

December 30, 2003

Mr. J. William Leonard, Director  
Information Security Oversight Office  
National Archives and Records Administration  
700 Pennsylvania Avenue, NW  
Washington, DC 20408

Dear Mr. Leonard:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am pleased to provide the enclosed NRC updated "Agency Declassification Compliance Plan," as requested in your letter of October 16, 2003. This plan has been developed to implement the provisions of Section 5.2(b) of Executive Order 12958, as amended, "Classified National Security Information."

In summary, NRC's declassification plan reflects that it has no backlog of classified records awaiting 25 year automatic declassification review. We have reviewed all records of permanent historical value dated through 1977, and we are currently completing our declassification review of records generated in 1978. Therefore, NRC anticipates no issues with respect to complying with full implementation of the automatic declassification provisions on December 31, 2006.

We greatly appreciate the continued assistance of your office and the professionalism of your staff in implementing the provisions of the Executive Order.

Sincerely,

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William F. Kane  
Deputy Executive Director for  
Homeland Protection and Preparedness

Enclosure:  
As stated

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**U.S. NUCLEAR REGULATORY COMMISSION  
Agency Declassification Compliance Plan**

**Executive Order 12958, as amended,  
"Classified National Security Information"**

**A. Introduction and Background**

In 1995, the President issued Executive Order 12958 (EO 12958), "Classified National Security Information," which among other things, authorized the automatic declassification of National Security Information (NSI) that is 25 years old or older. All applicable agencies were required to submit an initial Agency Declassification Compliance Plan.

Attachment 1 is NRC's initial 1995 "Agency Declassification Compliance Plan", which implements the automatic declassification provisions of EO 12958.

On March 25, 2003, the President amended EO 12958 which, among other things, permits agencies to complete appropriate reviews of the backlog of classified permanent records that are 25 years of age by the end of 2006, and each year thereafter.

**B. Scope**

The scope of this task is to update the Agency Declassification Plan to outline NRC's plans to declassify, exempt, refer, or delay all 25 year-old NSI permanent historical records by December 31, 2006, and each year thereafter. Therefore, the automatic declassification requirements of EO 12958, as amended, pertain to NRC permanent historical NSI records that become 25 years of age by December 31, 2006 (i.e., documents dated through 1981) and each year thereafter.

**C. Oversight**

The NRC Executive Director for Operations has designated William F. Kane, Deputy Executive Director for Homeland Protection and Preparedness, as the senior agency official responsible for overseeing and coordinating agency compliance with the requirements of the order and this plan. His official title and address are as follows:

William F. Kane  
Deputy Executive Director for  
Homeland Protection and Preparedness  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852  
Telephone 301-415-1713

Enclosure

#### **D. NRC Declassification Authorities**

Several NRC employees who have programmatic expertise in their respective professional disciplines have been designated as Declassification Authorities. They are:

Alexander Adams, Office of Nuclear Reactor Regulation  
Edward Baker, Office of International Programs  
Medhat El-Zeftawy, Advisory Committee on Reactor Safeguards  
Thomas N. Pham, Office of Nuclear Security and Incident Response  
Robert C. Pierson, Office of Nuclear Material Safety and Safeguards  
A. Lynn Silvius, Office of Nuclear Security and Incident Response

NRC has appointed no Declassification Authorities external to the agency.

#### **E. Survey Methodology**

The Records Management Branch of the Office of the Chief Information Officer (OCIO) compiled information by contacting the NRC records liaison officers (RLO) with a request to identify NSI documents that meet the criteria established in the order. The RLOs identified classified documents that are subject to the required review, declassification, and release, unless they met the requirements for exemption from the 25 year automatic declassification provisions of Section 5.2(b) of the Order.

The declassification criteria in this plan do not pertain to the declassification of Restricted Data (RD) or Formerly Restricted Data as defined by the Atomic Energy Act of 1954, as amended. Such information is not subject to the automatic declassification regime specified in the order.

