

FOI/PA REQUEST

Case No. 2004-0087
Date Rec'd. 1-6-04
Action Off: Rammberg
Related Case: _____

Kevin Poulsen
Symantec
1600 Seaport Blvd, Suite 400
Redwood City, CA 94063.

January 5th, 2004

By Facsimile – (301) 415-5130

FOIA/Privacy Act Officer
U.S. Nuclear Regulatory Commission
Mail Stop T-6 D8
Washington, DC 20555-0001

**RE: Freedom of Information Act Request
and Request for Expedited Processing**

Dear FOIA/Privacy Act Officer:

This letter constitutes an expedited request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and Nuclear Regulatory Commission (“NRC”) regulations, 10 C.F.R. § 9.23(b), and is submitted by Kevin Poulsen (“Requester”).

I am seeking the following agency records (including but not limited to electronic records):

1. Any documents detailing, describing or concerning instances in which a computer at a nuclear plant was either infected with a computer virus or subject to a computer intrusion.

Request for Expedited Processing

This request warrants expedited processing because it pertains to a matter about which there is an “urgency to inform the public about an actual or alleged federal government activity,” and the request is made by “a person primarily engaged in disseminating information.” 10 C.F.R. § 9.25(2)(2).

Requester is a journalist with the online news publication SecurityFocus. On August 19th, 2003, SecurityFocus reported that a computer virus called the “Slammer worm” had penetrated a private computer network at the Davis-Besse nuclear power plant in January, temporarily disabling the plant’s Plant Process Computer and Safety Parameter Display System.

On December 18th, 2003, the NRC responded to written questions from Congressman Edward J. Markey pertaining to the Davis-Besse virus incident (ADAMS Accession #ML033020416). In the question identified as "Question 22", Rep. Markey asked, in part, "In the past five years, what other nuclear plants have been either infected with a computer virus or subject to computer hacking attempts?" (ADAMS Accession #ML033020423). The NRC responded that the commission's "reported event database" includes "two incidents where supporting computer systems were affected by a computer virus." This appears to refer to two incidents at nuclear power plants regulated by the NRC that have not previously been reported to the public.

The security and reliability of computer systems supporting nuclear plant operation is a homeland security issue of considerable and urgent interest to the public, as evidenced by Congress' inquiries, as well as the media attention paid to the Davis-Besse incident by the Associated Press, USA Today, the New York Times and newspapers across the country following SecurityFocus' report. Cases in which computer viruses affect or impair such systems shed light on potentially serious cyber security lapses, and on the NRC's oversight of these plants—a federal government activity.

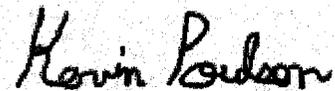
Request for "News Media" Fee Status

Requester is a professional full-time journalist with the online news publication SecurityFocus, an advertising-supported news and information site dealing with computer security, published by Symantec, Inc.

Thank you for your consideration of this request. As applicable NRC regulations provide, I will anticipate your determination of my request for expedited processing within ten (10) calendar days. Should you have any questions about this request, please feel free to contact me at (650) 759-9635.

Under penalty of perjury, I hereby affirm that the foregoing is true and correct to the best of my knowledge.

Sincerely,



Kevin Poulsen
Editorial Manager
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Fax: 650-745-1227