



Transportation
Security
Administration

Subject: SSI Review of CITGO Video Footage of 7/19/09 Incident

Date: December 4, 2009

From: Andrew Colsky, Director
Sensitive Security Information Office
Office of Intelligence

A handwritten signature in black ink, appearing to read "Andrew Colsky", written over the printed name and title.

To: Christopher Warren, General Counsel
U.S. Chemical Safety and Hazard Investigation Board

Upon request by the Chemical Safety Board (CSB) under 1520.9(a)3 the Sensitive Security Information (SSI) Office has reviewed the two video clips titled "Camera1" and "Camera2" as well the document titled "[DRAFT] Urgent Recommendations" which were delivered on Thursday, December 3rd, 2009. The TSA SSI Office was not provided with sufficient background information to determine whether the video properly falls under the purview of 49 CFR 1520, so no conclusions in that regard have been made. After careful review we have found that, assuming that the CITGO facility in question could in fact be covered by the SSI regulations, neither the video clips nor the document contain SSI.

For the document "Urgent Recommendations" our finding is based upon the fact that there is no reference to security processes. The SSI regulations at §1520.5(a) specifically states that "*SSI is information obtained or conducted in the conduct of security activities...*" The SSI regulations were not intended to apply to manufacturing or construction activities and processes, and therefore cannot properly be applied to the document.

Our finding for the videos is based upon written guidance developed by TSA titled regarding Security Cameras issued September 2006. This guidance was specifically developed to provide for release of video footage of incidents of interest and import to the general public. Camera footage may be SSI if it reveals insight into a specific security process. No security processes are evident in the CITGO videos. While any camera at a facility may provide some level of function as a security measure, most cameras that are not perimeter security cameras provide only a secondary or even tertiary security function. TSA has balanced the public's need to access such information

against the limited security function of the cameras and has determined that such limited footage related to incidents of interest to the public do not require SSI protection.

The TSA SSI Office has coordinated with other agencies in this finding. These agencies include the Office of Security Policy & Management (DCMS-341) of the United States Coast Guard, which is responsible for implementation of the 1520 regulations for maritime as well as the DHS Infrastructure Security Compliance Division which is responsible for Chemical Vulnerability Information under 6 CFR § 27.

cc

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