

October 29, 2001

COMSECY-01-0030

ref EDO #1

release

MEMORANDUM TO: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

FROM: William D. Travers */RA by Carl Paperiello Acting For/*
Executive Director for Operations

SUBJECT: GUIDANCE TO THE STAFF ON RELEASE OF INFORMATION TO THE
PUBLIC

As requested, attached for your review is a copy of a draft network announcement and criteria for the staff to use in making discretionary releases of information to the public. The guidance is to be used in the interim, until a long-term, permanent policy is developed.

SECY, please track.

Attachment: As stated

cc: SECY
OGC
OCA
OPA
CFO

B-1

October 29, 2001

MEMORANDUM TO: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

FROM: William D. Travers
Executive Director for Operations

SUBJECT: GUIDANCE TO THE STAFF ON RELEASE OF INFORMATION TO THE PUBLIC

As requested, attached for your review is a copy of a draft network announcement and criteria for the staff to use in making discretionary releases of information to the public. The guidance is to be used in the interim, until a long-term, permanent policy is developed.

SECY, please track.

Attachment: As stated

cc: SECY
OGC
OCA
OPA
CFO

Distribution:
EDO R/F
DEDM R/F
AO R/F

ADAMS ACCESSION #

DOCUMENT NAME: g:\webcriteria.wpd

To receive a copy of this document, indicate in the box: "C" = Copy without enclosures "E" = Copy with enclosures "N" = No copy

OFFICE	DEDM	AO:EDO	DEDM	EDO	
NAME	MLandau	JCraig	PNorry	C. Paperiello for WDTravers	
DATE	10/29/01	10/29/01	10/29/01	10/29/01	

OFFICIAL RECORD COPY

D R A F T
LIMITED DISTRIBUTION - NEED TO KNOW
NOT FOR PUBLIC DISCLOSURE

NETWORK ANNOUNCEMENT

RELEASE OF INFORMATION TO THE PUBLIC

Since the events of September 11, we have had to re-examine our policies on the dissemination of information we routinely provide to the public. In the interim, the following criteria have been developed to assist the staff in making discretionary releases of certain documents to the public, which includes posting them to the web and to the PARS public library in ADAMS. Documents that are not released should, for now, be treated as "Official Use Only."

This guidance is of necessity general, and reflects a conservative approach to screening documents with the intention of ensuring that we do not release information that can be misused by those with malevolent intentions toward NRC-regulated activities and facilities. The criteria may be adjusted in the future based on our experience using them. To the extent you are unsure about whether a particular document should be made publicly available, contact your senior office management.

As you know, the external web page has been shut down and we are re-building it incrementally as we make decisions on the kinds of material that can be posted. Since the web is easily accessible, we should be conservative about posting on the web material that gives significant details about licensed facilities. The criteria provide some guidance in this regard. We are aware that external organizations have material on their web sites that may be considered sensitive under the criteria, and will be dealing with this on a case-by-case basis. Although some information may no longer appear on our web site, we will continue to satisfy our legal obligations to make certain information publicly available.

NUREGs under development should also be evaluated against the criteria on a case-by-case basis by individual offices. Public release of NUREGs which contain sensitive information should be postponed, but the staff should ensure that the information is available to agency reviewers and decision makers as needed.

Public meetings should continue to be conducted as part of the agency's business. However, in the near term, we believe it would be prudent for staff to seek alternatives to holding public meetings at licensee sites. If site meetings are held, limit addresses on the web to city and state. If discussions at the meeting will cover material that is sensitive using the following criteria, notify your office management. Each office will make the final decision on whether or not to hold the particular meeting, whether it should be open to the public, and what type of material should be discussed. Offices need to take into consideration the fact that public meeting handouts and minutes are normally made publicly available.

Freedom of Information Act (FOIA) material is subject to specific laws and statutes. You should continue to handle and process all FOIA requests in the same manner as before, but we suggest that you separately identify documents that fall within the following criteria. If you are uncertain of the application of the FOIA exemptions from disclosure, obtain guidance on the release or withholding of such documents from the FOIA branch or OGC. The Attorney

D R A F T

**LIMITED DISTRIBUTION - NEED TO KNOW
NOT FOR PUBLIC DISTRIBUTION**

General recently issued a new policy indicating that the Department of Justice will defend agency decisions to withhold records that rest on a sound factual and legal footing.

**CRITERIA TO BE USED WHEN DECIDING TO MAKE A DISCRETIONARY RELEASE OF
INFORMATION TO THE PUBLIC**

In addition to withholding information properly determined to be exempt from disclosure, such as classified, proprietary, privacy or safeguards information, you should consider not releasing a document if it contains:

1. A consolidation or collection of plant-specific information that might be used to exploit site-specific features including equipment and specific facility locations. Examples would include Final Safety Analysis Reports (FSARs), Plant Information Books, Emergency Plans, Individual Plant Examination for External Event (IPEEE) material, risk-informed inspection notebooks, and other risk and facility vulnerability information.
2. Specific locations of the facility site. For information that is posted to the web, limit these descriptions to city and state. Geospatial coordinates should not be made public through any means. As a practical matter, addresses on licensee correspondence can still be made public via ADAMS. Staff should seek alternatives to holding public meetings at licensee sites and avoid posting precise site addresses on the public meeting web site.
3. Physical vulnerabilities or weaknesses, or potential weaknesses of nuclear facilities that could be useful to terrorists, such as site specific security measures, access controls, or personnel clearance procedures.
4. Construction details of specific facilities, such as wall thicknesses or specific barrier dimensions, detailed diagrams, schematics, or cutaways of specific plant designs. Where appropriate, general descriptions instead of exact numbers (i.e. "several feet, several inches, layers of concrete") should be used for general public information.
5. Information which could be useful to defeat or breach any barriers at nuclear facilities.
6. Details regarding quantities of radioactive material present or authorized.