Document Availability and Access Since 10/11 Web Site Shut Down

Issue: Staff needs guidance on what information is to be released to the public since the web site was shut down. Can we or should we withhold documents from the public that are no longer on the web?

Background: Since 9/11, when web site was available, documents were screened in accordance with certain criteria. Once DOD ordered the web shut down, new criteria were developed with their assistance. Since the web has been shut down, staff has expressed confusion about which documents should be shared with the public.

The agency is handling document requests in a variety of ways, possibly inconsistently:

- Offices and Regions are performing business as usual regarding document handling and transmitting correspondence, including service lists, licensing actions, etc, while screening all requests and turning down those which they deem "sensitive."

- Depending on who responds to the request or inquiry, individual makes subjective judgment as to whether a particular document should be released. Are individuals still working with previous criteria?

- Staff is confused about FOIA guidance. Thus far, restrictions have not changed but new DOJ guidance may be coming out. Network announcement will be developed.

- Various inquiries from the public and the staff have been received regarding specific information, for instance:

    o Members of the public, including licensees and the financial community, have requested copies of the plant status report.

    o Staff have raised questions about certain information we are legally required to make available to the public....Does having them on ADAMS fulfill this requirement? *legally in Federal...*

    o Public interest groups have requested that rulemaking and licensing activities be suspended until the web site is restored.

    o External groups' web sites (licensees, Pantex, Wise Uranium Project, aerial photos from private citizens), contain more potentially sensitive information than our own site

    o Before the web site was shut down, certain document collections were removed from the web and ADAMS, such as plant information books and emergency plans. We were also in the process of removing all IPEEE information and risk-informed inspection notebooks. Should we inform the staff that specific categories of information are not to be made publically available?

    o Certain portions of 10 CFR require that information be placed on the web site (i.e., 10 CFR 2.1303, Subpart M, regarding license transfer hearings)

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o . Electronic Information Exchange (EIE) is no longer available - OCIO is trying to make it available on the limited web page being developed.

o Public meetings are still being held - for instance, RES is planning a meeting on Accident Sequence Precursors in Brussels. The meeting will contain information in handouts and discussions that was previously identified as sensitive and recommended for deletion from the web. Public meeting information is normally made available to the public. Should this still be our practice?

o The issue of public access to codes , i.e RASCAL, has come up several times.

o · Although we have determined that we are not asking LPDRs to withhold material, many of them have asked NRC for guidance in this area.

Short Term Recommendation:

Options:

(1) Other than daily correspondence or communications with licensees, no documents should be distributed to the public unless they appear on our web site. On a weekly basis, staff will be updated on what types of information can be made public based on information being posted to the web.

(2) Staff should be issued criteria for withholding certain information. If there are questions or clarifications needed, each office contact should make the decision individually.

(3) Requests for information should be routed through OPA and the PDR, or through the Government Printing Office (GPO).

Implications:

If we decide to withhold information via the web or individual distribution, we also need to address how these documents will be handled via ADAMS. Currently, many documents previously on the web are still accessible on ADAMS, which is available to the public through the PDR

Routing requests through OPA and PDR would vastly increase the workload on those organizations.

Long Term Recommendation: In accordance with the Chairman's tasking memo, a task force needs to be convened to discuss the agency's long-term policy with regards to potentially sensitive information that is to be made available to the public in various forms, i.e. web, document access, public meetings.