

February 23, 2003

Mr. David Lochbaum
Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street NW, Ste. 600
Washington, DC 20006-3962

Dear Mr. Lochbaum:

This is in response to your letter dated January 24, 2003, and your suggestions concerning how the U.S. Nuclear Regulatory Commission (NRC) might incorporate non-industry stakeholders in discussions involving safeguards information (SGI). The NRC places great value on the input of public stakeholders, and we will continue to seek that input on security issues when they can be discussed publicly. The recent issue of alleged fatigue among security guards at nuclear power plants is an example. However, most security issues necessarily involve SGI that we are prohibited from disclosing to individuals who have not met the requirements of 10 CFR 73.21, including a proper authorization and a specific "need to know."

We understand the desire to participate in upcoming NRC meetings and discussions to develop security regulations. We are familiar with Paul Blanch's capabilities and expertise; however, we regret that he does not meet the "need to know" standard for access in this instance. The fact that Mr. Blanch was cleared for access to SGI, and had a "need to know" in other instances does not provide a basis for general access to such information. The regulations require us to determine "need to know" on a case-by-case basis, in order to limit dissemination of safeguards information. In addition, the regulations limit access to SGI to select categories of individuals, and Mr. Blanch is not included in any such category.

"Need to know" means, generally, that the individual must have access to specific SGI to perform official duties. Licensee employees and contractors who are responsible for overseeing day-to-day security have a "need to know," as do NRC personnel who inspect security performance and develop applicable requirements. Mr. Blanch does not have official duties that require access to SGI, and thus does not have "need to know."

If you have further questions, please contact me at your convenience.

Sincerely,

/RA by Michael F. Weber for/

Roy P. Zimmerman, Director
Office of Nuclear Security
and Incident Response

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Roy P. Zimmerman, Director
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