

February 19, 2010

The Honorable Joseph I. Lieberman
Chairman, Senate Committee on Homeland
Security and Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am writing to provide you with the actions taken regarding the U.S. Government Accountability Office (GAO) report, "Managing Sensitive Information: Actions Needed to Prevent Unintended Public Disclosures of U.S. Nuclear Sites and Activities" (GAO-10-251). The NRC is in agreement with GAO's recommendations and believes that the report will assist the NRC in ensuring proper designation, marking, and handling of sensitive information to prevent the inadvertent public disclosure of sensitive information in future draft declarations or other documents prepared for the International Atomic Energy Agency (IAEA).

On May 7, 2009, the Government Printing Office (GPO) published a 266-page document on its Web site that provided detailed information on civilian nuclear sites, locations, facilities, and activities in the United States. At the request of the Speaker of the House, GAO analyzed policies, procedures, and guidance for safeguarding sensitive information and met with officials from four executive branch agencies involved in preparing the document, the White House, the House of Representatives, and GPO. GAO recommends, among other things, that the Departments of Commerce (DOC), Energy (DOE), State (DOS), and the NRC enter into an interagency agreement concerning the designation, marking, and handling of sensitive information in future draft declarations and make any policy or regulatory changes necessary to reach such an agreement.

In response to the GAO report, the NRC looks forward to working with DOC, DOE, and DOS in establishing such an agreement. This agreement will be revised, as necessary, to take into account future direction from the President or the Controlled Unclassified Information Council regarding standardization of the procedures for designating, marking, and handling documents that are unclassified but are not intended for public release. In the interim, the NRC staff has consulted with its counterparts at the DOC, DOE, and DOS and has agreed to use both IAEA "Highly Confidential Safeguards Sensitive" and U.S. government "Official Use Only (OUO)" markings on all future draft declarations prepared for IAEA.

The NRC appreciates the opportunity to share its approach to fulfilling the recommendations identified in the GAO report. If you have any questions, please contact me or Ms. Rebecca L. Schmidt, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

/RA/

Gregory B. Jaczko

cc: Senator Susan M. Collins

Identical letter sent to:

The Honorable Joseph I. Lieberman
Chairman, Senate Committee on Homeland
Security and Governmental Affairs
United States Senate
Washington, D.C. 20510
cc: Senator Susan M. Collins

The Honorable Edolphus Towns
Chairman, Committee on Oversight and
Government Reform
United States House of Representatives
Washington, D.C. 20515
cc: Representative Darrell Issa

The Honorable Daniel K. Inouye
Chairman, Committee on Appropriations
United States Senate
Washington, D.C. 20510
cc: Senator Thad Cochran

The Honorable David R. Obey
Chairman, Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515
cc: Representative Jerry Lewis

The Honorable Gene L. Dodaro
Acting Comptroller General of the United States
U.S. Government Accountability Office
Washington, D.C. 20548
cc: Mr. Gene Aloise, GAO