

U.S. NUCLEAR REGULATORY COMMISSION

DIRECTIVE TRANSMITTAL

TN: DT-09-01

To: All NRC Employees

Subject: Transmittal of Management Directive 3.4, "Release of Information to the Public"

Purpose: Directive and Handbook 3.4 are being revised to reflect guidance on the timing of release of documents to the public, to add consolidated guidance on the withdrawal of documents from the Agencywide Documents Access and Management System (ADAMS) Public Library, and to reflect the agency's revised policy on protection and disclosure of information.

No change bars have been used because of the extent of the revision.

Office and
Division of Origin: Office of Information Services
Information and Records Services Division

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Directive: 3.4 Release of Information to the Public

Availability: Rulemaking, Directives, and Editing Branch
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Release of Information to the Public

Directive

3.4

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U. S. Nuclear Regulatory Commission

Volume: 3 Information Management

Part: 1 Publications, Mail, and Information
Disclosure

OIS

Release of Information to the Public

Directive 3.4

Policy

(3.4-01)

The U.S. Nuclear Regulatory Commission makes as much information as possible available to the public relating to its health and safety mission, in accordance with its legal responsibilities to protect specific types of information. It is the intent of NRC to routinely make information publicly available that is anticipated to be of interest to the public to make it unnecessary for persons to file a request for the information under the Freedom of Information Act (FOIA). Also, this directive requires review of Commission Decision Documents (SECY papers [SECYs], Commission memoranda [COMs], and staff requirements memoranda [SRMs]) for mandatory release under the FOIA, 5 U.S.C. 552(a)(1) and (a)(2). (011)

This directive and handbook do not govern public disclosure of information requested under the FOIA, or information subject to disclosure under the Privacy Act, the Government in the Sunshine Act, the Federal Advisory Committee Act, or NRC management directives (MDs) that govern the release of other types of documents and information. (012)

Objectives

(3.4-02)

- To provide the NRC staff with general policy guidance on the release of agency information to the public, including draft and predecisional documents and information. (021)

Objectives

(3.4-02) (continued)

- To ensure that documents will not be provided to a licensee or a member of the public unless they can be made available generally through the Agencywide Documents Access and Management System (ADAMS) Publicly Available Records System (PARS) (referred to as the ADAMS Public Library in this directive and handbook), to all persons, except under the conditions described in Part II, Sections (A) and (B), of Handbook 3.4. (022)
- To ensure that staff documents are developed and issued without improper influence, real or perceived, by special interest groups, applicants, licensees, permittees, or their subcontractors or agents (hereafter referred to as “licensees”). (023)
- To ensure that sufficient flexibility is provided to office directors and regional administrators so that they and their staffs will be able to disseminate appropriate Safeguards Information and Sensitive Unclassified Non-Safeguards Information (SUNSI) to licensees. (024)
- To provide guidance to the NRC staff about the types of documents that should be released to the public through the ADAMS Public Library. A SUNSI review is performed before public release of a document through the ADAMS Public Library to determine if the document contains information the loss, misuse, modification, or unauthorized access of which could reasonably be foreseen to harm the public interest, the commercial or financial interest of the entity or individual to whom the information pertains, the conduct of NRC and Federal programs, or the personal privacy of individuals. (025)

Additional guidance from the Fuel Cycle Safety and Safeguards Division, Office of Nuclear Material Safety and Safeguards (NMSS/FCSS), on the release of information pertaining to domestic fuel cycle facilities regulated by NRC can be found in ADAMS (ML072840477).

Organizational Responsibilities and Delegations of Authority (3.4-03)

Chairman (031)

May request the Inspector General to conduct reviews of the agency's information disclosure policies and practices, the results of which may be released to the public at the Chairman's discretion.

Commission (032)

- Approves the release of documents created by, communicated to, or received from the Commissioners and their staffs. **Note:** OGC makes decisions on documents generated by former Commissioners. (a)
- Approves new requests to remove a particular document type or class of information that has formerly been made public and directs such documents be withdrawn from ADAMS or the Public Document Room (PDR) when such requests raise policy issues. (b)

Executive Director for Operations (EDO) (033)

- Approves the release of any draft inspection report or enforcement document to any organization or person outside of the NRC. (a)
- Approves the release of Agency Action Review Meeting (AARM) information. (b)
- Approves new requests to remove a particular document type or class of information that has formerly been made public and

Organizational Responsibilities and
Delegations of Authority
(3.4-03) (continued)

Executive Director for
Operations (EDO)
(033) (continued)

directs such documents be withdrawn from ADAMS or the PDR if that action does not raise policy issues. (c)

Deputy Executive Director for
Information Services and Chief
Information Officer (DEDIS/CIO)
(034)

Provides oversight and policy direction for releasing information to the public.

Director, Computer Security Office (CSO)
and Chief Information Security Officer (CISO)
(035)

Directs, administers, and oversees NRC's Computer Security Program.

- Develops information technology security policy. (a)
- Oversees NRC information systems to ensure an appropriate level of security is implemented. (b)
- Reviews and approves information system sensitivity levels. (c)
- Serves as the focal point for the NRC for receiving, resolving, tracking, monitoring, and reporting of computer security incidents. (d)

Organizational Responsibilities and
Delegations of Authority
(3.4-03) (continued)

Director, Computer Security Office (CSO)
and Chief Information Security Officer (CISO)
(035) (continued)

- Authorizes removal of documents from ADAMS resulting from a computer security incident. (e)

Director, Office of Information
Services (OIS)
(036)

- Develops NRC policy relating to release of information to the public. (a)
- Provides policy guidance to other offices on the release of information to the public. (b)
- Develops policies and procedures for placing documents into ADAMS and provides oversight of ADAMS operations. (c)
- Develops policies and procedures for providing members of the public access to NRC's publicly available records through the ADAMS Public Library and through the NRC public Web site. (d)
- Ensures that public records are available in the ADAMS Public Library and that pre-ADAMS legacy public records are available through the PDR. (e)
- Maintains the FOIA Web page identifying and providing agency documents subject to the mandatory disclosure provisions of the FOIA, 5 U.S.C. 552(a)(1) and (a)(2). (f)

Organizational Responsibilities and
Delegations of Authority
(3.4-03) (continued)

Director, Office of Information
Services (OIS)
(036) (continued)

