

From: Carol Ann Reed
To: Reiter, Stuart
Date: 1/16/02 5:42PM
Subject: Re: Fwd: Draft SRM on COMSECY-01-0030 Guidance on Release of Information to the Public

18
release

I have a problem with the rewording of item #2. It now states that information previously placed in the PDR is not necessarily considered widely publicly available.

In the FOIA area, when a fee waiver is requested I make a determination on whether we will provide the information free of charge. One of the criteria I use, which is in our regulations, deals with what is the likely impact on the public's understanding of the subject matter of the info being requested after we process the FOIA as compared to the level of understanding before the release to the information to the requester. In the past, if the staff offices tell me there is no information already available in the PDR/ADAMS then I make the determination that the requester has met that particular criteria for a fee waiver. On the other hand, if the staff offices tell me that information is already available in the PDR or ADAMS then I make the determination that there can be no increase in the level of understanding because NRC has already made the information widely available and, therefore, there is no basis for giving the requested information free of charge. Most of the time it is a mixed bag where some information is already available and some not. In those cases I grant the fee waiver for only those records not in the PDR/ADAMS and I tell the requester how to obtain the records from the PDR/ADAMS.

If the Commission now determines that information in the PDR is not widely available then I will begin to grant more fee waivers. This will put an extra burden on the staff offices because they will have to produce the actual records, provide them to me so I in turn can send them to the requester free of charge. In the past the staff offices have just provided a listing/printout of those records not the records themselves. Since FOIA fees go to the general Treasury and not NRC, this will not have any budget impact but will become a resource issue for the staff offices. It could potentially become a resource issue for me and/or Gene Wood's group because those records will have to be copied in order to provide them to the requester. Most of the time there is a large volume of records involved.

If you have any questions, just let me know.

>>> Francine Goldberg 01/16/02 01:50PM >>>

Per attached, Stu needs comments today if you have any. Since I will be in meetings, suggest you send them straight to Stu with copy to me and Mindy.

Carol Ann - I know you have an issue, so make sure Stu is aware of it.

Fran

CC: Goldberg, Francine; Landau, Mindy

LL-25