



Guidance for Determining the Public Availability of NRC Records

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Guidance for Determining the Public Availability NRC Records

Table of Contents

Section 1 - NRC Records Not Added to ADAMS	2
Section 2 - Checklist for Staff to Determine If a Record Should or Should Not Be Made Publicly Available	3
Section 3 - NRC Records Not Routinely Released to the Public.....	4
Section 4 - NRC Records Routinely Released to the Public	6
Section 5 - NRC Policy and Guidance Regarding Sensitive Information	9

Section 1

NRC Records Not Added to ADAMS

The records listed below must NOT be added into ADAMS.

- Allegation Information, OI Investigation Information, and OIG Investigation Information (See <https://usnrc.sharepoint.com/sites/SUNSI>)
- Safeguards Information (SGI)
- Classified Information (National Security Information, Restricted Data, Formerly Restricted Data)
- Information not to be released to foreign nationals without the permission of the author or originating agency (NOFORN)
- Naval Nuclear Propulsion Information (NNPI)
- Law Enforcement Sensitive Information
- Whistleblower Information
- Office of Special Counsel (OSC) Information
- Union Material
- Administrative Records (personnel, training, travel and time, and attendance records)
- Copyright records, unless the copyright holder has given written permission
- Non-record Material (materials excluded from the legal definition of records [44 U.S.C 3301], e.g., personal papers, pictures, journals)
- NRC Form 665 (transitory record that adds no value after the document or package has been added to ADAMS)
- Employee Retirement Letters (temporary employee separation records to be destroyed one year after retirement)

Please note: Personal papers are not considered official agency records, should not be disseminated to others, and should not be integrated into agency files.

Section 2

Guidance for NRC Staff to Determine Whether an Official Agency Record Should be Made Publicly-Available

This is general guidance for most NRC records. Certain documents are never put into ADAMS. See Section 1 of this document for further guidance.

Make a record non-public if it:	Make a record publicly available if:
Falls within a category of the list of record types in Section 3 routinely NOT made publicly available. For example, see https://usnrc.sharepoint.com/sites/SUNSI .	It falls within a category of the list of record types in Section 4 routinely made publicly available after SUNSI review.
Contains SUNSI that has not been redacted. For example, see https://usnrc.sharepoint.com/teams/OCIO-PII .	SUNSI has been redacted and the record does not contain any other categories of information that should not be made publicly available.
Is a draft agency record.	It is an official agency record that does not fall within a category of the list of record types in Section 3 routinely NOT made publicly available.
Contains Safeguards Information (not placed in ADAMS)	
Contains classified information (not placed in ADAMS)	

Section 3

NRC Records Not Routinely Released to the Public

The records listed below are not routinely released to the public. (See <https://usnrc.sharepoint.com/sites/SUNSI>). Below are the item codes that staff must enter in the ADAMS Keyword profile field (e.g., MD 3.4 Non-Public A.3) to justify making a document non-public.

CATEGORY	ITEM #
A. Sensitive Unclassified Non-Safeguards Information (SUNSI).	
A.1 Allegation Information (not to be placed in ADAMS)	
A.2 Investigations Information (not to be placed in ADAMS)	
A.3 Security-Related Information	A.3
A.4 Proprietary Information	A.4
A.5 Privacy Act/Personally Identifiable Information	A.5
A.6 Federal, State, and Foreign Government, and International Agency Information	A.6
A.7 Sensitive Internal Information	A.7
A.8 Critical Electric Infrastructure Information	A.8
A.9 Export Controlled Information	A.9

CATEGORY	ITEM #
Non-Public/Non-Sensitive Records	
<p>B.1 Routine Administrative Records</p> <p>Routine administrative records in which the information relates solely to office internal policies and procedures (e.g., routing slips; ADAMS submission forms; internal meeting information; requests between staff for information; internal requests for services; internal formal notices, such as network announcements and bulletins; and office, division, or branch notification of events, due dates, assignments; internal documents developed by a specific office for their staff that defines an office process related to an agency program, these documents could be defined as office instructions, procedures and/or guidance etc.) because of insufficient public interest and because their release would constitute an unwarranted administrative burden.</p>	B.1

Section 4

NRC Records Routinely Released to the Public

The following records are routinely released to the public when they do not contain classified information, Safeguards Information, or SUNSI as set forth in MD 3.4 Handbook, Part IV.

Record Type
A. Records relating to the issuance and use of a construction permit and operating license for nuclear facilities: existing and new power reactors, research and test reactors, and fuel fabrication facilities (10 CFR Parts 50 and 52); and the relicensing activities related to these activities (10 CFR Part 54).
B. Records relating to 10 CFR Part 55, Subpart E, Examination and Test materials, with the exception of 55.47.
C. Records relating to the issuance of licenses to use, process, and store byproduct material (10 CFR Parts 30 through 39). The records are released to the public after the license is issued or other licensing action is completed.
D. Records relating to the issuance of a license to possess and process uranium source material in uranium milling or production of uranium hexafluoride (10 CFR Part 40).
E. Records relating to the issuance of a license to possess source material involving natural and depleted uranium or thorium (10 CFR Part 40) and records to possess and use or possess only special nuclear material, enriched uranium U-235, enriched uranium U-233, and plutonium (10 CFR Part 70).
F. Records relating to the issuance of a license to receive and dispose of low-level radioactive waste (10 CFR Part 61).