- When documents are inadvertently released in the ADAMS Public Library or the PDR, ensures that the agency policy is implemented regarding withdrawal of the documents. (g)
- Directs, administers, and oversees NRC's development and implementation of NRC policy and procedures on SUNSI. (h)
- Provides guidance on the actions that should be taken to withdraw a document that is inadvertently released to the public when the document contains SUNSI (e.g., proprietary information, Personally Identifiable Information [PII]). (i)
- Maintains the "Guidance for Determining the Public Availability of NRC Documents" and updates it consistent with office requests. (j)
- Conducts annual assessments of the accuracy with which NRC staff are applying the agency's criteria for designating records as public or non-public. (k)

Secretary of the Commission, Office of
the Secretary of the Commission (SECY)
(037)

- Identifies Commission Decision Documents (SECYs, COMs, and SRMs) subject to mandatory release under the FOIA, 5 U.S.C. 552(a)(1) and (a)(2), and determines whether any portions should be redacted before public release because they fall within the scope of an FOIA exemption. (a)

Organizational Responsibilities and
Delegations of Authority
(3.4-03) (continued)

Secretary of the Commission, Office of
the Secretary of the Commission (SECY)
(037) (continued)

- Identifies and provides documents generated by former Commissioners to the Office of the General Counsel for release determination. (b)

General Counsel (GC), Office of the
General Counsel (OGC)
(038)

- Provides legal advice as needed to SECY and OIS regarding whether a document must be released to the public, or other persons or organizations, and how to handle such releases. (a)
- Approves release of documents generated by former Commissioners. (b)

Inspector General (IG)
(039)

- Approves the release of IG investigative records to any organization or person outside of the NRC. (a)
- Approves the placement of Investigative Event Inquiries to be released to the public on the OIG page of the NRC public Web site. (b)
- Ensures all draft audit and special evaluation reports are stamped "Draft - Official Use Only - Sensitive Information" and maintained in the official files. (c)

Organizational Responsibilities and
Delegations of Authority
(3.4-03) (continued)

Inspector General (IG)
(039) (continued)

- Approves the placement of the final audit and special evaluation reports in ADAMS and the release of these reports to the public through the ADAMS Public Library. (d)

Director, Office of Enforcement (OE)
(0310)

- Approves the release of enforcement information in appropriate circumstances, including settlements and other agreements. (a)
- Approves the release of the Office of Investigations (OI) reports to licensees or interested parties in advance of enforcement action after consultation with the Director of OI and, as warranted, with the Department of Justice. (b)

Director, Office of Investigations (OI)
(0311)

- Approves the release of OI investigative records to any organization or person outside of the NRC. (a)
- Approves the release of redacted copies of OI investigative records to the public through the ADAMS Public Library. (b)

Organizational Responsibilities and
Delegations of Authority
(3.4-03) (continued)

Director, Office of Nuclear Security and
Incident Response (NSIR)
(0312)

- Plans, develops, establishes, and administers policies, standards, and procedures for the NRC Classified Information Security Program and the NRC Safeguards Information Security Program. (a)
- Advises and assists authorized classifiers with classifying, declassifying, and downgrading NRC-originated classified or potentially classifiable information requested under the FOIA. (b)
- Provides guidance on the actions that should be taken to withdraw a document that is inadvertently released to the public when the document contains classified information, Safeguards Information, or proprietary information. (c)

Director, Office of Federal and State
Materials and Environmental
Management Programs (FSME)
(0313)

Approves, in coordination with the Office of the General Counsel (OGC), and as appropriate, the EDO, the IG, Directors of OE or OI, or the Agency Allegation Advisor, the release to Agreement States of documents that are not publicly available.

Organizational Responsibilities and
Delegations of Authority
(3.4-03) (continued)

Director, Office of Public Affairs (OPA)
(0314)

- Distributes electronically via NRC's public Web site NRC press releases, speeches, fact sheets, statements for the record, brochures, and videos to the public and the media. (a)
- Ensures that if a video news release is developed by the agency, it is clearly identified as an NRC product and is reviewed and approved by the Office of Public Affairs, in consultation with the Office of the General Counsel, before it is issued. (b)

Office Directors and
Regional Administrators
(0315)

- Implement the policies and procedures in this directive and handbook for the release of information to the public. (a)
- Provide additional guidance or procedures specific to the requirements of their offices or regions, as necessary. (b)
- Protect draft and predecisional information from being inadvertently released. (c)
- Grant permission for the release of draft or predecisional information, as appropriate, and maintain a written record of the release, except that certain information generated during the development of an inspection or enforcement document should not be released. Note that draft or predecisional information related to inspection findings or potential enforcement actions should not be released. (d)

Organizational Responsibilities and
Delegations of Authority
(3.4-03) (continued)

Office Directors and
Regional Administrators
(0315) (continued)

- Ensure the prompt and appropriate dissemination of safety information and Safeguards Information to licensees when required to resolve a significant safety or safeguards issue, or an emergency. These responsibilities may be redelegated to the deputy office director or the deputy regional administrator. (e)
- Take corrective action in the event that any information for which they are responsible is released contrary to NRC policy and inform the EDO in writing of this action. (f)
- Refer matters involving the unauthorized release of documents to the Office of the Executive Director for Operations and the Office of the Inspector General (OIG). See Section 0318(f). (g)
- Ensure that the “Guidance for Determining the Public Availability of NRC Records” is routinely reviewed and OIS is requested to make changes when new document types are created or received by the office or the public availability of existing document types needs to be modified. (h)
- Refer matters involving the unauthorized release of information that involves information technology to CSO. (i)

Inspectors
(0316)

- Where approved by regional management, may, in preparing for exit interviews or enforcement meetings, provide a listing of significant issues developed in the course of an inspection to

Organizational Responsibilities and
Delegations of Authority
(3.4-03) (continued)

Inspectors
(0316) (continued)

the licensee in order to facilitate the communication of inspection findings that require corrective actions. (a)

- **Note:** Inspection notes, draft reports, draft evaluations, draft notices of violations or noncompliance, and other material containing preliminary inspection conclusions, findings, and recommendations are not to be provided to the licensee, except as required by safety, environmental, or security concerns. (b)
- Attach a copy of the information provided to the licensee to the inspection report for the record. (c)

Agency Allegation Advisor, Assistant Agency
Allegation Advisor, and Allegation Coordinators
(0317)

Approve the release of allegation information to an organization or person outside of the NRC.

