December 22, 2004

Administrative Judge Paul Bollwerk
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3F23
Washington, D.C. 20555

Administrative Judge Paul Abramson
Atomic Safety and Licensing Board Panel
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Administrative Judge Charles Kelber
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
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Washington, D.C. 20555

In the Matter of
LOUISIANA ENERGY SERVICES, L.P.
(National Enrichment Facility)
Docket No. 70-3103-ML

Dear Administrative Judges:

This letter is to notify the Board and parties that the Staff has authorized release of the screening criteria applicable to fuel cycle facilities to affected licensees today. Accordingly, the criteria are available for release to the public and should be placed on our public web site shortly.

The criteria are therefore being provided as an attachment to this letter. Please note that the criteria are no longer designated as "provisional."

Sincerely,

/RA/

Lisa B. Clark
Counsel for NRC Staff

Attachment: As stated

cc w/att: Tannis Fox, Esq.
Clay Clarke, Esq.
Glenn Smith, Esq.
Stephen Farris, Esq.
Chris Coppin, Esq.
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Office of the Secretary
Atomic Safety and Licensing Board Panel

NRC STAFF REVIEW CRITERIA
TO IDENTIFY SENSITIVE INFORMATION IN
FUEL CYCLE DOCUMENTS

1. GENERAL THRESHOLD CRITERIA:

A. Low Hazard: The following types of licensee files need NOT be screened due to the low hazard of the radioactive material at the sites:

–Uranium recovery (yellow cake and tailings only)

–Current information on decommissioning materials sites with diffuse contamination only. (Check for other active licenses or radioactive material at the site; e. g., high activity reactor components, and high activity waste. Screen any such documents separately.)

–Terminated licenses where all radioactivity except diffuse contamination has been removed. (Screen old files for operational information which may contain sensitive information.)

B. Information Readily Available to the Public Elsewhere:

Apply Reactor Criteria Approved by Commission (see SECY-04-191):

–If the information if available from open source literature such as text books, Web sites, or other sources, an NRC decision to withhold the information may decrease the openness of our regulatory programs without obstructing an adversary.

–Information clearly visible from locations accessible to the public is generally released. This includes general (low resolution) drawings of the site and adjacent areas.

2. GENERAL REVIEW CRITERIA FOR NMSS/REGIONAL MATERIALS LICENSEE/CERTIFICATE DOCKETS (INCLUDING FUEL CYCLE)

A. Descriptions of Facilities Where Licensed Material May Be Located

Criteria:

(1) Locations of radioactive material
-Withhold information identifying the specific locations of radioactive material.
-Withhold information on possession limits or actual inventories of radionuclides, form, and quantities.

(2) Design of structures/equipment (site specific)

-Information regarding the design of structures provided to the NRC typically consists of analyses to show that the design feature will withstand the combinations of forces associated with design basis events and natural hazards. The analyses do not typically provide realistic information on the failure of structural features and are not considered sensitive. Information related to predicted structural failures that could be useful to terrorists will be withheld.

-Withhold information related to security requirements, information from analyses which could reveal vulnerabilities, reports of specific or predicted failures, and any other information which could reasonably be expected to be useful to potential adversaries.

(3) Nearby Facilities

-Withhold information related to nearby facilities if the information might reasonably be helpful to those planning an attack.

B. Design Information (non-site-specific): Spent Fuel Casks, Transportation Packages, Sealed Source and Device Catalog and Files, etc.

-Withhold drawings showing detailed design information.

-Do not withhold text information containing descriptions of how packages/devices/sources are constructed.

-Withhold design/performance information which indicates vulnerabilities that could reasonably be expected to be useful to potential adversaries.

C. Emergency Planning/Fire Protection Information

–Initially withhold information related to emergency planning, emergency response, and fire protection. Review requests for release on a case-by-case basis. Most information related to emergencies will not need to be designated as sensitive. As part of the review, check to see whether the State or local governments are withholding related information as sensitive.

–Withhold information describing licensee or government responses to malevolent attacks.

–Withhold information and drawings identifying locations of radioactive material, and onsite routes and pathways to or from the locations of radioactive material.

–Withhold information which State or local government agencies have designated as sensitive.

D. Security Program Information

–Much information related to security programs at fuel cycle facilities and other materials facilities with high risk sources has already been designated to be withheld as Classified, Safeguards, or Proprietary Information.

