PROPOSED STAFF APPROACH FOR RELEASE OF INFORMATION
SRM on COMMSECY-01-0030

DEDO BRIEFING 1/22/02
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We are preparing an approach that we believe implements the SRM on release of information. Recognizing the Commission has not yet issued a final SRM, Version B is sufficiently similar to Version A, that we believe we can begin to move forward in our planning process.

The approach begins with staff (safeguards in NRR/NMSS and security in ADM) defining "Sensitive Homeland Security Information." This definition will comport with the draft "white papers" issued by the Office of Homeland Security.

Key Messages from the draft SRM:

Staff interprets the draft SRM to mean that the majority of our information may still be released to the public, as per normal pre-9/11 practice. However, a small amount of information will fall into the category of SHSI and therefore a review process should be instituted to capture this information.

We will submit the guidance for final Commission approval.

There was much debate and discussion on general comments 1 and 2. It was decided that since these two items could be interpreted inconsistently by the staff, #1 should be given more weight. For instance, all identified categories of information that could be expected to benefit a terrorist in a potential attack would be considered before we weigh the costs and benefits of pulling any widespread information back. We believe #2 should reflect a "from this day forward" stance, and not apply to information previously available before 9/11.

Review Process

The SRM calls for "a management review of withholding decisions.... a screening of all incoming and outgoing documents, and methods for handling and protecting of (SHSI)."

We already have a document control process in place. This category of information could be folded into that process.

OGC believes we may be able to treat SHSI similar to the manner in which we treat proprietary information, which means **most of the onus will be on the licensee** to properly mark such information. OGC believes there may also be a withholding exemption we could apply within FOIA. Licensees would also be instructed to create two versions of a document, when appropriate.

Certain categories of information will be identified for their likelihood to include SHSI. Staff tasked with reviewing those documents will be sensitized/trained in handling of this material. Likewise, document control staff who are tasked with opening the mail should be trained.

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According to the staff, most incoming documents are marked properly. Questions on markings are forwarded to OGC.

<u>Next Steps</u>

- Staff will define SHSI and we will rewrite the criteria to reflect the Commission's comments. The accompanying guidance will include some of the Commission's thoughts and will provide the staff examples of categories of documents that will likely **not** include SHSI.

- Send the criteria to the Commission for approval

- Issue the new guidance and criteria to the staff which will include all categories of information to be protected, i.e., classified, safeguards, proprietary, and now SHSI.

- Develop internal training for staff with responsibility for reviewing SHSI

- Revise the management directive to reflect the final guidance

<u>In the Interim (before final guidance is issued)</u>

- Web review teams in the three program offices will continue to review material that may contain SHSI.

- Material that clearly does **not** fall into the SHSI category can be re-posted to the web. The Commission was recently provided a web redesign deployment schedule which we will follow. We will post other documents not included on that schedule (certain NUREGs, Reg Guides, some generic communications, perhaps Info Digest), after the review teams approve them, and will notify the Commission via another C-note.