Release

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From: Eric Weinstein, NSIR
To: Burnell, Scott; Dorman, Daniel; Silvious, A. Lynn; Tracy, Glenn; Way, Ralph; Weber, Michael; Zimmerman, Roy
Date: 1/5/04 5:16PM
Subject: QAs for SGI

This was developed with the assistance of OPA (Burnell) and DNS (Silvious). Please disregard the previous email on this subject.

thanks

eric

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QUESTIONS AND ANSWERS
RELATED TO THE UNAUTHORIZED RELEASE OF SAFEGUARDS INFORMATION
JANUARY 4, 2004

1. What is Safeguards Information?

Answer:

Safeguards Information is a special category of sensitive unclassified information authorized by the Atomic Energy Act to be protected. Safeguards Information concerns the physical protection of operating power reactors, spent fuel shipments, Strategic Special Nuclear Material, or other radioactive material. While Safeguards Information is considered to be sensitive unclassified information, its handling and protection more closely resemble the handling of classified Confidential information than other sensitive unclassified information. The categories of individuals who are permitted access to SGI are listed in 10 CFR 73.21 and include authorized members of State governments with a demonstrated "need to know."

2. What are the penalties for disclosing Safeguards Information?

Answer:

Release of Safeguards Information is a violation of Section 147 of the Atomic Energy Act, "Safeguards Information" and is subject to Civil and Criminal Penalties.

3. How is the NRC conducting a criminal investigation into the disclosure?

Answer:

The NRC is taking appropriate measures within established procedures to investigate the extent of the disclosure. Initial records in question have been safeguarded and an NRC staff member has been dispatched to review additional records to determine whether Safeguards Information included. If the investigation uncovers additional violations, the NRC will take appropriate remedial action.

4. What has been/is being done to secure the information?

Answer:

See answer above. Safeguards Information must be stored in approved containers when not in use. Individuals cleared for access to Safeguards Information are permitted to carry the information to other places of work if the information is properly protected in transit. However, the individual must ensure that the information is stored in accordance with prescribed standards. 10 CFR 73.21 provides specific requirements for the protection and handling of Safeguards Information, and additional guidance has been issued by the NRC to assist the licensees in implementing the requirements. Licensees and other authorized persons are required to protect Safeguards Information from unauthorized disclosure and no person may have access to Safeguards Information unless the person has an established "need to know" the information and other appropriate vetting.

5. What was included in the state archive information, and how "dangerous" was it?

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Answer:

10 CFR 73.21 prohibits public disclosure of Safeguards Information. Therefore, the specific details of the information released are Safeguards Information and, as such, they may not be disclosed. The release of Safeguards Information is not in and of itself "dangerous." However the NRC, by designating the information as Safeguards, has made the determination that the information requires protection under the appropriate Safeguards guidelines.

6. **What other state governments have similar situations?**

Answer:

We are not aware of any. However, after the Vermont disclosure came to our attention, the NRC Office of State and Tribal Programs sent out a notification on Release of Safeguards Information. This notification was provided to all States for their information and to consider appropriate action to avoid similar circumstances when dealing with State records within their State.

7. **How could such information have ended up in publicly accessible files?**

Answer:

We will not speculate as to how this situation occurred in Vermont. However, all NRC Safeguards Information is transmitted with appropriate markings on the documents, cover sheet indicating it is safeguards information with associated penalties for its unauthorized release.

8. **How does the NRC advise outgoing governors and other high-ranking officials to properly handle Safeguards Information?**

Answer:

The NRC is reviewing its procedures to ensure that all appropriate notifications are taking place. However, it is the responsibility of State officials who have been granted access to Safeguards and classified information to properly dispose of the information or to inform their successors of the presence and handling procedures required in handling those materials.

9. **What should members of the public do if they discover this kind of information?**

Answer:

Notify the NRC (301)816-5100 of the materials in their possession, after which the NRC will instruct them as to the proper packaging of the materials before mailing. They can then send them to the NRC at the following address:

U.S. Nuclear Regulatory Commission
Washington D.C. 20555

Attention: Office of Nuclear Security and Incident Response