



DIRECTIVE NUMBER: 9320.4-01

TITLE: Interim Information Release Policy

APPROVAL DATE: April 18, 1985

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ORIGINATING OFFICE: OERR/HSCD

FINAL

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STATUS:

REFERENCE (other documents):

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2. Originator Information					
Name of Contact Person PARRISH		Mail Code	Office OERR/HSCD	Telephone Number 382-5632	
3. Title INTERIM INFORMATION RELEASE POLICY					
4. Summary of Directive (Include brief statement of purpose) Provides interim policy for NPL information release and should be used by the Regions to prepare a coordinated response to Public Citizen FOIA Requests. (4/85, 6 pp)					
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6a. Does this Directive Supersede Previous Directive(s)? <input type="checkbox"/> yes <input checked="" type="checkbox"/> No What directive (number, title)					
b. Does it Supplement Previous Directives(s)? <input type="checkbox"/> yes <input checked="" type="checkbox"/> No What directive (number, title)					
7. Draft Level <input type="checkbox"/> A - Signed by AA/DAA <input type="checkbox"/> B - Signed by Office Director <input type="checkbox"/> C - For Review & Comment <input type="checkbox"/> In Development					
This Request Meets OSWER Directives System Format					
8. Signature of Lead Office Directives Coordinator				Date	
9. Name and Title of Approving Official W. HEDEMAN				Date 04/18/85	

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 18 1985

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE
OSWER Directive 9320.4-1

MEMORANDUM

SUBJECT: Interim Information Release Policy

FROM: William N. Hedeman, Jr., Director
Office of Emergency and Remedial Response

TO: Addressees

Recently, the Regions have received Freedom of Information (FOIA) requests from Public Citizen, a public interest group. Public Citizen requested the Hazard Ranking System (HRS) Worksheets, Documentation Records, Site Inspection Reports (EPA Form 2070-13), and narrative summaries for a specific list of sites for each Region. Public Citizen asked for an indication of which, if any, of the sites on their list are proposed for, or are on the NPL. Finally, Public Citizen requested an explanation of why sites with scores greater than 28.50 were not proposed.

This memo provides an interim policy for NPL information release, and should be used by the Regions to prepare a coordinated response to the Public Citizen FOIA request. As discussed in the November 1984 NPL Conference, we are providing this interim guidance for comment. Based on your comments, we intend to issue a final policy later this summer. Please provide Trudi Fancher, Discovery and Investigation Branch, with your comments by April 30, 1985.

Attachment A is a matrix which illustrates recommended release decisions for site documents at various milestones during the NPL process. The vertical axis represents documents and the horizontal axis represents site categories as a function of time. Attachment B provides a description of the site categories and an explanation of the recommended release policy for each category. As the matrix in Attachment A indicates, final Preliminary Assessment (PA), Site Inspection (SI) reports, and narrative summaries may be released at any time, as well as drafts of those reports, as long as it is clearly indicated that the documents are draft and subject to change. In addition, portions of these documents may be withheld under FOIA exemption 7 (for example, if the release of the information would interfere with future enforcement proceedings).

The FOIA requests from Public Citizen have focused on sites which we have defined as "QC<25.00" and "Insufficient Data for QA". As the attachments indicate, we recommend that the QC'd HRS documents for "QC<25.00" be released after the Region has made the final determination that the site scores below 25.00. The decision to release QC'd HRS documents returned to the Regions because of insufficient data or documentation for QA is dependent upon the status of data/documentation acquisition by the Regions at the time of publication of the next proposed rule in the Federal Register. If at that time, the Region is in the process of obtaining, or has already obtained, the data/documentation necessary for QA, then the QC'd HRS documents would be exempt under Section (b)(5) of FOIA and would not be released. If, however, the Region has not provided any additional data/documentation at the time of the next proposed rule publication, then the QC'd HRS documents may be released. We encourage you to work with your Regional FOIA contact to develop appropriate language for response.

For sites which are determined to be ineligible for inclusion on the NPL, HRS packages may be released upon request. This could include pre-QC and QC approved packages. The Agency has developed several eligibility policies concerning categories of sites listed on the NPL. These policies have been discussed in the following preambles:

- ° Mining Wastes - (47 FR 58478, December 30, 1982; 48 FR 40663, September 8, 1983; 49 FR 37075, September 21, 1984).
- ° Releases of Radioactive Materials - (47 FR 58477, December 30, 1982; 48 FR 40661, September 8, 1983; 49 FR 37074, September 21, 1984).
- ° Indian Lands - (48 FR 40663; September 8, 1983; 49 FR 37074, September 21, 1984).

As you are aware, additional eligibility policies are being formulated (i.e., pesticide application sites and RCRA-related sites). As these policies are finalized, FOIA release policies would also be applicable.

The FOIA request from Public Citizen requested a waiver or reduction in fees for providing the requested information. If all the requested documents for all of the listed sites are provided, the costs could be quite high. Based upon preliminary surveys of the Regional requests, it appears that many of the HRS documents are predecisional at this time, and therefore will not be released. For those documents which are determined to be subject to release and are not part of the public docket, we recommend that the appropriate documents be provided to Public Citizen at no cost. Charging for documents in the public docket is appropriate since no public interest will be served by the disclosure of those documents. The public already has access to them.

Please contact Hal Snyder or Scott Parrish, of my staff at FTS 475-8103 with questions regarding this matter.

Attachment

Addressees:

- ✓ John Moebes/Susan Ziono ✓
- ✓ George Pavlou/Carole Peterson ✓
- ✓ Ed Skernolis/Connie Carr ✓
- ✓ Al Smith/Jon Johnston ✓
- ✓ Rich Bartelt/Jeanie Griffin ✓

- ✓ Sam Knott/Tim Purdue ✓
- ✓ Bob Morby/Shelly Brodie ✓
- ✓ Bill Guise/Dave Schaller ✓
- ✓ Keith Takata/Karen Kohnert ✓
- ✓ Phil Millam/Joan McNamee ✓