–In addition to withholding Classified, Safeguards, or Proprietary Information, withhold any security information which could reasonably be expected to be useful to potential adversaries.

E. Vulnerability Assessments/Accident Analyses/Safety Analyses/Risk Assessments

–Release typical accident analyses which involve conservative models to demonstrate a facility's ability to respond to design basis events (i.e., non-security related events), unless the analysis could reasonably be expected to be useful to an adversary. (See Appendix for additional guidance.)
–Withhold assessments which use a malevolent event as an initial condition (e.g., vulnerability analysis).
–Withhold descriptions of structural features related to potential malevolent attacks.
–Withhold detailed information and drawings describing the specific locations of equipment relied upon for safety or security.
–Withhold discussions of safety features or mitigation strategies within vulnerability assessments.
–Withhold any analysis that identifies which events have significant consequences and which events don't.
–Withhold information related to security events and any information which could be useful to an adversary due to identification of vulnerabilities.

APPENDIX

ADDITIONAL GUIDANCE FOR SENSITIVITY REVIEWS OF FUEL CYCLE DOCUMENTS

A. Descriptions of Facilities Where Licensed Material May Be Located

Withhold information related to military contract operations, even if it is publicly available elsewhere.

Withhold information on possession limits or actual inventories of radionuclides, form, and quantities, including such information on the license itself.

Withhold information identifying the specific locations (e.g., detailed floor plans) of radioactive and hazardous material whose release or theft could allow adversaries to create a diversion for theft of material or result in a significant consequence. Information for planning a sabotage activity (e.g., bombing a building) would likely require less detailed information than theft where specific locations would likely be needed.

Withhold information about the design of structures that consists of analyses to show that design features will withstand the forces associated with non-security regulatory requirements. Analyses indicating forces associated with non-security regulatory requirements could be useful in planning terrorist activities. For instance, information related to seismic loadings could be used to determine blast loads for bombs.

Withhold detailed design information, including diagrams showing dimensions, material properties, and descriptions of how the facilities/equipment is constructed. Additionally, withhold process information that could potentially allow an adversary to access radioactive or hazardous materials or gain knowledge of detailed information or potential weaknesses of systems designed to ensure safe operations (necessary to prevent or mitigate accidents) at fuel cycle facilities.

B. Design Information (non-site specific)

(Use general criteria)

C. Emergency Planning/Fire Protection Information

Withhold information contained in Emergency Planning and Fire Protection Plans that could potentially allow an adversary to gain knowledge of detailed information or potential weaknesses of systems designed to ensure safe operations (necessary to prevent or mitigate accidents) at fuel cycle facilities.

Withhold information and drawings identifying routes to or from the locations of radioactive and hazardous material whose release or theft could allow adversaries to achieve their goals.

Withhold information that State or local government agencies have designated as sensitive.

Withhold any detailed accident analysis that identifies which accidents have significant consequences and which accidents don't. Accident analysis information can appear in many documents (i.e., emergency plan, fire protection plan, Integrated Safety Analysis Summary, environmental assessment, etc.). General information may be releasable, but details should be withheld.

D. Security Program Information

Much information related to security programs at fuel cycle facilities and other materials facilities with high risk sources has already been designated to be withheld as Proprietary, Classified or Safeguards Information.

Withhold information about security equipment and programs, descriptions of equipment and radioactive or hazardous materials, and accident studies that bear a close resemblance to programs, equipment, radioactive or hazardous materials, and studies at other active licensee sites if that information would reveal vulnerabilities or be expected to be useful to adversaries at active licensee sites.

E. Vulnerability Assessments/Accident Analyses

Withhold detailed information and drawings describing the specific locations of radioactive or hazardous materials or gain knowledge of detailed information or potential weaknesses of system designed to ensure safe operations (necessary to prevent or mitigate accidents) at fuel cycle facilities.

Withhold any detailed accident analysis that identifies which accidents have significant consequences and which accidents don't. Accident analysis information can appear in many documents (i.e., emergency plan, fire protection plan, ISA Summary, environmental assessment, etc.). General information may be acceptable, but details should be withheld.

Withhold information identifying the specific locations (e.g., detailed floor plans) of radioactive and hazardous material whose release or theft could allow adversaries create a diversion for theft of material or result in a significant consequence. Information for planning a sabotage activity (e.g., bombing a building) would likely require less detailed information than theft where specific locations would likely be needed.