with the increased security concerns stemming from the terrorist attack.

Sincerely,

**/RA/**

Stuart Reiter  
Chief Information Officer

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**/RA/**

Stuart Reiter  
Chief Information Officer

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