

November 9, 2004

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-04-0191 - WITHHOLDING
SENSITIVE UNCLASSIFIED INFORMATION CONCERNING
NUCLEAR POWER REACTORS FROM PUBLIC DISCLOSURE

The Commission has approved the general framework for making decisions on withholding information that could reasonably be expected to be useful to an adversary and has approved the staff's specific guidance provided in Attachment 1 for making such determinations for information related to nuclear power reactors. The staff should routinely update the examples provided in the specific power reactor guidance to address common questions or differences in applying the guidance.

As a result of the temporary shutdown of the public access to ADAMS, the staff should move expeditiously to complete the necessary determinations and restore public access to the appropriate documents. The staff, in conducting its security review, should use the guidance in SECY-04-0191, to the extent practicable, recognizing that complete specific guidance has not yet been developed with respect to non-power reactor licensees. The staff should ensure that a thorough review of the information is performed and any remaining questionable documents are removed this time.

The staff, in reviewing emergency planning information to determine which information is sensitive, should keep in mind that there could be differences in how State and Local governments protect portions of their plans. In developing NRC's criteria for sensitive information, the staff should strive for consistency in protecting this information, such that the same information from two different States is protected similarly, as appropriate.

The staff should develop similar guidance, based on the overall framework contained in SECY-04-0191, for the handling of sensitive unclassified information with respect to materials and NRC-licensed facilities that could reasonably be expected to be useful to a potential adversary. In this regard, the availability of the sealed source and device database without at least password protection is cause for concern. For the 1300 licensees that possess high-risk radioactive sources controlled under the IAEA Code of Conduct, the staff should consider previous stakeholder comments which indicated a concern with the amount of information about such licensees that is available to the public.

The entire staff should receive training on the types of information to be withheld, with special emphasis placed on the training of staff and managers who are responsible for corresponding with licensees or other members of the public. The staff should keep in mind that while certain information must be withheld from the public, there is great benefit in being as open with the public as possible.

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
DOC
OGC
CFO
OCA
OPA
OIP
OIG
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR