



Highlights of [GAO-10-251](#), a report to the Speaker of the House of Representatives

Why GAO Did This Study

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, this report determines (1) which U.S. agencies were responsible for the public release of this information and why the disclosure occurred, and (2) what impact, if any, the release of the information has had on U.S. national security. In performing this work, 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.

What GAO Recommends

GAO recommends, among other things, that Commerce, DOE, State, and 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. DOE, State, and GPO agreed, while NRC neither agreed nor disagreed, with the recommendations. Commerce, White House Counsel, and the House Offices of the Clerk, Security, and Parliamentarian did not comment on GAO's recommendations.

View [GAO-10-251](#) or [key components](#). For more information, contact Gene Aloise at (202) 512-3841 or aloisee@gao.gov.

MANAGING SENSITIVE INFORMATION

Actions Needed to Prevent Unintended Public Disclosures of U.S. Nuclear Sites and Activities

What GAO Found

While no single U.S. government agency or office was entirely responsible for the public disclosure of the draft declaration, all of the agencies and offices involved in preparing and publishing the draft declaration share some responsibility for its release. GAO identified several points during the life cycle of the draft document where problems in the process occurred. First, none of the agencies that prepared the draft declaration—the Departments of Energy (DOE) and Commerce, and the Nuclear Regulatory Commission (NRC)—took the added precaution of ensuring that the consolidated draft they helped prepare had a U.S. security designation on each page of the document. Rather, the final version of the document, which they all reviewed, was marked only with the International Atomic Energy Agency's (IAEA) designation—"Highly Confidential Safeguards Sensitive." This marking has no legal significance in the United States. Second, the Department of State, which prepared the draft declaration for transmittal to the White House, sent a transmittal letter to the National Security Council indicating that the contents of the draft declaration should be treated as Sensitive but Unclassified (SBU). Not all federal agencies use this particular marking and, therefore, the marking created confusion for other executive and legislative branch offices that subsequently received the draft declaration on whether the information could be published. Third, the National Security Council, which reviewed the draft declaration on behalf of the White House, did not provide explicit and clear instructions on how to handle the draft declaration to the White House Clerk's Office. Fourth, the legislative branch offices which reviewed and then transmitted the document to GPO for publication—the House of Representatives' Parliamentarian and Clerk's Office—determined incorrectly, in GAO's view, that the document could be published. Officials from these congressional offices were not familiar with the phrase "Sensitive but Unclassified" and did not know how to safeguard that information. Finally, GPO, which proofread and processed the document for publication, did not raise any concerns about the document's sensitivity. GAO believes it is important to correct these problems as soon as possible because the United States is required to submit a declaration to IAEA annually.

The public release of the draft declaration of civilian nuclear sites and nuclear facilities does not appear to have damaged national security, according to officials from DOE, NRC, and Commerce. Commerce, DOE, and NRC did not assess the national security implications of the draft declaration's public release because these agencies—plus the Department of Defense—had reviewed the list of civilian nuclear facilities and related activities prior to transmitting it to the White House and Congress to ensure that information of direct national security significance was not included. Information in the draft declaration was limited to civilian nuclear activities, and most nuclear-related information was publicly available on agency Web sites or other publicly available documents. However, according to officials from all of the agencies responsible for compiling this information, the information consolidated in one document made it sensitive and, thus, it should never have been posted to GPO's Web site.