

## **Access to Public Documents**

Since the tragic events of September 11, all Americans have had to reevaluate many things previously taken for granted. As Americans we are now challenged to balance the freedoms which are essential to us in our democracy with the need for protection from those who seek to destroy our way of life.

The Defense Nuclear Facilities Safety Board (Board) has always championed public access to information related to public health and safety at the Department of Energy's defense nuclear facilities. We view it as a significant part of our mandate to restore the public confidence in the Department of Energy's management capabilities. During the 12 years of its operation, the Board has conducted numerous hearings intended to make public its efforts to assure the public health and safety at the defense nuclear facilities and to learn of the public's concerns as well. We have made every effort to provide information to the public as promptly as possible, consistent with legal requirements to protect information affecting the common defense and national security of the United States. We continue to embrace this Congressional mandate.

But the September 11 attack requires that our mandate now be carried out with the new awareness that information previously thought to be helpful to only those with health and safety concerns may now be of great value to those who seek to destroy those very facilities and jeopardize the public (including the workers) the Board seeks to protect. Documents which we have typically made public in our reading rooms and over the internet include our own official records (Technical Reports, Recommendations, Weekly Reports, etc.), as well as reference copies of documents provided to us by the Department of Energy (DOE). This extensive collection of technical documents was previously determined to be releasable to the public. However, new concerns now exist regarding the potential value of information in some of these documents to enemies of the United States. For that reason they must be again closely scrutinized by the DOE, for the Secretary is responsible under the Atomic Energy Act of 1954, as amended, for such determinations.

The Board will continue posting our Technical Document Log of recently created and received documents, and where appropriate, we will make every effort to provide those documents to requesters in a timely manner. However, for the protection of the common defense and security of the United States, we are now required to take the extra step to assure that the information released into the public domain does not have the potential to assist the enemies of the United States. Therefore, please be assured that we will continue to make every effort to provide to you the same service we always have. But it may take a little longer for us to get your information to you. Thank you in advance for your patience and your understanding.

December 31, 2001