



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, DC 20555 - 0001**

August 30, 2011

MEMORANDUM TO: R.W. Borchardt,
Executive Director for Operations

FROM: Edwin M. Hackett, Executive Director **/RA/**
Advisory Committee on Reactor Safeguards

SUBJECT: INADVERTENT RELEASE OF PROPRIETARY INFORMATION

On July 29, 2011, ACRS was made aware of proprietary information that was inadvertently released in ACRS Full Committee meeting minutes from the April 2010, ACRS Full Committee Meeting. The information was contained in General Electric Hitachi (GEH) slides and detailed NRR staff analyses provided to the ACRS. These materials were clearly marked as proprietary and they were incorrectly entered into ADAMS as publicly available. The inadvertent release was discovered by GEH and communicated to the NRR staff, who subsequently informed ACRS. The proprietary information of concern relates to details and analyses of the GEH GNF2 fuel design.

Upon identification, the document was requested to be removed from PARS and changed to non-publicly available, sensitive-proprietary. We confirmed that the document was no longer publicly available through ADAMS as of the close of business on July 29, 2011.

We have completed an assessment of the circumstances and appropriate corrective actions in accordance with MD 3.4. The assessment and corrective actions are documented in the Enclosure.

Enclosure: As stated

Cc: M. Virgilio
M. Weber
D. Ash
N. Mamish
E. Leeds
J. Jolicoeur
S. Philpott
J. Dorsey
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C. Santos
Y. Diaz-Sanabria
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Publicly Available Y

Sensitive N

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OFFICE	ACRS	SUNSI Review	ACRS	ACRS	ACRS
NAME	CSantos	CSantos	YDiaz-Sanabria	ABellinger	EMHackett
DATE					

OFFICIAL RECORD COPY

Enclosure

Assessment

Our analysis has indicated a weakness in the process for the certification for the Full Committee meeting minutes. Following the ACRS Full Committee meetings, the minutes are routinely assembled from other ACRS documents that have already been reviewed and processed by that time. As such, the level of scrutiny for the minutes was minimal since they are supposed to be a compilation of previously-approved and certified documents.

In the current case affecting the inadvertent release of the GEH proprietary information from the April 2010 ACRS Full Committee meeting, it is apparent that the final review addressing SUNSI was ineffective.

Further analysis indicates that a similar problem could potentially exist with review and certification of ACRS Subcommittee meeting minutes. Our corrective actions will therefore address both Full Committee and Subcommittee meeting minutes.

Other formal ACRS documents such as Letters and Memoranda receive additional levels of review and we are confident that the processes we have in place provide adequate controls relative to the potential inadvertent release of sensitive information.

Corrective Actions

- (1) Upon identification, the document was requested to be removed from PARS and changed to non-publicly available, sensitive-proprietary. We confirmed that the document was no longer publicly available through ADAMS as of the close of business on July 29, 2011.
- (2) In the August 2, 2011 ACRS all-hands meeting, the ACRS Executive Director presented the circumstances of the inadvertent release to the ACRS staff and stressed the obligation that the NRC has to protect such information. Such releases are clearly not acceptable and a separate all-hands meeting will be conducted to provide training on the corrective actions described below.
- (3) ACRS has established a single point of contact at the Branch Chief level for review of both Full Committee and Subcommittee meeting minutes for sensitive material content.

- (4) To assist in this review, the ACRS administrative personnel charged with entering the final documentation into ADAMS are now required to do both a visual search and an electronic word search for declarations regarding sensitive material, of all documents to be publicly declared. This includes proprietary, official use only (OUO) and security-related information (SRI).
- (5) In addition, ACRS administrative staff and the Branch Chief will also perform an assessment for personally identifiable information (PII).
- (6) For Full Committee meeting minutes we have established a new process whereby only previously-existing and certified documents will be referenced via specific citations. No additional materials, such as slides or other memoranda will be allowed to be part of the minutes.
- (7) All ACRS documents for public release, that are derived from, or reference sensitive or proprietary materials (including redactions), will be confirmed as appropriate for public release through the appropriate program office staff with the applicant or licensee prior to entering the materials in ADAMS.
- (8) We will document these corrective actions in the appropriate ACRS process descriptions and conduct an all-hands training session for the staff on the revised process and the importance of our obligations to appropriately protect sensitive materials.

Additional Lesson-Learned

Through discussions with GEH, we found that removal of the document from public availability in ADAMS did not preclude successful “hits” on the document afterwards, via GOOGLE searches. We were informed that this was due to GOOGLE continuing to provide access to the document through a separately cached HTML version not under NRC’s control. This is an issue that obviously needs to be resolved at the agency level.