

July 21, 2011

Mr. David Lochbaum, Director
Nuclear Safety Project
Union of Concerned Scientists
P.O. Box 15316
Chattanooga, TN 37415

Dear Mr. Lochbaum:

I am writing to you in response to your e-mail dated June 30, 2011, sent to R. W. Borchardt, Executive Director for Operations, U.S. Nuclear Regulatory Commission (NRC). As the Director for the Office of Nuclear Reactor Regulation, the responsibility for the two documents you commented on in your e-mail rests with me.

I appreciate your concerns regarding the withholding of information from public disclosure and the designation of documents as for official use only. Our process for determining whether a document should be withheld from public release is governed by Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.390, "Public inspections, exemptions, requests for withholding," and the policy laid out in SECY-04-0191, "Withholding Sensitive Unclassified Information Concerning Nuclear Power Reactors from Public Disclosure." These requirements were applied to the two documents you discuss in your e-mail, resulting in their original designation as for official use only – security related information (OUO-SRI).

Because the circumstances concerning information discussed in the two documents have changed since their original designation, we recently re-evaluated the basis for withholding the documents with an aim to publicly disclose them to the greatest extent possible. We were able to disclose the entire earlier document you mentioned, Nuclear Energy Institute (NEI) document 06-12, Revision 2, "B.5.b Phase 2 & 3 Submittal Guideline," Agencywide Documents Access and Management System (ADAMS) Accession No. ML070090060. The basis for this determination is documented in the memorandum "Re-designation of NEI 06-12 as Publicly Available," dated May 9, 2011, ADAMS Accession No. ML111250136, enclosed. The original designation as OUO-SRI had been based on the existence of gaps between the mitigating strategies that we endorsed as meeting the B.5.b requirements and those in place in 2006; once these gaps were closed by licensee implementation of the strategies and our verification through inspection, the generic guidelines no longer fit the criteria of being information that would be helpful to a potential adversary. The site specific details remain withheld as OUO-SRI.

Our re-evaluation of the latter document, the memorandum "Documentation of Evolution of Security Requirements at Commercial Nuclear Power Plants with Respect to Mitigation Measures for Large Fires and Explosions," ADAMS Accession No. ML092990434, resulted in the release of a redacted version, with enclosure 2 replaced in the publicly available ADAMS package by a new enclosure with ADAMS Accession No. ML11179A120. The original designation as OUO-SRI had been based on the inclusion of the redacted material as well as the discussion of the content of NEI 06-12, Revision 2, which had been designated OUO-SRI at the time of the development of this document.

D. Lochbaum

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As you requested in your e-mail, this matter has been referred to the NRC's Office of the Inspector General. In any case, I hope this addresses your concerns and I appreciate you taking your valuable time to bring them to our attention.

Sincerely,

/RA/

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Enclosure:
As stated

D. Lochbaum

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As you requested in your e-mail, this matter has been referred to the NRC's Office of the Inspector General. In any case, I hope this addresses your concerns and I appreciate you taking your valuable time to bring them to our attention.

Sincerely,

Eric J. Leeds, Director
Office of Nuclear Reactor Regulation

Enclosure:
As stated

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