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UNITED STATES
NUCLEAR REGULATORY COMMISSION
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OFFICE OF THE
INSPECTOR GENERAL

MEMORANDUM TO: Dale E. Klein
Chairman

FROM: Hubert T. Bell
Inspector General

SUBJECT: SECURITY OF SENSITIVE NRC MATERIAL LOCATED AT FORMER LOCAL PUBLIC DOCUMENT ROOM LIBRARIES

The Office of the Inspector General (OIG), Nuclear Regulatory Commission (NRC), conducted an investigation into concerns regarding the availability of sensitive NRC documents contained in microfiche files in public libraries across the nation. This issue was raised by the Union of Concerned Scientists (UCS) subsequent to its purchase of a microfiche collection of NRC documents, which included a number of sensitive documents, from a community college in Greenfield, Massachusetts. UCS questioned why sensitive NRC documents which had been removed from NRC's public database following September 11, 2001, were still available to the public via the microfiche collections.

Background

In April 1971, NRC implemented its Local Public Document Room (LPDR) program which established document collections in libraries that were primarily located near commercial nuclear power plants. Most of the collections contained documents related to specific nuclear reactors; however, there were a few collections associated with other types of NRC licensees. The LPDR collections contained hard copy documents pertaining only to the local site. In July 1990, NRC replaced hard copy documents with a microfiche collection of publicly available NRC documents issued since January 1981 pertaining to all NRC licensees. This collection was updated routinely. Currently, the microfiche collections contain approximately 2 million records related to NRC regulatory activities nationwide that were issued to the public by NRC from approximately January 1981 to October 1999.

In October 1999, NRC stopped funding the LPDR program and no records were added to the microfiche collections after October 31, 1999. NRC informed the LPDR libraries located throughout the country that the agency was relinquishing ownership of the microfiche collections and that libraries could either keep their collections or return them to the

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Annette L. Vietti-Cook: Date: 5/1/07
Secretary of the Commission

Enclosure

Government. While the majority of the LPDR libraries chose to maintain their microfiche collections, several elected to transfer their collections to Government Printing Office (GPO) Federal Depository Library Program (FDLP)[1] libraries to ensure permanent public access to this information.

Additionally, in November 1999, NRC transitioned to a new electronic recordkeeping system, the Agencywide Documents Access and Management System (ADAMS). ADAMS is used by NRC to organize, process, and manage agency documents and to disseminate publicly available documents by placing full-text documents on the NRC public server. The public portion of ADAMS is named the Publicly Available Records System (PARS).

NRC Removes Sensitive Documents from Public Access

Subsequent to September 11, 2001, the Department of Defense (DOD) contacted NRC and advised the agency to consider shutting down its Web site because it contained sensitive information pertaining to nuclear power plants and other NRC licensed facilities that could be useful to terrorists. On October 10, 2001, NRC shut down its Web site and began reviewing information available to the public via its Web site and ADAMS. Because of the emergency situation created by the September 11 attacks, agency decisions pertaining to the NRC response to the emergency were made for approximately 6 months by an executive team composed of high-level agency NRC officials under the direction of the NRC Chairman.

Acting on the advice of DOD, the NRC reviewed sensitive documents that were publicly available in ADAMS. As a result, between September 2001 and January 2002, the agency removed from PARS approximately 1,200 documents generated after 1999 that were considered, from a post-September 11th perspective, to pose a security threat.

