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77-122

For: The Commissioners
From: Kenneth R. Chapman, Director
Office of Nuclear Material Safety and Safeguards
Thru: Executive Director for Operations (Signed) Lee V. Rosack
Subject: REVIEW AND DISPOSITION OF NATIONAL SECURITY ACTION
AND DECISION MEMORANDA
Purpose: Approval of a letter to the President

Discussion: By letter of February 11, 1977 (Enclosure 1), Mr. Brzezinski requested a review and subsequent recommendation to the President concerning disposition of National Security Action (NSAM) and Decision (NSDM) memoranda which are not currently under review internally within the White House or subject to interagency review directed by a Presidential Review Memorandum (PRM).

The proposed response to the White House (Enclosure 2) covers NSDM-254, Domestic Safeguards, and NSDM-347, The Classification of Sensitive Nuclear Safeguards Information (see SECY-77-75) as the only NSDM's currently active within the NRC.

In NSDM 254, dated April 27, 1974 (Enclosure 3), AEC was notified that the President had directed the AEC to submit an annual report on the effectiveness of the safeguards systems. Later in an April 29, 1975, memorandum from the National Security Council, NRC was notified that the President had requested NRC to contribute in developing the annual report (Enclosure 4). NRC has participated in the preparation of subsequent reports which were submitted to the President by the ERDA Administrator.

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- 2 -

In NSDM-347, dated January 20, 1977 (Enclosure 5), the President directed that certain sensitive safeguards information should be classified. NSDM-347 in effect approved the previous NRC recommendations resulting from the NSSM-216 study. ERDA concurred in the recommendations of NSSM-216 and has since taken action to implement those recommendations with respect to the classification of safeguards information generated by ERDA. Approval of our February 11, 1977 paper to the Commission (SECY-77-75) requesting approval of a proposed action designed to implement NSDM-347 will result in consistent treatment of safeguards information in both licensee and government facilities thru close coordination with ERDA. ERDA has advised that even if NSDM-347 were to be rescinded, they would continue to classify safeguards information in the absence of any directive to the contrary. This could possibly result in major inconsistencies between ERDA and NRC policy if NRC chose not to classify such information in the private sector.

Coordination:

This has been concurred in by the Office of Nuclear Reactor Regulation, the Executive Legal Director and the Division of Security.

Original Signed by

Kenneth R. Chapman

Kenneth R. Chapman, Director
Office of Nuclear Material Safety
and Safeguards

Enclosures:

- 1) NSC Memo, dtd 2/11/75 (c)
- 2) DRAFT Proposed Ltr to the President (c)
- 3) NSDM-254 (s)
- 4) NSC Memo dtd 4/29/75 (u)
- 5) NSDM-347 (c)

SUBJECT TO GENERAL DECLASSIFICATION SCHEDULE OF EXECUTIVE ORDER 11652 AUTOMATICALLY DOWNGRADED AT TWO YEAR INTERVALS AND DECLASSIFIED ON DEC. 31

1483
(15 - car)

NOTE: Commissioner comments should be provided directly to the Office of the Secretary by close of business

3-14
McCORKLE got ERDA CONCURRENCE on 2/25/77 - talked with BRENNER

NATIONAL SECURITY
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SEC Telephonic
Brady CONCURRENCE
2/25/77

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DATE →	2/25/77	2/25/77	2/25/77	2/25/77	2/25/77	2/25/77

THE WHITE HOUSE
WASHINGTON

February 11, 1977

MEMORANDUM FOR

The Secretary of State
The Secretary of Defense
The Attorney General
The Secretary of the Treasury
The Secretary of Health, Education and Welfare
The Director of Central Intelligence
The Chairman, Joint Chiefs of Staff
The Director, U.S. Arms Control and
Disarmament Agency
The Director of the U.S. Information Agency
The Director, Federal Preparedness Agency
The Administrator, Energy Research and Development
Administration
The Administrator, Environmental Protection Agency
✓ The Chairman, Nuclear Regulatory Commission
The Administrator of the National Aeronautics and
Space Administration
The Director, Office of Management and Budget
The Chairman, Council of Economic Advisors

SUBJECT: Review and Disposition of National Security Action
and Decision Memoranda

A preliminary review has been undertaken by the NSC staff of National Security Action (NSAM) and Decision (NSDM) memoranda issued 1961 through 1976 and which were still carried as active by the previous administration. Certain of these are currently under review internally within the White House. Others are the subject of interagency review directed by Presidential Review Memorandum (PRM). Those which are not included in either category should be reviewed by the departments and agencies concerned before proceeding with a recommendation to the President concerning ultimate disposition.

 GDS

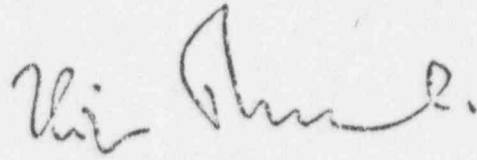
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A proposed disposition list is attached which covers those NSDMs/NSAMs which require agency review at this time but which are not currently covered by PRM. The criteria used by the NSC staff to determine their initial recommendations has been included. Where agency recommendations differ, you are encouraged to include rationale. Addressees are requested to review those NSDMs and NSAMs from this list which are within your respective area to determine,

- (a) whether it remains the authority for active programs and should be confirmed as written;
- (b) whether it can now be considered inactive because it has been superseded by later directives, subsumed by established programs, or otherwise overtaken by events, or
- (c) whether it should be updated or consolidated with other guidance and reissued.

Agency views should be forwarded to this office by 21 February. A composite list will then be prepared by the NSC staff for submission to the President.

It should be noted that NSDMs and NSAMs carried as active by the NSC will remain in force technically until confirmed or rescinded by Presidential Decision. In the meantime, however, agencies contemplating substantive actions under the authority of these memoranda should check with the NSC before proceeding.



Zbigniew Brzezinski

cc: The Vice President



ACTIVE NSDM/NSAMs FOR REVIEW

No.	Review	Rescind	Remain in Force
7	X		
13			X
22	X		
35	X		
50	X		
68	X		
92	X		
94	X		
96			X
109	X		
119			X
124			X
132			X
143	X		
143 (NSAM)	X		
163			X
165			X
182			X
197 (NSAM)			X
199 (NSAM)	X		
212	X		
221			X
222	X		
235 (NSAM)			X
238			X
246	X		
247	X		
254	ANNUAL REPORT ON DOMESTIC TERRORISM		X
258			X
259			X
261			X
263	X		
266			X
267	X		
277			X
283	X		
290	X		
293			X
295			X
296			X
299 (NSAM)			X
306			X
307	X		
312			X
313			X
314	X		
316 (NSAM)			X

CDS

<u>No.</u>	<u>Review</u>	<u>Rescind</u>	<u>Remain in Force</u>
318			X
323	X		
327			X
328			X
329	X		
330			X
332			X
337			X
338			X
339			X
340			X
340 (NSAM)	X		
341			X
342			X
343			X
344			X
346			X
→ 347	X		

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