

REQUEST REPLY BY: 3/15/07

UNITED STATES  
 NUCLEAR REGULATORY COMMISSION  
 WASHINGTON, D.C. 20555-0001

March 1, 2007

I approve Option 1.

*Dale E. Klein*  
 Dale E. Klein 3/20/07



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

FROM: *Luis A. Reyes*  
 Luis A. Reyes  
 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.

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CONTACT: Susan Johnson, OIS/IRSD  
 301-415-7177

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 3/15/07 1:55 PM



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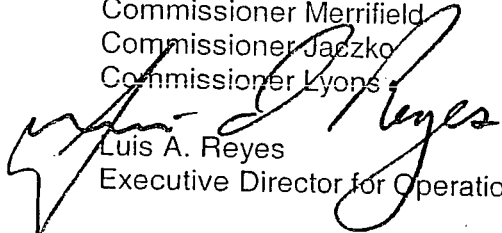
COMSECY-07-0007

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

March 1, 2007

Approved (Agtr-1)  
E. Mc Guffey  
3/15/07

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

FROM:   
Luis A. Reyes  
Executive Director for Operations

SUBJECT: OFFICE OF THE INSPECTOR GENERAL INVESTIGATION -  
SECURITY OF SENSITIVE NRC MATERIAL LOCATED AT  
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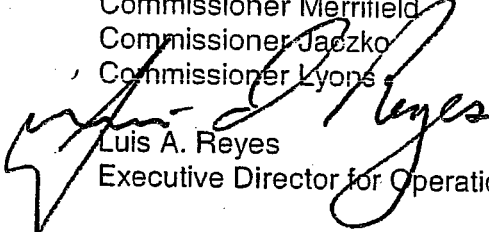
March 1, 2007

  
Jeffrey S. Merrifield 03/12/07

MEMORANDUM TO:

Chairman Klein  
Commissioner McGaffigan  
Commissioner Merrifield  
Commissioner Jaczko  
Commissioner Lyons

FROM:

  
Luis A. Reyes  
Executive Director for Operations

SUBJECT:

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SECURITY OF SENSITIVE NRC MATERIAL LOCATED AT  
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COMSECY-07-0007

UNITED STATES  
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March 1, 2007

Approved subject to attached  
comments.

Gregory B. Jaczko

Date

3/27/07

MEMORANDUM TO:

- Chairman Klein
- Commissioner McGaffigan
- Commissioner Merrifield
- Commissioner Jaczko
- Commissioner Lyons

FROM:

*Luis A. Reyes*  
Luis A. Reyes  
Executive Director for Operations

SUBJECT:

OFFICE OF THE INSPECTOR GENERAL INVESTIGATION -  
SECURITY OF SENSITIVE NRC MATERIAL LOCATED AT  
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**Commissioner Jaczko's Comments on COMSECY-07-0007**  
**Office of the Inspector General Investigation - Security of Sensitive NRC Material**  
**Located at Former Local Public Document Room Libraries**

I reluctantly approve option 1, but only because none of the options discussed in the paper are acceptable given where we are today. On one hand, there is material that would be considered sensitive by today's standards located on microfiche at local public document rooms (LPDRs) across the country. While some argue the information is no longer sensitive, it is the same type of information that we currently refuse to make publicly available on the publicly available record system in ADAMs because we claim it *is* sensitive. This is an obvious contradiction - and one that I am uncomfortable with.

Given this, my proclivity would be to approve a slightly modified version of options 2 and 3. If this information is the type of information that, in fact, is not made available any longer due to its sensitive nature, the apparent right answer is to retrieve that information and protect it appropriately. Thus, I would have preferred to have the staff review the index from the public legacy library and take the conservative approach of identifying any documents that could contain sensitive information. Staff could then take that list, retrieve the relevant microfiche, and simply redact those documents with no additional review. While this would require agency resources, it would not require the same number of resources necessary to actually review the documents to verify that they contained sensitive information.

The problem, of course, with this approach is that we know the documents in question are already publicly available, even available through purchase from commercial sources. Thus, it seems impractical to spend the resources and feign protection of information that we could not protect if someone asked for it, and that has, in fact, been commercially distributed. Which brings me full circle - and back to option 1 of maintaining the status quo; not because it is the right answer, but because it is the answer we predetermined by our earlier actions. I believe this truly is a mess of our own making.


Therefore, if retrieving the documents is unnecessary, the only remaining right answer given where we are today is for this agency to take a more realistic approach to the types of documents we currently mark as non-public. If the information located on those microfiche, information that we on one hand say is sensitive, is and has been commercially available, perhaps our current definition of sensitive information is too expansive. The staff should, therefore, take into account the currently available information in the local public document rooms when performing the periodic review of SUNSI material required by the SRM from COMSECY-05-0054. This is the only remaining realistic avenue we have to ensure consistency.

  
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Gregory B. Jaczko

  
\_\_\_\_\_  
Date

**Commissioner Jaczko's Supplemental Comments on COMSECY-07-0007  
Office of the Inspector General Investigation - Security of Sensitive NRC Material  
Located at Formal Local Public Document Room Libraries**

In addition to the comments previously provided on this matter, I also believe that the IG report, the COMSECY and the voting record regarding this issue should be made publicly available.

  
\_\_\_\_\_  
Gregory B. Jaczko

3/29/07  
Date

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COMSECY-07-0007



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

March 1, 2007

Approve Option 1.

*Peter B. Lyons* 3/21/07  
Peter B. Lyons Date

MEMORANDUM TO:

Chairman Klein  
Commissioner McGaffigan  
Commissioner Merrifield  
Commissioner Jaczko  
Commissioner Lyons

FROM:

*Luis A. Reyes*  
Luis A. Reyes  
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