Following NRC's October 2001 shutdown of its Web site, NRC received a number of inquiries from NRC licensees and former LPDR librarians seeking guidance concerning the handling of sensitive documents in the LPDRs. The NRC Chairman asked the NRC staff to develop a plan for removing sensitive material from the LPDR microfiche collections. In a December 14, 2001, letter to the GPO Superintendent of Documents, the NRC Chief Information Officer asked GPO to destroy or restrict from public access a number of microfiche documents in the LPDRs because they contained sensitive information. Contained in the letter that the NRC provided to the GPO was a list of documents to be protected. The documents in the LPDRs that the NRC wanted protected were generated prior to November 1999 and contained plant-specific information pertaining to the nation's approximately 100 nuclear power plants. Documents considered sensitive included (1) NUREGS,[2] (2) Emergency Plans, (3) Preliminary Safety Analysis Reports, (4) Final Safety Analysis Reports, (5) Updated Safety Analysis

[1]FDLP libraries have been designated as Federal depositories to collect, organize, maintain, preserve, and assist users with information that has been disseminated by the Federal Government. Federal depository collections contain information on legal and regulatory matters and numerous other subjects. FDLP is administered by the Government Printing Office.

[2] NUREG publications are reports or brochures on regulatory decisions, results of research, results of incident investigations, and other technical and administrative information.

Reports, and (6) Individual Plant Examination Reports. These documents contained information concerning plant design; structures, components, and equipment; vulnerabilities; and risk assessments.

GPO informed NRC that upon receipt of sufficient justification, and in accordance with GPO regulations and policy, it would work with NRC to remove from the FDLPs documents deemed sensitive by the agency.

OIG learned that between December 14, 2001, and January 2002, a decision was made by the then NRC Chairman, in conjunction with the Executive Director of Operations at the time, to not take any further steps to remove sensitive documents contained in the microfiche collections. In making this decision, the executive team concluded that the LPDR collections had been widely available to the public for decades and that it would not be cost-effective to retrieve these documents. Also, the staff had learned that in addition to the former LPDRs, various other Government databases included NRC documents that were contained in the microfiche collections, as did databases of commercial vendors who sold NRC microfiche documents to the public.

In 2004, NRC re-examined ADAMS and found that the system still contained sensitive information that was available to the public. Consequently, the agency temporarily prohibited public access to ADAMS and removed additional sensitive information. The staff also reviewed information located in another publicly accessible component of ADAMS: the Public Legacy Library. The Public Legacy Library contains bibliographic citations for microfiche versions of all documents issued publicly by NRC before November 1, 1999, as well as a limited number of full-text records or abstracts.[3] The Public Legacy Library enables an individual to locate and retrieve a microfiche document by providing the LDPR microfiche address for the document. Based on its review of the Public Legacy Library, the staff removed approximately 10,000 bibliographic citations pertaining to special nuclear material because this information revealed the location in the LPDR of sensitive microfiche documents.[4] However, the actual documents remained in the LPDR microfiche collection.

Reported Inconsistent Handling of Sensitive Documents by NRC

OIG interviewed David Lochbaum, UCS, and representatives from two other public interest groups, Green Peace and the Nuclear Information and Resource Service, who stated their belief that the NRC staff may have used the classification of certain documents as sensitive to exclude public stakeholders from meaningful participation in NRC proceedings involving the NRC's regulatory process. In support of this perception, they pointed out inconsistencies in NRC's handling of its electronic (ADAMS) versus microfiche (LPDR) versions of public records. They explained that after September 11, 2001, although NRC reclassified certain documents contained in both ADAMS and the LPDRs as sensitive unclassified non-safeguards information (SUNSI) and removed them from ADAMS, the agency had not removed any of these

[3] The Public Legacy Library incorporates information from an NRC system used to index documents in its microfiche data collections. This system, the Bibliographic Retrieval System (BRS), contained mostly citations or descriptions of documents and the microfiche addresses to retrieve documents issued before November 1, 1999, that were filed in LPDRs. BRS citations were migrated to the Public Legacy Library in 2003.

[4] Prior to this review, NRC removed one BRS citation in 2001 pertaining to a 1982 Department of Energy report involving an Argonne Laboratory evaluation of aircraft crash hazards analyses for nuclear power plants.

documents from the former LPDR collections. These representatives observed that the agency treated the same documents differently depending upon where they are physically located. For example, agency managers have taken the position that certain microfiche documents contained in former LPDRs (one of which had been recently obtained by UCS) were not sensitive because they are old and of limited value to an adversary; however, many of the same documents had been removed from PARS, the public portion of ADAMS, because the NRC considered them to be sensitive.[5] The public interest group representatives also noted that if a member of the public were to request these same documents from the NRC Public Document Room (PDR),[6] the public would not be provided the documents from the NRC maintained microfiche collection because of their sensitivity. This is true even though the identical documents are publicly available via the microfiche collection in the former LPDRs. They noted the consequence of the NRC labeling documents as sensitive is the public is not allowed to become involved in NRC proceedings where these documents are referenced.

The public interest group representatives also observed that NRC has not removed numerous citations in the Public Legacy Library pertaining to documents the NRC now considers sensitive. They noted that these citations contain the microfiche addresses (or locations) of documents in the LPDRs microfiche collections and enable retrieval of a number of sensitive documents. They opined that by removing microfiche addresses from the Public Legacy Library, NRC would effectively remove the roadmap to these documents.

David Lochbaum provided OIG three publicly available lists obtained from ADAMS that identified sensitive documents that had been removed from ADAMS by the NRC. The lists provided to OIG included two lists of NUREGS and a list of nuclear plant vulnerability assessments. Based on the title and date of the listed documents, an individual would be able to identify documents already determined by the NRC to be sensitive and to obtain the microfiche address that could be used to retrieve a number of these same documents from the LPDR.

Status of Microfiche Collections

To assess the status of the LPDR collections, OIG visited 27 of the 86 former LPDRs located throughout the United States. The majority of the sites maintained the microfiche files in buildings that were easily accessible to the public; for example, at public and university libraries. However, some of the files were located in restricted areas of the libraries that the public could not access without assistance. At the 27 sites visited, OIG learned that 22 locations still maintained a microfiche collection, 4 microfiche collections had been destroyed, and 1 collection had been transferred to a utility. (See Attachment.)

OIG found that the majority of librarians were unfamiliar with the NRC microfiche collection or the process for retrieving documents from the collection. Although the librarians had difficulty retrieving documents, with librarian assistance OIG investigators were able to retrieve sensitive documents from many of the microfiche collections. Most of the librarians said that their

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[5] A number of pre-November 1999 microfiche documents were added to PARS when it was created, but many were removed in 2004 because they were re-categorized as sensitive.

[6] Located at NRC Headquarters, the PDR provides access to copies of publicly available documents maintained by NRC. As part of the PDR, NRC maintains a full microfiche collection similar to the collections at the former LPDRs.

collections had either never been used or had been used on a very limited basis. However, OIG learned that some librarians used library databases or other Government computer databases, including the Department of Energy's (DOE) Energy Citations Database, to retrieve the same documents that are contained in the LPDR microfiche collection. OIG learned that reports and evaluations prepared for the NRC at DOE national laboratories (for example the sensitive 1982 Argonne Laboratory evaluation of aircraft crash hazards analyses for nuclear power plants) were contained in a DOE database.

NRC Management Perspective Concerning the Microfiche Collections

OIG interviewed the current EDO and a number of other senior NRC officials. The EDO advised OIG that the documents removed from ADAMS in 2001 are now classified as SUNSI; consequently, NRC does not make these documents available to the public. Furthermore, NRC staff can not discuss the contents of these documents with members of the public even if they have copies of the documents and may refer to them for discussion during public meetings. The EDO noted that when he became the EDO, he reviewed NRC's 2001 decision not to retrieve the LPDR collections and concluded it was appropriate. At that time, he did not think NRC should spend resources to retrieve the microfiche collections because the information has been in the public domain for years and is available from a variety of sources. The NRC officials interviewed by OIG also commented that microfiche documents in the LPDRs that had been reclassified as sensitive would be of little value to an adversary because the information was aged and did not reflect the current protective strategies for commercial nuclear power plants.

The EDO acknowledged to OIG that the difference in how NRC handles sensitive documents in ADAMS vis-à-vis LPDR collections could be considered by some as inconsistent. However, he noted that even though these sensitive documents are widely available and outside of the agency's control, NRC could not place sensitive documents into PARS because NRC would be in violation of the SUNSI requirements.

Findings

1. OIG found that while the microfiche collections at 27 libraries visited by OIG are available to members of the public, the majority of the librarians interviewed by OIG were unfamiliar with the NRC microfiche collections and the process for retrieving documents from these collections. Additionally, OIG found that most of the microfiche documents contained in the former LPDR collections are available from other sources including public and Government databases as well as commercial vendors.

2. OIG found that the LPDR collections contain a number of documents that the NRC has, since September 11, 2001, re-classified as sensitive and removed from public access through ADAMS. However, the NRC staff has taken no action to remove these documents from public access through the LPDR microfiche collections because, in their view, the documents have been widely available to the public and recent upgrades in nuclear power

plant protective strategies make these aged documents of minimal value to an adversary. The staff's rationale for not controlling the documents in the LPDRs calls into question the legitimacy of continuing to classify these documents as sensitive.

3. NRC's inconsistent handling of documents considered sensitive has created concern among some public stakeholders. Specifically, while the NRC staff will not release documents deemed as sensitive to a private citizen, the staff has taken no action to restrict a citizen from obtaining the same documents from the former LPDRs. This inconsistency has created a perception that the NRC may be using the continued classification of a number of documents as SUNSI merely to exclude the public from participation in NRC proceedings where these documents could be referenced.

4. OIG learned that while the files in the former LPDRs contain approximately 2 million microfiche documents, a private citizen may locate particular documents through inquiry into the public portion of ADAMS. By searching the ADAMS historical citations (Public Legacy Library), an individual can obtain the microfiche address of a specific document issued prior to November 1, 1999, and locate the document in the LPDR microfiche collection. This holds true for a number of microfiche documents that had been removed from ADAMS because of their sensitivity.

Recommendation

OIG recommends that the Commission direct the staff to review documents that, although now classified as SUNSI, were included in former LPDRs and have been available to the public. The staff review should include an assessment of the current sensitivity of these documents, and, based on the results of the assessment, the formalization of a consistent policy for handling these documents—either as SUNSI or as publicly available.

Attachment: As stated

Libraries Visited by OIG

Federal Local Public Document Room Libraries

Library	Collection Present
University of Maryland (College Park)	Yes
State Library of Pennsylvania (Harrisburg)	Yes
College of William and Mary	Yes[1]
New Your State Library (Albany)	Yes[1]
Rochester, New York, Public Library	Yes
University of Nevada at Reno	Yes[1]
University of Nevada at Las Vegas	Yes
Connecticut State Library (Hartford)	Yes[1]
Illinois State Library (Springfield)	Yes
University of Illinois at Urbana-Champaign	Yes
University of Virginia (Charlottesville)	Yes[1]
Humboldt State University Library (Arcata, CA)	Yes
North Carolina State University Library (Raleigh)	Yes
University of North Carolina at Wilmington	Yes[1]
University of North Carolina at Charlotte	Yes[1]
Newark Public Library (Newark, NJ)	Yes[1]
Indian River Community College (Ft. Pierce, FL)	Yes[1]
Florida International University (Miami)	Yes[1]

Local Public Document Room Libraries

Library	Collection Present
Pottstown Pennsylvania Public Library	Yes
Three Rivers Community Technical College (Norwich, CT)	Yes[2]
Russell Public Library (Middletown, CT)	Transferred
Plymouth Public Library (Plymouth, MA)	Yes[1]
Vespasian Warner Public Library (Clinton, IL)	Yes[2]
Illinois Department of Nuclear Safety (Springfield)	Destroyed
Humboldt County Library (Eureka, CA)	Destroyed
Cameron Village Regional Library (Raleigh, NC)	Destroyed
Ocean County Library (Toms River, NJ)	Destroyed

[1] Library indicated willingness to return microfiche collections to NRC if directed by the Government Printing Office

[2] Library indicated willingness to return microfiche collections to NRC

Attachment