



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

January 22, 2002

COMMISSIONER

MEMORANDUM TO:

Chairman Meserve  
Commissioner Dicus  
Commissioner McGaffigan  
Commissioner Merrifield

FROM:

Nils J. Diaz 

SUBJECT:

STAFF REQUIREMENTS - COMSECY-01-0030 - GUIDANCE TO  
THE STAFF ON RELEASE OF INFORMATION TO THE PUBLIC

For the following reasons, I am strongly opposed to the creation of a new standard for releasing information by using "clear and significant benefit":

1. The agency is creating terminology that is not consistent with the "reasonable" and "adequate" terms used to ensure adequate protection of public health and safety, to promote the common defense and security, and to protect the environment.
2. The term "clear and significant" establishes a very high threshold that will be difficult to meet and creates an unnecessary burden to implement. It could result in the release of information that should be reasonably withheld.
3. A standard of "can be reasonably expected" permits a value judgement on the release or withholding of information which can change over time, without changing the standard, depending on the varying threat environment. I do not believe that this flexibility would be achieved using a standard of "clear and significant benefit."
4. New terms introduced into one regulatory area frequently propagate to other regulatory areas and, I believe that use of "clear and significant" would be problematic, particularly if with time it comes to replace "reasonable" or "adequate" in staff usage.
5. The Commission will be held accountable for meeting a "clear and significant" standard, the application of which will be problematical to defend.

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