NRC Employees
(0318)

All NRC employees and consultants must, as applicable—

- Protect all draft and predecisional documents, including draft inspection and enforcement documents, from inadvertent release. (a)
- Ensure that appropriate Document Availability and Document Sensitivity is assigned to each document submitted for ADAMS

Organizational Responsibilities and
Delegations of Authority
(3.4-03) (continued)

NRC Employees
(0318) (continued)

processing and that documents intended for release to the public are properly marked (include "Date to be Released" and "SUNSI Review Complete" annotation). This instruction applies to internally generated documents that staff add to ADAMS and submit to the Document Processing Center (DPC) for completion as well as paper versions under the NRC Form 665 submitted to the Document Control Desk for entry into ADAMS by DPC. (b)

- Ensure that the rationale for each public or non-public designation is documented as described in Handbook 3.4, Part IV. (c)
- Obtain permission from the appropriate supervisor when questions arise concerning releasability of information before the information is released. (d)
- Contact the regional or program office allegation coordinator or the Agency Allegation Advisor before release of documents or submittal to ADAMS if it appears the documents contain allegations. (e)
- Report promptly the unauthorized disclosure of agency information. This report may be transmitted through the supervisor to the office director or the regional administrator, who shall refer the unauthorized disclosure to the EDO and OIG, or it may be sent directly to OIG. (f)
- Report promptly the unauthorized disclosure of agency information that involves information technology, for example, facsimile, printers, computers, to CSO. (g)

Organizational Responsibilities and
Delegations of Authority
(3.4-03) (continued)

NRC Employees
(0318) (continued)

- Contact the Director of OI for guidance before authorizing the release of any OI investigative materials or reports. (h)

Applicability
(3.4-04)

This directive and handbook apply to all NRC employees, contractors, and consultants.

Handbook
(3.4-05)

Handbook 3.4 explains NRC policy governing the public availability of information in its possession.

Guidance Document
(3.4-06)

“Guidance for Determining the Public Availability of NRC Records” assists staff in making decisions about the public or non-public status of documents. To aid staff in determining which documents should routinely be made public, “NRC Documents Routinely Released to the Public” (formerly Exhibit 1) has been separated from MD 3.4 and can be found on the NRC internal Web site at <http://www.internal.nrc.gov/information-resources.html> as “Guidance for Determining the Public Availability of NRC Records.” This document is designed to be frequently updated. This updating is the responsibility of all offices and regions.

References
(3.4-07)

Code of Federal Regulations

10 CFR 2.390, "Public Inspections, Exemptions, Requests for Withholding."

10 CFR Part 9, "Public Records."

Executive Orders

Executive Order 12958, as amended, "Classified National Security Information," March 28, 2003.

Nuclear Regulatory Commission Documents

Guidance for Determining the Public Availability of NRC Records.

How To Respond to an Initial FOIA Request (ML060590485).

Internal Commission Procedures.

NRC Personally Identifiable Information Breach Notification Policy (ML072140170).

Management Directives

3.1, "Freedom of Information Act."

3.2, "Privacy Act."

7.4, "Reporting Suspected Wrongdoing and Processing OIG Referrals."

8.8, "Management of Allegations."

8.14, "Agency Action Review Meeting."

References

(3.4-07) (continued)

12.2, "NRC Classified Information Security Program."

12.5, "NRC Automated Information Security Program."

12.6, "NRC Sensitive Unclassified Information Security Program."

12.7, "NRC Safeguards Information Security Program."

NUREG

NUREG/BR-0273, "ADAMS Desk Reference Guide."

United States Code

Atomic Energy Act of 1954, as amended, Sections 141 to 148
(42 U.S.C. 2161-2168).

Federal Advisory Committee Act, as amended (5 U.S.C. App. I).

Freedom of Information Act, as amended (5 U.S.C. 552).

Government in the Sunshine Act, as amended (5 U.S.C. 552b).

Inspector General Act, as amended (5 U.S.C. App. 3).

Privacy Act of 1974, as amended (5 U.S.C. 552a).

Release of Information to the Public

Handbook

3.4

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The NRC has prepared additional guidance for staff on releasing information to the public. Please go to the following url to view the following documents or refer to ADAMS for the individual documents: <http://www.internal.nrc.gov/information-resources.html>.

“Guidance for Determining the Public Availability of NRC Records”

“NRC Information Not Routinely Released to the Public”

“NRC Policy and Guidance Regarding Sensitive Information”

Part I Introduction

This handbook elaborates on policy in the directive governing the public availability of information in NRC's possession. The NRC staff routinely will make available to the public the types of information listed in a separate document entitled "Guidance for Determining the Public Availability of NRC Records," which can be found in ADAMS or on the NRC internal Web site at <http://www.internal.nrc.gov/information-resources.html>, unless the information is exempt from disclosure by statute, Executive Order, or regulation, or not disclosed to the public pursuant to agency policy. (A)

During the course of their duties, NRC employees deal with many forms of sensitive information that either should not be released to members of the public or should not be released prematurely. This information includes more than just information that is categorized as "Restricted Data" or "National Security Information" and that carries formal classifications such as "Top Secret," "Secret," or "Confidential," as defined in the Glossary to Volume 12, "Security," of the NRC Management Directives System. It also includes Safeguards Information (SGI) and Sensitive Unclassified Non-Safeguards Information (SUNSI). SUNSI includes allegation information, investigative information, security-related information, proprietary information, Privacy Act/personally identifiable information (PII), and Federal, State, foreign government, and international agency controlled information. SUNSI also includes sensitive internal information, such as attorney-client privilege, attorney work product, predecisional enforcement information or adjudicatory information, intra-agency communications with other Government agencies, and drafts, particularly draft inspection reports and draft audit reports. While documents containing such information may eventually be approved for release by the appropriate authority, some of this information may never be approved for release outside of the NRC. (B)

Premature or unauthorized release of this information could jeopardize NRC agency actions and actions of other Federal agencies such as the Department of Justice. It could also adversely affect national security, lead to diminished respect for this agency, and cause a loss of agency credibility with the public and with other Federal agencies. In some cases, release could invade an individual's privacy or compromise a confidential agreement. All of these outcomes diminish the NRC's ability to perform its regulatory function: to protect public health and safety, the common defense and security, and the environment. (C)

The "Guidance for Determining the Public Availability of NRC Records" also contains a list of NRC guidance and policy documents related to sensitive information. (D)

Staff guidance for screening documents for information that could be useful to a terrorist is located at <http://www.internal.nrc.gov/NRC/Guidance/>. This SUNSI review is a security/sensitivity review to determine whether a document should be released to the public. Detailed SUNSI guidance is located at <http://www.internal.nrc.gov/sunsi/>, and the staff is to certify by entering the text "SUNSI Review Complete" in the Agencywide Documents Access and Management System (ADAMS) Keyword field that the review has been made when it submits a document to the Document Processing Center for public release through the ADAMS Public Library. (E)

Part II

Release of Draft and Predecisional Documents and Information

Release of For-Comment Documents to the Public (A)

This part does not apply to documents specifically disseminated to the public for comment, such as draft environmental impact statements, draft regulatory guides, and proposed rules.

