

documents sought or obtained by PDR users.

EFFECTIVE DATE: October 14, 1988.

FOR FURTHER INFORMATION CONTACT: Susan Fonner, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC, 20555, telephone (301) 492-1632.

SUPPLEMENTARY INFORMATION:

Policy Statement

The Nuclear Regulatory Commission maintains a Public Document Room where members of the public may obtain data and documents relevant to Commission activities.

In order to fulfill its responsibility to disseminate such information while at the same time protecting the privacy rights of PDR users and avoiding unwarranted administrative burdens, the Commission has adopted the following policy regarding the release of PDR user information:

NRC will not release the names of PDR users or information regarding data or documents sought or obtained by PDR users, except where an NRC employee requires the information for the performance of official duties,¹ where a statute, regulation, or court order requires the release of such information, or where the General Counsel has determined that the information is requested by a law enforcement agency for purposes of a criminal investigation reasonably related to the individual about whom the information is requested or to a document in the PDR collection.² NRC employees will use the following procedures in handling requests for PDR users' names or information regarding data or documents sought or obtained by PDR users:

1. An NRC employee who receives a request for the name or other identification of any PDR user or for information regarding data or documents sought or obtained by any PDR user identified by name or description shall refer the person making the request to the Chief of the Public Document Branch, Office of the Secretary of the Commission.

¹ This exception is intended to apply primarily to PDR employees. A curious NRC project manager could not obtain a list of individuals who had requested access to PDR files on the facility for which the manager is responsible. However, as a matter of policy, the NRC will inform an NRC employee who has filed an Executive Financial Disclosure Report of the names of any members of the public who have reviewed the report.

² A request that has no clearly defined objective will not support the application of this exception. For example, the exception will not support a general request for the names of all PDR users whose surnames reflect a particular ethnicity. It could support the release of the names of PDR users of a particular document where there had been an illegal use of the information contained in the document and such use was the subject of a criminal investigation.

2. Upon receiving such a referral, the Chief of the Public Document Branch shall inform the requester of the NRC policy on the subject and shall notify the Office of the General Counsel of the request. If a statute or regulation clearly requires release of the information requested, the Chief of the Public Document Room may release the information prior to notification of the Office of the General Counsel.

3. If the request is accompanied by a law enforcement agency's written statement providing a clear basis for a determination that the information is requested by the law enforcement agency for purposes of a criminal investigation reasonably related to the individual about whom the information is requested or to a document in the PDR collection, the Chief of the Public Document Branch shall refer the request to the General Counsel, who shall consult with appropriate staff offices before determining whether to grant the request.

4. An NRC employee who is served with a court order requiring disclosure of the name or other identification of any PDR user or data or documents sought or obtained by any PDR user shall seek guidance from the Chief of the Public Document Branch and the General Counsel regarding the appropriate response to the order.³

Dated at Rockville, Maryland, this 7th day of October, 1988.

For the Nuclear Regulatory Commission.⁴
Samuel J. Chilk,
Secretary of the Commission.

53 FR 40293
Published 10/14/88
Effective 10/14/88

Policy Statement on Release of PDR User Information

AGENCY: Nuclear Regulatory Commission.

ACTION: Policy statement.

SUMMARY: This statement presents the policy of the Nuclear Regulatory Commission (NRC) with respect to the release of information about Public Document Room (PDR) users. The policy statement also prescribes procedures to be followed by NRC employees who receive requests for names of PDR users or for information regarding data or

³ For procedures relating to the production of NRC records pursuant to court demand in a proceeding to which the NRC is not a party, see 10 C.F.R. 9.200-2.204.

⁴ Commissioner Roberts was not present for the affirmation of this order, which he would have approved had he been present.