G. Records relating to review of an application (new applications, amendments, and renewals) of a package design for use in delivering licensed nuclear material to a carrier for transportation (10 CFR Part 71).
H. Records relating to the review of the application for issuance of a license to operate a spent fuel storage facility (10 CFR Part 72).
I. Records relating to the approval of routes for the transport of spent fuel (filed under 10 CFR Part 71 but considered a 10 CFR Part 73 approval).
J. Records relating to the pre-licensing activities involving the high-level waste repository (10 CFR Parts 60 and 63).
K. Records relating to the issuance of licenses to export or import nuclear materials or components for nuclear facilities (10 CFR Part 110).
L. Records relating to the Agreement State program, State liaison activities, and State and local government radiological emergency response planning (Memoranda of Understanding and Interagency Agreements with Federal Agencies, e.g., DOT, DOE, EPA, OSHA, FEMA, and DOD).
M. Records relating to the activities of the Commissioners.
N. Records relating to Commission Federal Advisory Committees (FACs), e.g., Advisory Committee on Reactor Safeguards (ACRS), Advisory Committee on Nuclear Waste (ACNW), Advisory Committee on the Medical Uses of Isotopes, Advisory Committee for the Decontamination of Three Mile Island (Unit 2), and Licensing Support System Advisory Review Panel.
O. Records relating to the issuance of NRC regulations, regulatory guides, and generic requirements.
P. NRC solicitation and contract award records and contractor-developed reports.
Q. Records relating to vendor activities.
R. Records relating to responses of Freedom of Information Act requests.
S. Information Quality records.

T. NRC reports, publications, and directives, including NRC administrative records, management directives and handbooks, organizational charts, press releases, plant status reports, inspection manuals, enforcement manuals, roster of utilities, orders, branch technical positions, rules and regulations, Issuances, regulatory guides, NUREG reports, reports to Congress.

U. Correspondence between NRC and the applicant or licensee regarding license fees.

V. Records relating to 10 CFR 2.206 petitions.

W. Federal Register Notices.

Section 5

NRC Policy and Guidance Regarding Sensitive Information

Management Directive (MD) 3.1, "Freedom of Information Act" (FOIA)	Defines responsibilities/authorities for processing FOIA requests and informs staff of the types of records that can be released or are exempt (FOIA exemptions included).
MD 3.4, "Release of Information to the Public"	Provides policy guidance on the public release of information.
MD 3.7, "NUREG-Series Publications"	Ensures that sensitive unclassified information is not compromised by NRC release or publication of the information.
MD 3.9, "NRC Staff and Contractor Speeches, Papers, and Journal Articles on Regulatory and Technical Subjects"	Ensures that sensitive unclassified information is not compromised by NRC release or publication of the information.
MD 3.11, "Conferences"	Ensures that sensitive unclassified information is not released at public conferences.
MD 3.12, "Handling and Disposition of Foreign Documents and Translations"	Assigns responsibilities and establishes procedures for handling of unclassified, sensitive unclassified, and classified foreign records and their translations, and ensures that information in these records are not compromised by its release.

MD 3.53, "NRC Records and Document Management Program"	Fosters effective and efficient filing and records management practices, including the protection of sensitive unclassified information.
MD 7.4, "Reporting Suspected Wrongdoing and Processing [Office of the Inspector General] OIG Referrals"	Describes NRC management responsibilities in handling OIG investigative referrals and reports.
MD 8.8, "Management of Allegations"	Provides guidance for the allegations program, including the protection of alleged identities.
MD 8.9, "Accident Investigation"	Specifies that the Director of the Accident Review Group is charged with preparing and reviewing all data for classified or sensitive unclassified information and distributing the investigation report and related
MD 10.122, "Employee Assistance and Wellness Services Program"	Addresses the confidentiality of health and medical records.
MD 10.159, "NRC Differing Professional Opinion Program"	Includes guidance for determining which DP/DPO records or portions of records should or should not be released to the public.
MD 11.1, "NRC Acquisition of Supplies and Services"	Includes guidance for ensuring that, when necessary, contractors are approved for access to sensitive unclassified information.

MD 12.0, "Glossary of Security Terms"	Defines sensitive information.
MD 12.1, "NRC Facility Security Program"	Ensures that classified and sensitive unclassified information is protected from unauthorized disclosure.
MD 12.3, "NRC Personnel Security Program"	Provides effective controls to further protect classified and sensitive unclassified information.
MD 12.4, "NRC Communications Security (COMSEC) Program"	Safeguards classified or sensitive information communicated over telecommunications systems that prepare, transmit, communicate, or process the information (writing, images, sounds, or other data) by electric, electromagnetic, electromechanical, electro-optical, or other electronic means.
MD 12.5, "NRC Cybersecurity Program"	Determines the threats to NRC's IT resources, defines the vulnerabilities related to those threats, and then mitigates risks in light of the mission needs.
NRC Enforcement Manual	Includes guidance on the proper handling and marking of pre-decisional enforcement information.
NRC Inspection Manual	Covers draft inspection reports, FOIA requests, and PDR releases.
NRC Yellow Announcement 22, "Use of the Internet at NRC," April 5, 2005	Provides interim guidance concerning the use of Internet and sensitive information.
Operating Reactor Project Manager's Handbook	Includes guidance on how project managers should handle and process sensitive information and FOIA requests and allegations.

<p><i>Code of Federal Regulations</i>, Title 10, Part 2.390, “Public inspections, exemptions, requests for withholding”, and Part 9 “Public Records”</p>	<p>Provides guidance on public inspections, exemptions, requests for withholding official records, and public records provisions.</p>
<p>Staff Instructions: “Personal Information Withheld From Third Parties” ML040430629</p>	<p>Describes personal information normally not released to third parties.</p>
<p>Staff Instructions: “How to Respond to an Initial FOIA Request” ML031890712</p>	<p>Describes steps and considerations in processing an initial FOIA request.</p>