Information Not Requiring Approval Before Release (B)

Necessary Communications (1)

The policies contained in this directive and handbook are not intended to impede necessary communications between the NRC staff and licensees, vendors, or other industry representatives, organizations, or persons outside of NRC in the normal course of agency business. These business activities include the development of initial NRC staff regulatory or technical findings, preparation of generic communications, evaluation of events at facilities, draft inspection findings, and the collection, analysis, and verification of information. Accordingly, this type of information need not receive prior approval before release. (a)

In the event that there is an emergency, or if a significant safety, environmental, or safeguards issue appears to require immediate action, NRC personnel, at their discretion, may discuss with, show to, or provide the licensee involved any pertinent material they believe circumstances so warrant. (b)

The NRC employee approving release of any written communication to licensees or the public shall, in the event of an emergency, send it to the Document Processing Center (DPC)

Information Not Requiring Approval
Before Release (B) (continued)

Necessary Communications (1) (continued)

with a clear indication that it is to be released to the ADAMS Public Library. **Note:** These communications must not be released to the public if they contain information described as exempt from public disclosure in the companion guidance to this handbook found on <http://www.internal.nrc.gov/information-resources.html>. The employee shall transmit the material to ADAMS in accordance with Part IV, Section (B), of this handbook. (c)

Draft Research Documents (2)

Draft research reports, studies, data, or other documentation based on information obtained from an outside party that may be discussed or exchanged with those parties and other participants in a study or research program are not subject to dissemination restrictions contained in this directive and handbook. However, proprietary information may not be released to the public without the express permission of the owner of the information.

Draft NRC Documents to Other Federal Agencies (3)

Draft NRC documents, except for draft inspection and enforcement documents, sent to other Federal agencies seeking their advice, recommendations, and opinions, or providing advance notice to such agencies, may be discussed with and disclosed to those agencies before being made available to the general public. This exemption does not apply when the other Federal agency is or may become an NRC licensee, or when the other agency is seeking certification, a permit, or concurrence from NRC.

Information Requiring Approval Before Release (C)

Predecisional Documents (1)

In the normal course of conducting regulatory activities, communications with outside parties are at times necessary regarding initial NRC staff positions, license conditions, confirmation of action letters, inspection findings, enforcement actions, preparation of bulletins and information notices, events at other facilities, and so forth. These communications can occur in advance of the issuance of final NRC documents regarding these activities for the purpose of— (a)

- Gaining factual information (i)
- Assessing the cost, feasibility, and benefit of, or alternatives to, proposed actions or achieving settlements of actions (ii)
- Alerting licensees to initial staff positions or safety findings in order that corrective actions can be initiated promptly (iii)

However, these draft documents, or information contained in these documents, must not be discussed with, given to, or shown to any licensee or the public by NRC without prior approval as specified in Section (3.4-03), "Organizational Responsibilities and Delegations of Authority," of Directive 3.4. (b)

Emergency Release of Information (2)

Under no circumstances should any information contained in draft investigation or inspection reports be released to licensees, their agents, or to any source external to the NRC without prior approval as specified in Section (3.4-03) of Directive 3.4.

Information Requiring Approval
Before Release (C) (continued)

Final Release of Information (3)

Final documents, unless exempt from disclosure by statute, Executive Order, regulation, or not disclosed to the public pursuant to agency policy, other than reports of investigation from the Office of Investigations, will be distributed to ensure that the public, licensees, NRC contractors, and other Government agencies have access to information they need to fulfill their responsibilities. Final documents provided to licensees will be released to the public through the ADAMS Public Library through the DPC.

Retention of Predecisional Information (4)

Documents must be retained under the following conditions: (a)

- If retention is necessary to adequately and properly document agency action, then working files, such as preliminary drafts and rough notes, and other similar materials shall be maintained if both the following conditions are met: (i)
 - They were circulated or made available to employees, other than the creator, for such official purposes as approval, comment, action, recommendation, followup, or to communicate with agency staff about agency business. (a)
 - They contain information, such as substantive annotations or comments included therein, that adds to a proper understanding of the agency's formulation and execution of basic policies, decisions, actions, or responsibilities. (b)
- A Freedom of Information Act (FOIA) request for these documents has been received for which copies have been provided to the FOIA office. (ii)

Information Requiring Approval
Before Release (C) (continued)

Retention of Predecisional Information (4) (continued)

- The documents are to be included in the regulatory history of a proposed or final rulemaking submitted to the Office of the Federal Register for publication. (iii)
- The originator's management has instructed that the documents be retained for future agency use. (iv)

Individuals may retain personal file copies of documents that would be useful in the review of the employee's work by superiors for the time necessary or as needed after the work has been completed and issued to the public. (b)

Destruction of Predecisional Information (5)

In the interest of sound records management policy, draft documents, background material, notes, and extra copies of office-file documents should be destroyed after the final version has been issued unless it should be retained under Section (5) below. For additional guidance, see Management Directive (MD) 3.53.

Draft Agreement State Documents (6)

Programmatic predecisional documents, including draft rulemaking plans; drafts of proposed rules, final rules and policies; and draft internal procedures, generic letters, and information notices may be routinely distributed to all Agreement States for their information, review, and comment, with prior approvals as specified in Section (3.4-03) of Directive 3.4. (a)

Other more sensitive NRC predecisional documents, such as proposed enforcement actions, draft orders or demands for information, and draft confirmatory action letters or information dealing with allegations and investigations, will be shared with

Information Requiring Approval
Before Release (C) (continued)

Draft Agreement State Documents (6) (continued)

Agreement States on a need-to-know basis only if those States have agreed to protect this information from public disclosure and have prior approvals as specified in Section (3.4-03) of Directive 3.4. (b)

Release of Commission Information (7)

Documents created by, communicated to, or received from the Commissioners and their staffs must receive prior approval from the Commissioners before their release. For an FOIA request for the records of a former Commissioner, OGC makes the determination whether the documents should be disclosed. Commission Decision Documents must be screened for compliance with the FOIA, 5 U.S.C. 552 (a)(1) and (a)(2), so that qualifying documents are properly identified for mandatory release. (a)

These documents will be released to the public through the ADAMS Public Library and placed on the NRC's external Web site only by SECY in accordance with guidelines contained in the Internal Commission Procedures. (b)

Release of Reports From the Office of the Inspector General (OIG) (8)

Draft audit reports are considered predecisional and should not be released to the public and will not be placed in ADAMS or released to the public through the ADAMS Public Library. Drafts are to be maintained in office files with restricted access or in the Central Files vault because this area has restricted access. (a)

