



UNITED STATES
NUCLEAR REGULATORY COMMISSION

COMSECY-01-0030

WASHINGTON, D.C. 20555-0001

October 29, 2001

11/6/01

~~NOTE: SENSITIVE
INFORMATION - LIMITED
TO NRC UNLESS THE
COMMISSION DETERMINES
OTHERWISE~~

MEMORANDUM TO: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

FROM: William D. Travers
Executive Director for Operations

Carl J. Papenwirth for

SUBJECT: GUIDANCE TO THE STAFF ON RELEASE OF INFORMATION TO THE
PUBLIC

As requested, attached for your review is a copy of a draft network announcement and criteria for the staff to use in making discretionary releases of information to the public. The guidance is to be used in the interim, until a long-term, permanent policy is developed.

SECY, please track.

Disapproved. See attached comments.

Attachment: As stated

- cc:
- SECY
- OGC
- OCA
- OPA
- CFO

Greta Joy Dicus
Greta Joy Dicus 11/12/01

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COMMENTS OF COMMISSIONER DICUS ON COMSECY-010030

I cannot approve the proposed criteria and network notice on release of information to the public as currently drafted. I have several concerns with this draft.

1. As drafted the Network Notice provides no guidance concerning who to contact with questions on application of the withholding criteria nor does it indicate who will be the final decision maker if there is a difference of opinion as to whether something should be released to the public. There is also no indication of whether there will be some quality control, such as review by those responsible for actually placing information in the PDR or on the WEB, to assure consistent application of these criteria.

2. I have some questions regarding Criteria 1. I would like to understand the justification for removal of emergency plan information from the WEB. In an actual emergency citizens may very well look to our site for information should they have lost an instructions provided to them in advance by the licensee or if the licensee's WEB site is unavailable due to the underlying emergency. I would, therefore, like a better explanation from those proposing to keep this information off our WEB site.

Also with respect to Criteria 1 I would like a better explanation of why the FSAR's would be removed in their entirety. Is there a possibility of just withholding some portions of the FSAR? Is the level of detail contained in the FSAR's really enough to provide significant information to a potential terrorist? It may well be that removal is appropriate, but I need to see a better explanation of the basis for removal before approving holding from public disclosure a basic document that has always been available to our stakeholders.

3. While I understand that this guidance is, of necessity, general in nature, there are a number of document categories where I could not tell whether or not documents would be placed on the NRC WEB page. This is significant because these are categories that are not now on the WEB page including Regional Morning Reports, 50.72 reports (event reports), Daily status reports, and Preliminary Notifications. The guidance needs to be specific enough to identify broad categories to be withheld even if it must remain general enough to allow some judgement on individual documents.

A decision on whether to continue to withhold these documents should be made expeditiously, so I would appreciate staff's response to my comments on an expedited basis.

gjd
11-12-01