UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

March 19, 2002

MEMORANDUM TO: Mindy Landau, Coordinator
Office of the Executive Director for Operations

FROM: Thomas P. Gwynn, Deputy Regional Administrator */RA/*

SUBJECT: WITHHOLDING SENSITIVE HOMELAND SECURITY INFORMATION FROM THE PUBLIC

This responds to your e-mail of March 14, 2002, which provided a draft memorandum to the Commission on this subject. Thank you for the opportunity to review this important document. Region IV has reviewed the draft memorandum and provides our comments for your consideration as an attachment.

Should you have any questions concerning these comments, please contact Bill Johnson of my staff at 817/860-8148.

Attachment: As stated

cc w/attachment:
Deputy Regional Administrators, RI, RII, RIII

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ATTACHMENT

1. There should be some discussion about instructing licensees on identifying which information should be withheld (similar to identifying proprietary or safeguards information).

2. The guidance should clarify whether the entire document will be withheld if sensitive homeland security is identified and if not, the resource burden on NRC staff to redact information prior to receipt of a FOIA request should be highlighted.

3. Regarding the first bullet under Guidance on Availability of Documents, it might be worthwhile to survey NRC employees for knowledge of this type of material. Although there was a broad review performed immediately after 9/11, it might be prudent to perform a more comprehensive/systematic review.

4. Regarding the second bullet, it is not clear who will perform this review. - staff in appropriate offices

5. Regarding Criterion 1, it is not clear whether NRC intends to review all existing FSAR information (even if it is currently widely available via ADAMS). The memorandum indicates that archived documents will not be reviewed. Since FSARs typically contain detailed design information that would meet the SHSI criteria, why would they not be withheld from the public. It is also noted that FSARs are periodically revised and resubmitted by licensees and that outdated versions would still include SHSI. no

6. Regarding Criterion 2, it is not clear what is meant by "personnel clearance procedures."

7. Regarding Criterion 3, this item should be expanded to include vital area boundaries.

8. Regarding Criterion 5, this criterion would limit the amount of information available regarding plant status. However, current plant status sheets continue to identify plants that are in refueling outages. Since, in the past, this labeling has meant that the reactor head was either detensioned or removed, it identifies a plant vulnerability. no

9. Regarding the list of information that may now be released, the following qualifier should be added to the first item, "Performance indicators and inspection findings": (that do not meet the above criteria). This qualifier is needed because certain performance indicator data and inspection findings could reveal vulnerabilities or weaknesses.