Final audit reports and special evaluation reports will be placed in ADAMS and released to the public through the ADAMS Public

Information Requiring Approval
Before Release (C) (continued)

Release of Reports From the Office of the Inspector General (OIG) (8) (continued)

Library only at the request of OIG. These reports will not be placed in Central Files. (b)

Regulatory commentary is provided to program offices without restrictions. (c)

Release of Reports From the Office of Investigations (OI) (9)

Draft investigative reports are considered predecisional and should not be released to the public and will not be placed in ADAMS or released to the public through the ADAMS Public Library. (a)

Final investigative reports will not be placed in ADAMS or released to the public through the ADAMS Public Library without approval by the Director of OI. (b)

Release of Enforcement Documents (10)

Draft enforcement documents are considered predecisional and should not be released to the public and will not be placed in ADAMS or released to the public through the ADAMS Public Library. (a)

Draft confirmatory orders exchanged with licensees in negotiating issuance of confirmatory orders will not be placed in ADAMS or released to the public through the ADAMS Public Library. (b)

Release of Agency Action Review Meeting Information (11)

The Office of the Executive Director for Operations (OEDO) approves the release of records pertaining to the NRC Agency Action Review Meeting (AARM) process, which is described in

Information Requiring Approval
Before Release (C) (continued)

Release of Agency Action Review Meeting Information (11)
(continued)

MD 8.14, "Agency Action Review Meeting." These records include AARM-related plant performance information, the applicable sections of the AARM background material, and the minutes of the AARM. When a request, except an FOIA request, is received for AARM information, OEDO shall be notified upon collection of the applicable records by the responsible offices, and records shall be forwarded to OEDO for release authorization. When AARM information is sought under the FOIA, see MD 3.1, "Freedom of Information Act," for guidance. (a)

The following guidelines apply **for AARM information**: (b)

- Records pertaining to a plant that was discussed during the AARM may be released upon screening and redaction of proprietary material, personal privacy material, and material that might compromise investigative efforts or reveal the identity of an allegor. (i)
- Records pertaining to plants for which the NRC's intended actions following the AARM are different from those conveyed previously may be released after screening and redaction of proprietary material, personal privacy material, and material that might compromise investigative efforts or reveal the identity of an allegor. (ii)
- Records pertaining to a plant that was not designated "an AARM discussion plant" and that did not have intended actions following the AARM different from those conveyed previously, absent an FOIA request, shall normally not be released to the public. (iii)

Information Requiring Approval
Before Release (C) (continued)

Release of Allegation Information (12)

Allegation information should not be released to the public and will not be released to the ADAMS Public Library without the approval of the regional or program office Allegation Coordinator, the Agency Allegation Advisor, or the Assistant Agency Allegation Advisor. When allegation information is sought under the FOIA, see MD 3.1, "Freedom of Information Act," for guidance. MD 8.8, "Management of Allegations," also should be consulted for guidance on handling allegation information.

Release of Video News (13)

It is the policy of NRC that if a video news release is developed by the agency, it is clearly identified as an NRC product and is reviewed and approved by the Office of Public Affairs, in consultation with the Office of the General Counsel, before it is issued. See MD 5.5, "Public Affairs Program," for policy and objectives on video news releases.

Part III

Information Received From Outside Entities and Persons

Receipt of Records (A)

Management will be involved in reviewing and deciding appropriate action to take when NRC employees receive documents from outside the NRC. (1)

This part does not pertain to records obtained through the investigative process of the Office of Investigations or the Allegation Management Program. (2)

Periodically, NRC staff members receive records from representatives of industry or from industry organizations with the express or apparent intent of receiving preliminary NRC staff views or preliminary staff evaluations of the acceptability of the documents before their official submission to NRC or before industry takes an official action regarding an NRC-regulated activity. These records are not submitted as part of an established regulatory process, such as a licensing proceeding, rulemaking, or development of generic procedures or regulatory guides. These records may be sent to the agency as correspondence or handed to the staff at meetings or conferences. (3)

Any staff member receiving such a document must inform the individual or industry organization providing the record that it will be released to the public through the ADAMS Public Library. If the information appears to contain proprietary or other sensitive information, the industry organization or individual should be asked to submit the document by letter to agency management under the provisions of 10 CFR 2.390, including appropriate markings and an affidavit providing justification for protection from public disclosure. The submitter of the proprietary information also should provide a nonproprietary version with brackets showing

Receipt of Records (A) (continued)

where the proprietary information has been deleted. The document is to be processed under the provisions of 10 CFR 2.390. (4)

Notification of Supervisor (B)

The staff member receiving such a record shall promptly notify his or her supervisor that the record has been received and shall coordinate with the supervisor the agency action appropriate to the record.

Release of the Record to the ADAMS Public Library (C)

Records received by the staff from industry under this part will be released to the public through the ADAMS Public Library before any staff action on the documents subject to the standards set forth in 10 CFR 2.390. Any record to be released to the public through the ADAMS Public Library must be transmitted to the Document Processing Center (DPC), as set forth in Part IV, Section (B)(5), "General Instructions for Making NRC-Generated Documents Publicly Available." The records also would constitute agency records covered by 10 CFR Part 9 and may be made available to the public in response to a request unless exempted by the Freedom of Information Act (FOIA).

Release of the Response to the ADAMS Public Library (D)

Any written or oral agency response to the document must be coordinated with the responder's immediate supervisor before being communicated to the industry organization or individual. A written response must be released to the public through the ADAMS Public Library by transmitting it to the DPC, as set forth in Part IV, Section (B)(5).

Part IV

Policy on Timing the Release of Documents to the Public

Introduction (A)

The following policy specifies goals for timing the release of documents to the public through the Agencywide Documents Access and Management System (ADAMS). The intent is to establish a clear goal for release of documents to the public that allows adequate time for them to be received by addressees, provides sufficient time for documents sent to NRC to be properly reviewed by the staff, and makes documents available to the public promptly.

General Release Policy (B)

Determining the Release Date (1)

Documents generated by NRC are to be released to the public by the 6th working day after the date of the document. For example, if the document is dated Monday, October 15, 2007, its release date will be Tuesday, October 23, 2007. The time period provided will allow 5 full working days for the addressee to receive the document. Note that there may be circumstances in which it is appropriate to release these documents earlier. For example, internally generated documents addressed to external entities may be released earlier than the 5-day goal when the staff has verified that the addressee has, in fact, received them. (a)

Externally generated documents received by NRC are to be released to the public by the 6th working day after the document is added to the ADAMS Main Library. This time period will allow 5 working days for the staff to review a document received by NRC to ensure no proprietary, privacy, or other sensitive information is made public. (b)

General Release Policy (B)
(continued)

Newly Received Documents From External Parties (2)

Newly received documents from external parties are to be made available to the public no later than 5 working days after they are added to the ADAMS Main Library, thus providing public access by the sixth day after they are added to ADAMS. This time period will allow the document to be reviewed to prevent the release of incoming documents that should not be released, such as documents containing proprietary information [Sensitive Unclassified Non-Safeguards Information (SUNSI)] or potential allegations.

