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Steve -
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Mike

NETWORK ANNOUNCEMENT

Since the events of September 11, we have had to re-examine our policies on the dissemination of the types of information we routinely provide ~~are providing~~ to the public. In the interim, the following criteria have been developed to assist the staff in discretionary release of certain documents to the public, which includes posting them to the web and to the PARS public library in ADAMS.

This guidance is of necessity general and ~~we realize it is subject to multiple interpretations. We will likely use~~ reflects a conservative approach to screening documents with the intention of ensuring that we do not release information that can be misused by those with a malevolent intentions toward NRC-regulated activities and facilities. The criteria may be adjusted in the future based on our experience using them. ~~criteria such as this in the near term, but over time may decide to become more flexible.~~ To the extent you are unsure about whether a particular document should be made publicly available, contact your senior office management.

As you know, the external web page has been shut down and we are re-building it incrementally as we make decisions on which material can be posted. Since the web is easily accessible, we should be conservative about posting on the web material that gives significant details about licensed facilities. ~~keep posted material at the more conservative level.~~ The criteria provide ~~gives~~ some guidance in this regard. We are aware that external organizations have material on their web sites that may be considered sensitive under the criteria and will be dealing with this on a case-by-case basis. Although information may no longer appear on our web site, we will continue to satisfy our legal obligations to make certain information publicly available.

NUREGs under development should also be evaluated against the criteria on a case-by-case basis by individual offices. Public release of NUREGs which contain sensitive information should be postponed, but the staff should ensure that the information is available to agency reviewers and decisionmakers as needed.

Public meetings should continue to be conducted as part of the agency's business. However, in the near term, we believe it would be prudent for staff to ~~limit seek~~ alternatives to holding public meetings at licensee sites to ~~avoid availability of site addresses on the public meeting web site.~~ If site meetings are held, limit addresses on the web to city and state. If discussions at the meeting will cover material that you believe is sensitive using the following criteria, notify your office management. Each office will make the final decision on whether or not to hold the particular meeting, whether it should be open to the public, and what type of material should be discussed. Offices need to take into consideration the fact that public meeting handouts and minutes are normally made publicly available.

Freedom of Information Act (FOIA) material is ~~handled separately from this guidance and is subject to specific laws and statutes. Guidance on FOIA material will be sent to you separately, pending decisions from the Department of Justice.~~ For now, You should continue to handle and process all FOIA requests in the same manner as you have before, but we suggest that you identify documents that fall within the following criteria, ~~for which you may be uncertain of the~~

separately

If you are

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application of the FOIA exemptions from disclosure so that guidance on the release or withholding of such documents can be obtained from the FOIA branch or OGC. The Attc General recently issued a new policy indicating that the Department of Justice will defend agency decisions to withhold records that rest on a sound factual and legal footing.

~~NUREGs under development should also be evaluated against the criteria on a case-by-case basis by individual offices. Consider postponing publication of NUREGs which could contain sensitive information.~~

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CRITERIA TO BE USED WHEN DECIDING TO MAKE A DISCRETIONARY RELEASE OF INFORMATION TO THE PUBLIC

In addition to withholding previously restricted categories of information properly determined to be exempt from disclosure, such as classified, proprietary, privacy or safeguards information, you should consider **not** releasing a document if it contains:

- A consolidation or collection of plant-specific information that might be used to exploit site-specific features including equipment and specific facility locations. Examples would include Final Safety Analysis Reports (FSARs), Plant Information Books, Emergency Plans, Individual Plant Examination for External Event (IPEEE) material, Operational Safeguards Response Evaluation material, risk-informed inspection notebooks, and other facility vulnerability information.
- Specific locations of the facility site. For information that is posted to the web, limit these descriptions to city and state. Geospatial coordinates should not be made public through any means. As a practical matter, addresses on licensee correspondence still be made public via ADAMS. Staff should consider limiting public meetings at licensee sites and avoid posting precise site addresses on the public meeting web site.
- Physical vulnerabilities or weaknesses, or potential weaknesses of nuclear facilities that could be useful to terrorists, such as site specific security measures, access controls, or personnel clearance procedures.
- Construction details of specific facilities, such as wall thicknesses or specific barrier dimensions. Detailed diagrams, schematics, or cutaways of plant designs. General descriptions instead of exact numbers (i.e. "several feet, several inches, layers of concrete") should be used for general public information.
- Information which could be useful to defeat or breach barriers at nuclear facilities