#### **F. Compliance Methodology**

Established in 1975, NRC is a young agency with a relatively small quantity of classified information. Since no NRC classified records have been accessioned to the National Archives and Records Administration, all documents eligible for declassification review are centrally located at NRC. The NRC declassification review process is as follows:

- OCIO identifies documents of permanent historical value that are eligible for review for automatic declassification at the 25<sup>th</sup> year.
- Responsible NRC staff conducts an initial review of eligible material eliminating ineligible documents such as RD and other agencies' NSI documents that must be referred to those agencies (e.g., Department of Energy (DOE) and State Department) for review.
- The NSI documents that are determined to be NRC's responsibility are reviewed by the senior agency declassification authorities who were appointed based on their programmatic skills, classification experience, and broad understanding of past and present NRC policy, programs, and proliferation issues.
- The declassification authorities review the documents individually and may either declassify or exempt, as appropriate, or recommend referral if it contains information

from another agency. A limited number of NSI documents were exempted from 25 year automatic declassification pursuant to the Information Security Oversight Office (ISOO) October 17, 2001, approval (Attachment 2) of NRC's proposal to exempt certain information from automatic declassification.

- After review by declassification authorities, the documents are reviewed twice more by middle and upper management in the Office of Nuclear Security and Incident Response before final declassification.
- Declassified documents are released to NRC's Public Document Room where they may be viewed by the public.

NRC has no backlog of records as it has reviewed all NSI records dated through 1977. Currently we are completing our declassification review of NSI records generated in 1978 and anticipate no issues in complying with full implementation of the automatic declassification provisions on December 31, 2006.

#### **G. NRC Referral Process**

The document review process has shown that NRC is in physical possession of classified information for which other agencies (e.g., DOE and State Department) are responsible. NRC's plan to refer documents is to notify and advise the appropriate declassification authorities at those agencies that NRC is in possession of their documents. It is the responsibility of the other agencies to make arrangements to review their documents. Several such reviews have taken place.

#### **H. Cost of NRC's Declassification Program**

Each year NRC provides to ISOO a Report on Cost Estimates for Security Classification Activities that includes cost estimates for declassification. Those estimates provide the basis for the cost estimates identified in Attachment 3.

#### **I. Other Factors**

1. Describe interagency cooperative efforts or innovative approaches that would facilitate the declassification, exemption, referral, or delay action on 25 year old NSI that are permanent historical records.

NRC has developed "Record Classification Action," (RCA) an in-house automated database system for tracking classification actions. RCA facilitates NRC's automatic declassification review process by permitting a search and identification of all documents classified by agency authorities for a given year. Additionally, upon declassification of 25 year old documents, NRC scans its declassified documents into a searchable database for historical reference.

2. Describe plans to update, develop, use, or share declassification guides.

Since all NRC records are reviewed by its own declassification authorities, there is no need for the development of an NRC declassification guide.

3. Describe your agency's plans to delegate declassification authority to other agencies.

NRC currently has no plans to delegate declassification authority for its own records to other agencies.

4. Describe agency internal and external training initiatives to aid in the identification of your agency's equities and other agencies' equities contained in classified records.

Based on DOE's concern that RD embedded in NSI documents would unwittingly be declassified, NRC personnel participated in a comprehensive DOE training course designed to educate non-DOE personnel on RD. In addition, NRC declassification authorities participated in an abbreviated version of the same training course. Further, NRC declassification authorities have participated in in-house training designed to apprise them of their declassification responsibilities. Such training covered, among other things, their responsibilities with respect to the recognition of other agencies' equities.

5. Describe external factors that affect your ability to declassify, exempt, or refer 25 year old permanent records by December 31, 2006.

Established in 1975, NRC is a relatively young agency that created limited quantities of classified information in its early years. Therefore, NRC has been able to complete its review on the 25<sup>th</sup> anniversary of the documents. That is, by 2000 NRC had reviewed documents dated through 1975, and by 2001 NRC completed a review of documents dated in 1976, etc.

6. Discuss the status of implementation of approved file series exemptions, as well as general information regarding additional exemptions NRC anticipates requesting.

On March 19, 2001, NRC submitted to ISOO a proposal to exempt certain information from automatic declassification if the information invariably fell into one of the exemption categories provided for by EO 12958. On October 17, 2001, ISOO approved NRC's request as evidenced by Attachment 2. NRC has no plans to request additional exemptions.

7. Describe current or future plans, if any, to re-review records.

NRC has no plans to re-review records.