Documents Produced by the Staff Addressed to External Parties (3)

Documents produced by the staff addressed to external parties are to be released no later than 5 working days after the date of the document, thus providing public access by the sixth day after the date of the document. In the case of document packages (i.e., a cover letter with one or more attachments), the release date will be 5 working days after the date of the cover letter. This time period will give the recipient an opportunity to read the document before it is made publicly available. There will be instances when it is desirable to make documents available sooner than 5 days. In these instances, documents entered into ADAMS may be made available after the staff has contacted the addressee and has verified that the document has been received.

Documents Produced by the Staff Addressed to Internal Addressees or Documents With No Specific Addressee (4)

Documents produced by the staff addressed to other internal addressees or documents with no specific addressee shall be released no later than 5 working days after the date of the document, thus providing public access by the sixth day after the

General Release Policy (B)
(continued)

Documents Produced by the Staff Addressed to Internal Addressees or Documents With No Specific Addressee (4)
(continued)

date of the document. This time period will give the recipient an opportunity to read the document before it is made publicly available in ADAMS.

General Instructions for Making NRC-Generated Documents Publicly Available (5)

Detailed guidance for adding documents to ADAMS and making them publicly available can be found in ADAMS under “ADAMS Document Submission Guidelines Step-by-Step Instructions” (ML010390040). To make a single electronic file in ADAMS publicly available, follow the instructions below for filling out the ADAMS document profile. To make multiple electronic files, mixed packages (combination of electronic file(s) and paper), or paper documents publicly available in ADAMS, follow the guidance in ML010390040. To make a single NRC document publicly available, the following fields must be properly entered in the ADAMS document profile: (a)

- The **Document Class** must be **Draft** (this category is changed to **Official Record** by the ADAMS Document Processing Center [DPC] during the declaration process).
- The **Availability** must be **Publicly Available**.
- The **Document Sensitivity** must be either **Non-Sensitive** or **Non-Sensitive Copyright**.
- The **Date to be Released** must contain an appropriate date in accordance with this policy.

General Release Policy (B)
(continued)

General Instructions for Making NRC-Generated Documents Publicly Available (5) (continued)

- A SUNSI review must be completed. See <http://www.internal.nrc.gov/sunsi/>.
- The Keyword field must contain the text “SUNSI Review Complete.” Before adding the text “SUNSI Review Complete” to the Keyword field, staff are responsible for ensuring that the necessary review has been completed by the appropriate individual(s) within their office.

Note: If the document is non-public, the Keyword field must contain the item number from the “Guidance for Determining the Public Availability of NRC Records,” as determined by the document originator. (b)

In addition, under the Security Tab, the ADAMS Group **NRC Users** should be given **Viewer** access rights and the DPC should be assigned **Owner** rights. When the profiling is complete, copy the document into the ADAMS Document Processing Center (DPC) Processing folder, “Normal Processing for DPC,” in the ADAMS Main Library. (c)

Exceptions to the General Release Policy (6)

Exceptions to this policy are documents that require the following: (a)

- **an immediate release**
- **a release earlier than the 5-day policy**
- **a longer time period before release**

General Release Policy (B)
(continued)

Exceptions to the General Release Policy (6) (continued)

Circumstances may require the immediate release of a document. If a document, such as a press release, must be released to the public immediately, follow the instructions for profiling the document above, then copy the document into the ADAMS DPC Processing folder, "Immediate Public Release for DPC," in the ADAMS Main Library. The document will be released within 4 working hours. (b)

Various types of documents and the circumstances surrounding them may require an **earlier release** than that stated in the general release policy but not necessarily an immediate release. For example, internally generated documents addressed to external entities may be released earlier than the 5-day goal when the staff has verified that the addressee has received the document. Other examples of documents requiring an earlier release are preliminary notifications and public meeting notices. (c)

Some circumstances may require a **longer time period before release** of a document because of the nature of the document and the complexity of the business processes involved in making them final. Document types that fall into this category and are currently exempted from the NRC's general release policy are listed in the "Public Release Timeliness (PRT) Report Criteria for Internally Generated Documents Added to ADAMS," available in ADAMS under ML072350623. (d)

If an office believes that it has another document type that typically cannot be released to the public in accordance with the NRC's general release policy and should be exempted, it may request an exemption by submitting a request (from a division director or above) to the Director of the Information and Records Services Division (IRSD), OIS. The request should describe the specific

General Release Policy (B)
(continued)

Exceptions to the General Release Policy (6) (continued)

document types for which you are seeking exemption and a justification. IRSD staff will review each request and, pending approval, take action necessary to develop appropriate exemption criteria. (e)

Making Externally Generated Documents Publicly Available in ADAMS (7)

Incoming Documents (a)

Externally generated (incoming) documents are received at the Headquarters (HQ) Document Control Desk (DCD), at one of the regional ADAMS intake stations, or are delivered directly to an HQ office mail station for the HQ offices that have chosen that option. See Chapter 11, "Handling Externally Generated Documents (Incoming Mail)," of the ADAMS Desk Reference Guide (NUREG/BR-0273) for detailed information about how incoming documents are received and processed into ADAMS.

Documents that are marked as containing sensitive information (i)

Incoming documents that are clearly marked as containing sensitive information (for example, proprietary or personally identifiable information [PII]) are added to ADAMS by the DPC or regional intake station and profiled with the appropriate Document Sensitivity value, Non-Publicly Available.

Documents that are not marked as containing sensitive information (ii)

With some exceptions, documents that are not marked as containing sensitive information are added to ADAMS by the DPC

General Release Policy (B)
(continued)

**Making Externally Generated Documents Publicly Available
in ADAMS (7) (continued)**

or regional intake station and profiled as Non-Sensitive, Non-Publicly Available, and the text “Non-Public Pending Review” is added to the Keyword field.

Official Agency Records (b)

The DPC will complete the profiling and declare the documents as Official Agency Records (OARs), then electronically distribute them to the appropriate NRC recipients using the Electronic Regulatory Information Distribution System (e-RIDS). E-RIDS is an NRC custom-written distribution program (utilizing the ADAMS “Send To” feature and the agency’s e-mail services) that disseminates documents to NRC staff listed on standard distribution patterns. E-RIDS recipients receive an e-mail notification that displays a brief description of the document (or package) and provides (in the attachment field) an icon that links the viewer to the document (or package) in ADAMS. The attachment field also contains an e-RIDS sheet that shows the complete distribution that the document (or package) received.

