

CHAIRMAN Resource

From: Dave Lochbaum <DLochbaum@ucsusa.org>
Sent: Wednesday, November 19, 2014 1:05 PM
To: CHAIRMAN Resource
Cc: Gunter, Paul; Jim Riccio; Tim Judson; lukehixson@gmail.com
Subject: Restoring public access to fire protection and emergency planning documents
Attachments: 20141119-ucs-nrc-fp-ep-document-withholding.pdf

Dear Chairman Macfarlane:

Attached is a letter signed on behalf of the individuals who met with the NRC staff on October 7, 2014, regarding the NRC's document classification and information redaction policies and practices.

That meeting was very productive, but one of the document classification policies was established by the Commission and therefore cannot be easily revised by the staff without Commission redirection. Our letter asks that the policy be revised for reasons given in the letter.

We don't plan to also mail in a hard copy of the letter, but will gladly do so upon request.

Thanks,
David Lochbaum
Director, Nuclear Safety Project
Union of Concerned Scientists
PO Box 15316
Chattanooga, TN 37415
(423) 468-9272 office
(423) 488-8318 cell
dlochbaum@ucsusa.org

FREEDOM OF INFORMATION TEAM

Paul Gunter
Beyond Nuclear

Jim Riccio
Greenpeace

Tim Judson
Nuclear Information and
Resource Service

Dave Lochbaum
Union of Concerned
Scientists

Lucas Hixson
www.Enformable.com

November 19, 2014

Dr. Allison M. Macfarlane, Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Chairman Macfarlane:

On behalf of the Freedom of Information Team, I respectfully ask the Commission to revisit and revise the information withholding policies approved in Staff Requirements Memorandum (SRM) dated November 9, 2004, for SECY-04-0191 dated October 19, 2004.

In response to the tragic events of 9/11, the NRC staff proposed a framework for withholding information from the public that might be useful to adversaries attempting radiological sabotage at NRC-licensed facilities. The Commission approved the staff's proposal. In the second paragraph of the SRM, the Commission directed that "the staff should move expeditiously to complete the necessary determinations and restore public access to the appropriate documents."

Since that time, the NRC and the nuclear industry have developed a system for withholding the proper information. For example, the NRC released Regulatory Issue Summary RIS-05-026, "Control of Sensitive Unclassified Nonsafeguards Information Related to Nuclear Power Reactors;" RIS-05-031, "Control of Security-Related Sensitive Unclassified Non-Safeguards Information Handled by Individuals, Firms, and Entities Subject to NRC Regulation of the Use of Source, Byproduct, and Special Nuclear Material;" RIS-07-04, "Personally Identifiable Information Submitted to the U.S. Nuclear Regulatory Commission;" and RIS-12-03, "Reintegration of Security into the Reactor Oversight Program Assessment Program." The NRC also revised 10 CFR 2.390 to clarify what information must be withheld.

The nuclear industry and the NRC have operating experience using this system. Today, there is a common understanding of what information needs to be withheld along with the appropriate means for withholding it.

It is now time to restore public access to the appropriate documents while retaining necessary protection against inappropriate disclosures.

Specifically, we ask that the framework in Attachment 1 to SECY-04-0191 profiling all incoming documents from plant owners about fire protection and emergency planning as nonpublic be reversed. All incoming documents about fire protection and emergency planning should be profiled as public.

Plant owners now have clarity from the NRC regarding the nature and context of information that must be withheld from the public. Plant owners now also have an established and well-used process for submitting documents containing such information to the NRC so that the information is appropriately withheld. Thus, documents about fire protection or emergency planning containing sensitive information will be submitted by plant owners per 10 CFR 2.390 and collateral processes, obviating the need for blanket withholding of all fire protection and emergency planning documents.

We look forward to the NRC restoring public access to appropriate fire protection and emergency planning information.

Sincerely,

A handwritten signature in black ink, reading "David A. Lochbaum". The signature is written in a cursive, flowing style.

David Lochbaum
Director, Nuclear Safety Project
Union of Concerned Scientists
PO Box 15316
Chattanooga, TN 37415
423-468-9272, office
dlochbaum@ucsusa.org