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To: Elizabeth Hayden; Scott Burnell
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Nuke flap dogs Dean
By David R. Guarino

The Nuclear Regulatory Commission says former Gov. Howard Dean and other Vermont officials violated federal law by releasing secret protection plans for its nuclear power plant in the wake of the Sept. 11, 2001, attacks.

The NRC's charge had Vermont officials scrambling to impound top-secret nuclear documents the Democratic presidential front-runner wrongly made public.

Some of the documents regarding the Vermont Yankee nuke plant include so-called "safeguards information," which is to be released under "need to know requirements and . . . not publicly releasable," said NRC spokesman Scott Burnell.

The documents are included in files Dean made public - even as he opposes the release of other records on the grounds that they may include similar security or personal information.

"They have been made aware that these documents aren't supposed to be publicly available," said Burnell. "They have assured us that steps are being taken to remove the documents from public availability."

Burnell said visible warnings on the records weren't heeded by Dean's office, the Vermont secretary of state and the state archivist - making civil or criminal charges a possibility.

"If warranted, there is going to be an investigation," Burnell said.

Dean has come under steady fire for refusing to release many of the files from his 11 years as Vermont governor until 2013.

The front-running Democrat has said he doesn't want his gubernatorial records released for political reasons but said he also worries that security data and things like constituent medical information could accidentally be released if all his documents were made public.

The NRC review follows a Herald report last month that documents containing security and personal medical information were tucked in Dean's public files.

The documents undercut Dean's argument that files should remain private and have been used by his competitors, most recently by U.S. Sen. Joseph Lieberman during a debate in Iowa Sunday.

Dean has also been criticized for reports of lax security at the Vermont Yankee nuclear power plant after the 2001 terrorist attacks.

Officials at the Vermont state archives told the NRC that documents were released only after an OK from Dean's office, according to Burnell.

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Dean campaign spokesman Jay Carson refused to comment. But Vermont Secretary of State Deborah Markowitz, a Democrat, said her office is equally to blame for the gaffe.

"Because of the very quick and intense interest in Gov. Dean's records, we simply missed this batch," Markowitz said. "It was ultimately a result of the pressure our office had, we weren't ready for it."

Markowitz said governors are supposed to exclude data not subject to public records laws. But, she said, her office is the last check. "We're the custodian of the record. The buck stops here," she said.

The nuclear files have been removed from public view. Archivists and officials from the NRC will soon review all public documents to ensure there aren't other secret files available, officials said.

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