Non-Public Pending Review Documents (c)

NRC staff in the office responsible for the document (owning office) are responsible for reviewing the documents profiled as Non-Public Pending Review for sensitive information before they are made available to the public. When the document review has been completed, staff must send an e-mail to the OIS ADAMS Support Center (e-mail address ADAMS IM) regarding the Availability, Document Sensitivity, and Date to be Released. If the document is not public, add the item number describing the non-public category from the “Guidance for Determining the Public

General Release Policy (B)
(continued)

**Making Externally Generated Documents Publicly Available
in ADAMS (7) (continued)**

Availability of NRC Records.” For documents that can be released, the ADAMS Support Center will profile the document as Non-Sensitive, Publicly Available, add the text “SUNSI Review Complete,” and the document will be released to the public on the date to be released. For documents that contain sensitive information, staff must designate the specific Document Sensitivity value and the ADAMS groups that are to be granted viewer rights to the document, and the Support Center will profile the document with the appropriate Document Sensitivity value, Non-Publicly Available, add the text “SUNSI Review Complete” and the item number from the “Guidance for Determining the Public Availability of NRC Records” to the Keyword field, and viewer rights will be restricted to those groups designated by the owning office. (i)

The exceptions to processing the documents that are not marked as containing sensitive information are for most Office of Nuclear Reactor Regulation (NRR) documents associated with 10 CFR Part 50 operating reactors and most Office of New Reactors (NRO) documents associated with 10 CFR Part 52 Early Site Permits, Standard Design Certifications, and Combined Licenses for Nuclear Power Plants (including pre-application project-related documents with formally assigned project numbers). NRR and NRO have established business rules with OIS to have these documents profiled as Non-Sensitive, Publicly Available, with a date to be released to the public of 5 working days after they were added to the ADAMS Main Library. NRR and NRO staff review these documents to ensure that they contain no sensitive information before their date to be released is reached. (ii)

General Release Policy (B)
(continued)

**Making Externally Generated Documents Publicly Available
in ADAMS (7) (continued)**

Documents Received By an HQ Office Mail Station (d)

For the HQ offices that have chosen to receive their incoming mail directly, office staff are responsible for reviewing the documents and determining which documents need to be scanned and entered into ADAMS, determining if the document contains sensitive information, and providing the DCD with the document and a completed NRC Form 665s or 665p. Staff must indicate on the NRC Form 665 how the document is to be profiled (Document Availability, Document Sensitivity, Document Security Access, the appropriate ADAMS template number, and the item number from the "Guidance for Determining the Public Availability of NRC Records") if it is non-publicly available and must certify that the SUNSI review has been completed for publicly available documents only. Upon receipt of the document and completed NRC Form 665, the DCD and the DPC will complete the profiling in accordance with the instructions on the NRC Form 665 and declare the documents as OARs. For documents that can be released, the DPC will profile the document as Non-Sensitive, Publicly Available, calculate and add the appropriate date to be released, add the text "SUNSI Review Complete" to the Keyword field, and the document will be released to the public on the date to be released. (i)

In some cases, OIS has developed special document processing workflows to handle bulk quantities of externally generated mail with similar indexing requirements. These offices include the Office of the Secretary (SECY) and the Commission (ticketed correspondence, public comments in response to *Federal Register* notices, adjudicatory filings), the Office of the Executive Director for Operations (OEDO) (ticketed correspondence), the Office of Administration (ADM) (public comments in response to *Federal Register* notices, contracts and contract modifications), and the Office of the Chief Financial Officer (OCFO) (general licensee

General Release Policy (B)
(continued)

**Making Externally Generated Documents Publicly Available
in ADAMS (7) (continued)**

submissions transmitting fee payments). These offices annotate each document with the appropriate e-RIDS distribution code, ADAMS template number, and if the document is non-public, the item number from the "Guidance for Determining the Public Availability of NRC Records," and send multiple documents to the DCD/DPC either through the internal mail system, drop-offs at the DCD, or by regularly scheduled pickups by the DPC contractor. Individual NRC Forms 665s or 665p are not required for these special workflows. (ii)

**Relationship of This Policy to the Release of Information
Through NRC's Public Web Site (8)**

ADAMS is the NRC's official means of making agency documents available to the public. In the past, publicly available documents were sent to the Public Document Room (PDR) on paper and microfiche and posted on the NRC Web site. Since ADAMS became an NRC official recordkeeping system in April 2000, all newly created or newly received documents posted on the public Web site since that date are to be released to the public through ADAMS before being posted on the Web site if ADAMS is the official recordkeeping system for the documents. Often display of records on the NRC Web site can be made technically easier by linking the document to its ADAMS Accession Number. Therefore, the OIS Web staff may ask that documents created before April 2000, or for which ADAMS is not the official recordkeeping system, be placed in ADAMS and made available in the ADAMS Public Library so that the document can be linked to the ADAMS Accession Number.

General Release Policy (B)
(continued)

Documenting the Rationale for Non-Public Designations (9)

The document profile for all OARs in ADAMS with a Document Date of 04/01/09 or later must contain the code for the non-public designation, which is set forth in the “Guide for Determining the Public Availability of NRC Records.”

NRC-Generated Documents (a)

Before submitting a document to the DPC for final processing, staff must add the specific item number from the “Guidance for Determining the Public Availability of NRC Records” (found at <http://www.internal.nrc.gov/information-resources.html>) to the Keyword field in the ADAMS Document Profile only if it is non-public. For example, if a document is to be made non-publicly available because it is listed under the section titled “NRC Documents Not Routinely Released to the Public” as item number B.6 in the “Guidance for Determining the Public Availability of NRC Records,” the entry in the Keyword field would be “MD 3.4 Non-Public B.6.”

