

March 1, 2007

MEMORANDUM TO: Chairman Klein
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons

FROM: Luis A. Reyes */RA/*
Executive Director for Operations

SUBJECT: OFFICE OF THE INSPECTOR GENERAL INVESTIGATION -
SECURITY OF SENSITIVE NRC MATERIAL LOCATED AT
FORMER LOCAL PUBLIC DOCUMENT ROOM LIBRARIES

In accordance with the Chairman's February 6, 2007, tasking memo, the U.S. Nuclear Regulatory Commission (NRC) staff has reviewed the January 31, 2007, report from the Office of Inspector General (OIG) regarding the security of sensitive NRC material in former local public document room (LPDR) libraries. The Chairman requested that the NRC staff advise the Commission on its views regarding the OIG's findings and recommendation. The staff was also asked to include any additional information, including actions taken or planned, that would assist in the Commission's review.

In its January 31, 2007, report, the OIG recommends that the Commission direct the NRC staff to review documents now considered to be sensitive unclassified non-safeguards information (SUNSI) that are located in former LPDRs and are available to the public. The OIG recommends that the staff review include the assessment of the current sensitivity of these documents and the creation of a consistent policy to handle these documents, either as SUNSI or publicly available information. The enclosures provide the results of the staff review.

Enclosure 1 contains background information pertaining to the history of the LPDR program. As directed in the Chairman's memo, Enclosure 2 provides five options for Commission consideration for addressing the OIG's findings and recommendation. Option 1 is to maintain the status quo. Option 2 involves review of documents in the Public Legacy Library (PLL) to identify documents that today would be considered sensitive in accordance with our SUNSI criteria and removal of their microfiche addresses from the citations. Option 3, which could be started only after completing Option 2, involves physically removing identified sensitive documents from the microfiche. Enclosure 2 describes how this would be accomplished for the different libraries. Option 4 is to attempt removal of all the microfiche collections, in their entirety, from the public domain. Option 5 is to disable the PLL, the NRC provided finding tool for the microfiche collections.

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The staff recommends that the Commission approve Option 1 and maintain the status quo. The staff believes that the amount of sensitive information available in the LPDRs is small and that its utility is minimal given the fact that the level of sensitivity is below that of classified or Safeguards Information and because of its age and post-September 11 security enhancements and physical modifications to NRC-regulated facilities. In addition, the staff believes that the resources, and/or potential minimal benefits, identified with the other options are not justified when weighed against their advantages and disadvantages, as described in Enclosure 2. The NRC continues to work with licensees to ensure that the most recent and relevant information related to the security of nuclear facilities is protected. However, it remains a fact that even if the NRC were fully successful in removing all SUNSI from these former LPDR collections, it would be impossible to completely control public access to these documents because of previous releases to the public and the existing private collections that replicate the LPDR collections.

The NRC staff recommends that this paper not be made publicly available. The NRC has not yet responded to a congressional request pertaining to this report, and the NRC routinely does not make its option papers on how the agency should respond to OIG recommendations available.

The Office of General Counsel reviewed this package and has no legal objection. The Chief Financial Officer reviewed and concurred on this package.

SECY, please track.

Enclosures:

1. History of the Local Public Document Room Program
2. Options for Handling the Security of Sensitive NRC Material Located at Former Local Public Document Room Libraries

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