

December 6, 2004

MEMORANDUM TO: Michael Weber, Deputy Director
Office of Nuclear Security and Incident Response

FROM: Ledyard B. Marsh, Director */RA/*
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

SUBJECT: COMPLETION OF PART 50 DOCUMENT REVIEW AND ISSUANCE OF
LICENSING ACTIONS WHILE ADAMS IS UNAVAILABLE TO THE
PUBLIC

On October 25, 2004, the Nuclear Regulatory Commission temporarily disabled public access to the Agencywide Document Access and Management System (ADAMS) and the Public Document Room (PDR) and initiated a security review to ensure that potentially sensitive information is not publicly available. The Office of Nuclear Reactor Regulation (NRR) staff supported the security review of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50 documents in ADAMS as well as those published in the *Federal Register* (FR) for public comment.

The license amendment process, described in 10 CFR 50.91, requires the Commission to publish notice of proposed amendments in the FR. The notice refers the public to ADAMS or the PDR for the proposed amendments and provides an opportunity for public comment on the proposed no significant hazards finding within 30 days and an opportunity to request a hearing within 60 days. As of the date of this document, there are 102 proposed amendments for which a portion of the 60-day period includes the ADAMS outage (see attached table).

From October 25 to November 7, 2004, neither ADAMS nor the PDR were available to the public. Because of this, NRR's Division of Licensing Project Management (DLPM) decided to delay issuance of amendments except in situations where either safety or schedule would be adversely affected. This occurred in only one instance and an amendment was issued in accordance with 10 CFR 50.91 on November 4, 2004, for the Beaver Valley Power Station.

On November 8, 2004, the NRC reopened the PDR to restore public access to reactor-related documents, including the 102 proposed amendments. Using the guidance in SECY 04-191, "Withholding Sensitive Unclassified Information Concerning Nuclear Power Reactors From Public Disclosure," the staff reviewed the proposed amendments and provided the PDR with a list of screened and approved accession numbers. In addition, DLPM has begun to include the following language in notices of proposed amendments published in the FR:

As of October 25, 2004, the NRC initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's Web site. Interested members of the

public may request copies of the referenced documents for review and/or copying by contacting the Public Document Room pending resumption of public access to ADAMS. The NRC Public Document Room is located at NRC headquarters in Rockville MD and can be contacted at (800) 397-4209, (301) 415-4737, or pdr@nrc.gov.

On November 10, 2004, NRR completed its search and review of documents in Part 50 docket (both power and non-power reactors). Non-power reactor-related documents were reviewed using applicable guidance in SECY 04-191. Documents containing sensitive information were identified and their accession numbers provided to the Office of the Chief Information Officer (OCIO) to be re-profiled in ADAMS as non-public.

This review supplements the staff's earlier activities to control sensitive information. Shortly after the events of September 11, 2001, NRR staff participated in development of policies, practices, and guidance for the control of sensitive information. The staff worked with OCIO to review specific documents and to adjust the general guidance for profiling incoming documents. Therefore, many documents meeting the criteria of SECY 04-191 are already correctly profiled in ADAMS as non-public. The memorandum from R. William Borchardt dated August 5, 2004, (ML041970475) describes the staff's activities in this regard.

The staff's review provides reasonable assurance that documents containing information meeting the guidance in SECY 04-191 have been identified for re-profiling in ADAMS as non-public. As directed in the November 9, 2004, SRM, the staff will routinely review and update the guidance to address common questions and differences in its application. Therefore, in the future, the staff may identify additional documents to be re-profiled.

If you have questions regarding our actions please contact Margie Kotzalas at (301) 415-2737.

Attachment: Table

CONTACT: M. Kotzalas, NRR/DLPM
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