Externally Generated Documents (b)

Documents Sent Directly to the DCD. The DPC will enter the appropriate item number from the “Guidance for Determining the Public Availability of NRC Records” to the Keyword field in the ADAMS Document Profile for externally generated documents that are sent directly to the DCD and are not profiled as “Non-Public Pending Review.” (i)

Documents Received by an HQ Office Mail Station. NRC staff are responsible for identifying and providing to the DCD the appropriate item number from the “Guidance for Determining the Public Availability of NRC Records” for documents that are received by an HQ Office Mail Station and then provided to the DCD for entry into ADAMS. The DPC will enter the item number into the Keyword field in the format described above. (ii)

General Release Policy (B)
(continued)

Documenting the Rationale for Non-Public Designations (9)
(continued)

Non-Public Pending Review Documents. When NRC staff complete their review of documents profiled as “Non-Public Pending Review” and contact the ADAMS Support Center to finalize the document availability as either Publicly Available or Non-publicly Available, they must notify the Support Center of the item number if the document is non-public from the “Guidance for Determining the Public Availability of NRC Records” (<http://www.internal.nrc.gov/information-resources.html>). The Support Center will enter the item number into the Keyword field in the format described above. (iii)

Part V

Withdrawal of Documents From the ADAMS Public Library and/or the NRC Public Document Room

Procedures for Withdrawing Documents From the ADAMS Public Library or the Public Document Room (A)

When it is determined that a document already released to the public should be removed from the Agencywide Documents Access and Management System (ADAMS) Public Library and/or the Public Document Room (PDR), the removal must be authorized by an NRC division director or a higher level official in the office originating the document or the office that has primary responsibility for the document in accordance with specific notification procedures set forth in the ADAMS Desk Reference Guide. To request removal, the division director or a higher level official must provide written justification to the ADAMS Support Center and request that the document be removed from the ADAMS Public Library and/or the PDR. If a document is to be removed from ADAMS because of security concerns (e.g., Safeguards Information (SGI), Sensitive Unclassified Non-Safeguards Information (SUNSI), personally identifiable information (PII)), all access to the document is removed except for administrative access. The Computer Security Office (CSO) must then be notified. CSO will authorize complete document removal upon completion of the computer security incident response procedures.

Documents Inadvertently Released to the Public (B)

When a document not authorized for public release, including allegation information and classified information, Safeguards

Documents Inadvertently Released to the Public (B) (continued)

Information, or other National Security or Homeland Security Information, is inadvertently released to the public by the NRC, its contractors, or other Government agencies, the Executive Director for Operations (EDO) and the Inspector General (IG) shall be promptly advised in writing of the occurrence. If information technology (IT) (e.g., facsimile, printers, computers) is involved in the release, then CSO must be notified. The circumstances under which the document was inadvertently released should be described, as well as the actions taken, including coordination with or approvals obtained from an office director, the EDO, or the Commission. Refer to Management Directive 7.4, "Reporting Suspected Wrongdoing and Processing OIG Referrals," for additional guidance. If the document has been placed in the ADAMS Public Library or in the NRC Public Document Room (PDR) and the responsible division director decides that the document should be withdrawn from the public domain, that responsible division director shall notify the ADAMS Support Center to remove the documents in accordance with the procedures in Section (A) above and advise the EDO and the IG of this action. Additionally, all inadvertent releases of information must be reported immediately to the Senior IT Security Officer or Computer Security Office in accordance with instructions found at the following address: http://www.internal.nrc.gov/ois/it-security/incident-resp.html#inadvertent_spill. (1)

In the case of an inadvertent release of allegation information, the Agency Allegation Advisor shall be contacted promptly, in addition to the EDO. Any allegation information inadvertently released to the public through the ADAMS Public Library or the NRC PDR shall be immediately withdrawn. (2)

In the case of an inadvertent release of classified information, SGI, or other National Security or Homeland Security Information, the Office of Nuclear Security and Incident Response (NSIR) shall be contacted promptly. The Director of NSIR will provide guidance to the office and the Director of OIS on the actions to be taken to

Documents Inadvertently Released to the Public (B) (continued)

withdraw the document from the public domain. If IT is involved in the inadvertent release, CSO must also be notified of the event. (3)

In accordance with established policy, NRC actively protects PII from access by, or disclosure to, unauthorized individuals. In case of a breach in PII, staff should refer to the guidance in the "NRC Personally Identifiable Information Breach Notification Policy." Agency personnel are to comply with the procedures for response and notice to affected individuals, other Federal agencies, and the media, as appropriate. These policies and procedures govern breaches by agency personnel that may result in unauthorized access, either internal or external to the NRC, whether involving electronic systems or paper documents. For more details, please see ML072640285 or go to <http://www.nrc.gov/site-help/privacy.html>. (4)

Documents Withdrawn From the Public Domain by Agency Policy (C)

When agency senior management decides that a particular document type or class of information that has formerly been made public will no longer be made public and directs that such documents or information be withdrawn from the ADAMS Public Library or the PDR, a division director or a higher level official will ensure that concurrence or approval from the appropriate office, the EDO, and the Commission is obtained. The responsible official shall notify the ADAMS Support Center to remove the documents in accordance with the procedures specified in Section (A) above and provide documentation supporting the removal request, including coordination with or approvals by an office director, the EDO, or the Commission.

Personally Identifiable Information in Submittals by External Entities and Persons (D)

NRC policy, as set forth in 10 CFR 2.390, makes available to the public the correspondence and other information related to NRC's mission activities that are received from or sent to individual citizens, applicants, licensees, and other organizations (including the submitter's name, home address, home or personal telephone numbers, or personal e-mail addresses included in the correspondence). If submitters do not want this information automatically released to the public, they must make a written request that it not be made publicly available. (1)

NRC, at its discretion, may also withhold this information if it determines there is a compelling reason for not making the information public. Absent a written request for withholding information, NRC does not routinely review applicant and licensee incoming correspondence and related information to determine if the submitted information may constitute sensitive information that should not be made publicly available. However, if such information is identified by the staff in the course of normal work, NRC may, at its discretion, withhold such information from the public or, if it has been made public, withdraw it from the public domain. (2)

Such information would be personal privacy information, for example, social security numbers, medical or financial information about persons other than the submitter, family matters, or information on those other than the applicant/licensee submitter that could, if disclosed, substantially harm a person's reputation and standing in the community where the matter does not involve enforcement of statutes or regulations. However, the staff could also identify other information considered sensitive, such as security-related information that should be withdrawn. Such a determination is to be accompanied by the standard that the staff is applying as the basis for the withdrawal of the information. (3)

Personally Identifiable Information
in Submittals by External Entities
and Persons (D)
(continued)

When the staff identifies information believed to be sensitive in applicant or licensee submittals, the responsible division director or higher level official shall coordinate with the Office of the General Counsel as to whether the information constitutes sensitive information that should be withdrawn from the ADAMS Public Library or the PDR. If a document contains sensitive information that should be withdrawn, the entire document should be withdrawn. The ADAMS Support Center is to be notified to remove the document in accordance with the procedures specified in Section (A) above. In accordance with standards reflected in 10 CR 2.390, NRC may exercise its discretion to subsequently make public a properly redacted version of the document. (4)