

March 05, 2004

MEMORANDUM TO: James T. Wiggins, Deputy Regional Administrator, RI
Loren R. Plisco, Deputy Regional Administrator, RII
Geoffrey E. Grant, Deputy Regional Administrator, RIII
Thomas P. Gwynn, Deputy Regional Administrator, RIV

FROM: Stuart A. Richards, Chief /RA/
Inspection Programs Branch
Division of Inspection Program Management
Office of Nuclear Reactor Regulation

SUBJECT: GUIDANCE ON THE WITHHOLDING FROM PUBLIC DISCLOSURE
OF SENSITIVE, UNCLASSIFIED INFORMATION RELATED TO
POWER REACTORS

Following the events of September 11, 2001, guidance related to the routine release of information to the public was developed by the NRC staff, as described in COMSECY-02-0015, "Withholding Sensitive Homeland Security Information from the Public," dated April 4, 2002 (ML021120075). The Commission approved the guidance in its staff requirements memorandum (SRM) dated May 28, 2002. The guidance states that "staff should limit public release of information if it contains one or more elements from the following criteria: plant-specific information, generated by NRC, our licensees, or our contractors, that would clearly aid in planning an assault on a facility...Examples include portions of Final Safety Analysis Report (FSARs), Individual Plant Examination (IPE) material, and other risk and facility vulnerability information." This guidance was interpreted to include documents related to IPEs and updates of Probabilistic Risk Assessments (PRAs), Significance Determination Process (SDP) notebooks, PRA models and analysis results, and supporting documents for risk-informed licensing decisions.

COMSECY-03-0036, "Update on the Withholding from Public Disclosure of Sensitive, Unclassified Information Related to Power Reactors," dated July 17, 2003, requested that the guidance on withholding information from public disclosure be amended to exclude these and similar documents that provide general risk insights (i.e., risks not directly related to plant security or specific time-sensitive risks associated with actual plant conditions).

Pending approval of COMSECY-03-0036, the staff should continue to comply with the guidance in COMSECY-02-0015 and withhold risk information from public disclosure that would clearly aid in planning an assault on a facility. Any information that would not clearly aid in planning an assault on a facility should be screened through the other criteria in COMSECY-02-0015 prior to releasing it into the public domain. Any decision by the staff to withhold information will be guided by balancing the costs and benefits of withholding. If the outcome of balancing of the costs and benefits of withholding the information is uncertain, the information will be released. This sets a relatively high threshold for withholding information from the public.

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If the staff has any question as to the releasability of information, they should transmit the document to the NRR Information Review Group by e-mail at NRR_INFOREVIEW@nrc.gov for their determination on releasability.

As soon as additional Commission guidance is received, the Regions will be notified as soon as possible.

Questions can be directed to Dan Merzke at 301-415-3777 or Bill Reckley (NRR Information Review Group lead) at 301-415-1323.

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