

July 16, 2004

TO: Steven D. Dingbaum
Assistant Inspector General for Audits
Office of the Inspector General

FROM: G. Paul Bollwerk, III /RA/
Chief Administrative Judge

SUBJECT: ATOMIC SAFETY AND LICENSING BOARD PANEL COMMENTS ON
LICENSING SUPPORT NETWORK AUDIT REPORT

The Atomic Safety and Licensing Board Panel (ASLBP) would like to thank the Office of the Inspector General (OIG) for the efforts of its audit team and for its recommendations for improving the effectiveness of the Licensing Support Network (LSN). We have some comments regarding the audit report, which are set forth below.

Regarding the discussion in Section C, NRC Lacks Agreements on Security With Interconnected Parties, we preface our comments with an update. We believe that documenting any mutual understanding of responsibility regarding information technology (IT) system security is a good practice that enhances the overall security posture of the system. Therefore, based on our discussions with OIG staff during the course of the audit, the LSN Administrator took the initiative to issue revisions to two guidelines and an associated Notification and Memorandum of Agreement (NMA) that were forwarded to the potential high-level waste repository licensing proceeding participants on May 27, 2004. We already have received one agreement, which was executed by the Department of Energy as part of its June 30, 2004 10 C.F.R. Part 2, Subpart J certification activities.

ASLBP nonetheless disagrees with the foundation of this finding, i.e., that the LSN, which was established pursuant to an agency rulemaking, represents an interconnection of information systems within the meaning of OMB Circular No. A-130 insofar as the participant equipment housing non-NRC document collections is not "used by the executive agency directly or . . . by a contractor under a contract with the executive agency."¹ The LSN architecturally is identical to FirstGov.gov in that it is an Internet-based, content-indexing, search engine with a standardized user interface that connects independently controlled document collection servers. Those participant servers and the data on them are not "under the direct management control"² of the LSN Administrator. Indeed, the view that the LSN does fit the A-130 criteria, carried to its logical conclusion, would mean that: (1) the NRC desktop web browser would require similar agreements for every page that each NRC user accesses; (2) every link on NRC's external web page that is marked with an exit tag would need to have a similar written agreement in place;

¹ OMB Circular A-130, § 6.

² OMB Circular A-130, App. III, § A.2.c.

and (3) an agreement would be required for every file an NRC employee acquires across the Internet and saves on his or her "C:" drive.

With regard to Section D, LSN Security Plan Lacks Complete Documentation, ASLBP acknowledges the conclusion made in this finding. We further acknowledge not having responded to the NIST 800-18 guidance requiring inclusion of audit activities in the security plan and appreciate OIG bringing this to our attention. Recent efforts to resize the LSN platform afforded an opportunity to update the existing LSN security plan with the results of previous security audit efforts, which were fully, albeit separately, documented. For the record, however, we would note that all applicable security requirements prior to the September 12, 2003 release of Management Directive 12.5 were followed by the LSN project team. In response to this OIG finding, however, subject to the availability of funding, ASLBP commits to updating the LSN security plan to include the information required by OMB Circular No. A-130 to conform with Federal guidelines.

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
Annette Vietti-Cook, Secretary
Luis E. Reyes, Executive Director for Operations