

# ***U.S. NUCLEAR REGULATORY COMMISSION***

## ***DIRECTIVE TRANSMITTAL***

TN: DT-99-33

**To:** NRC Management Directives Custodians

**Subject:** Transmittal of Directive 12.6, "NRC Sensitive Unclassified Information Security Program"

**Purpose:** Directive and Handbook 12.6 have been revised to cross-reference MD 3.4, "Release of Information to the Public," and to include the use of Official Use Only cover sheets to facilitate identification or protection of unclassified information within NRC.

**Office and Division of Origin:** Office of Administration

**Contact:** Rhonda C. Bethea, 301-415-2254

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**Volume:** 12 Security

**Directive:** 12.6 "NRC Sensitive Unclassified Information Security Program"

**Availability:** Rules and Directives Branch  
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# ***NRC Sensitive Unclassified Information Security Program***

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***Directive  
12.6***

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# U. S. Nuclear Regulatory Commission

Volume: 12 Security

ADM

## **NRC Sensitive Unclassified Information Security Program Directive 12.6**

### **Policy** (12.6-01)

All U.S. Nuclear Regulatory Commission personnel responsible for the safeguarding of sensitive unclassified information (e.g., Official Use Only information and unclassified Safeguards Information), other sensitive information, and activities involving this information must adhere to the authorities, responsibilities, and procedures specified in this directive and handbook. This directive and handbook do not affect Commission rules and regulations contained in the *Code of Federal Regulations* that are applicable to NRC licensees and others.

### **Objective** (12.6-02)

To ensure that sensitive unclassified information is handled appropriately and is protected from unauthorized disclosure under pertinent laws, management directives, and applicable directives of other Federal agencies and organizations.

### **Organizational Responsibilities and Delegations of Authority** (12.6-03)

#### **Executive Director for Operations (EDO)** (031)

Acts on appeals for denial of information requested under the Freedom of Information Act (FOIA) when the request involves information generated by offices reporting to the EDO, and acts on all appeals for denial of information requested under the Privacy Act.

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**NRC Sensitive Unclassified Information Security Program**  
**Directive 12.6**

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**Chief Information Officer (CIO)**  
**(032)**

Directs and oversees NRC's information resources and information management.

**Inspector General (IG)**  
**(033)**

Investigates instances of improper disclosure of information in violation of statutes and regulations.

**Deputy Executive Director for**  
**Management Services (DEDM)**  
**(034)**

As designated Senior Agency Official for information security matters, directs and administers the agency's information security programs.

**Director, Office of Administration (ADM)**  
**(035)**

Provides overall NRC security program guidance and direction and ensures that NRC's security program is effectively and efficiently carried out by the NRC Division of Facilities and Security (DFS).

**Office Directors and**  
**Regional Administrators**  
**(036)**

- Ensure that NRC employees and NRC contractor personnel under their jurisdiction are cognizant of and comply with the provisions of this directive and handbook. (a)
- Advise DFS of any existing or proposed sensitive unclassified activities in organizations under their jurisdiction. Report any significant change or termination of sensitive unclassified activities to DFS for review of associated contracts, subcontracts, or similar actions. (b)
- Advise DFS of any information that indicates noncompliance with this directive and handbook or is otherwise pertinent to the proper protection of sensitive unclassified information. (c)
- Request exceptions to or deviations from this directive and handbook, as required. (d)

**Director, Division of Facilities and  
Security (DFS), ADM  
(037)**

Plans, develops, establishes, and administers policies, standards, and procedures for the NRC Sensitive Unclassified Information Security Program. Monitors reports of non-compliance and recommends corrective actions, as appropriate, to DEDM and office directors.

### **Applicability (12.6-04)**

This directive and handbook apply to all NRC employees and consultants and to all NRC contractors to whom they apply as a condition of a contract or a purchase order.

### **Handbook (12.6-05)**

Handbook 12.6 provides guidelines for the preparation, distribution, accountability, and safeguarding of sensitive unclassified information.

### **Exceptions or Deviations (12.6-06)**

Exceptions to or deviations from this directive and handbook may be granted by DFS except in those areas in which the responsibility or authority is vested solely with the Commission, the EDO, or with ADM, and is nondelegable; or for matters specifically required by law, Executive order, or directive to be referred to other management officials.

### **References (12.6-07)**

Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).

#### *Code of Federal Regulations—*

10 CFR Part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders."

10 CFR Part 9, "Public Records."

10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities."

10 CFR Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions."

## **References**

(12.6-07) (continued)

10 CFR Part 70, "Domestic Licensing of Special Nuclear Material."

10 CFR Part 71, "Packaging and Transportation of Radioactive Material."

10 CFR 73.21, "Requirements for the Protection of Safeguards Information."

10 CFR 73.57, "Requirements for Criminal History Checks of Individuals Granted Unescorted Access to a Nuclear Power Facility or Access to Safeguards Information by Power Reactor Licensees."

10 CFR 73.71, "Reporting of Safeguards Events."

10 CFR Part 1017, "Identification and Protection of Unclassified Controlled Nuclear Information" (Department of Energy, General Provisions).

Energy Reorganization Act of 1974, as amended (42 U.S.C. 5801 et seq.).

"Freedom of Information Act" (5 U.S.C. 552).

Inspector General Act (5 U.S.C. App. 3).

NRC Management Directive 3.1, "Freedom of Information Act."

3.2, "Privacy Act."

3.4, "Release of Information to the Public."

3.5, "Public Attendance at Certain Meetings Involving the NRC Staff."

5.5, "Public Affairs Program."

12.1, "NRC Facility Security Program."

12.2, "NRC Classified Information Security Program."

12.3, "NRC Personnel Security Program."

12.4, "NRC Telecommunications Systems Security Program."

12.5, "NRC Automated Information Systems Security Program."

NUREG-0910, Rev. 3, "NRC Comprehensive Records Disposition Schedule."

NUREG-0794, "Protection of Unclassified Safeguards Information" (October 1981).

## **References**

(12.6-07) (continued)

NUREG/BR-0069, Rev. 2, "NRC Classification Guide for National Security Information Concerning Nuclear Materials and Facilities" (CG-NMF-2) (December 1991).

"Privacy Act" (5 U.S.C. 552a).



# ***NRC Sensitive Unclassified Information Security Program***

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## ***Handbook 12.6***

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## Part I

# Introduction

### Purpose and Scope (A)

Requirements and procedures are given to ensure that sensitive unclassified information is adequately protected from unauthorized disclosure. (1)

“Sensitive unclassified information” is unclassified Safeguards Information (SGI), Official Use Only information, and Proprietary information. It also includes unclassified information from other Government agencies and sources outside of NRC and its contractors and licensees that requires special protective measures. Markings used by these agencies and sources include, for example, *For Official Use Only*, *Company Confidential*, and *Private*. (See Management Directive (MD) 12.4, “NRC Telecommunications Systems Security Program,” and Volume 12, “Glossary,” for a complete definition of “Sensitive Unclassified Information.”) (2)

The provisions of this part apply to information determined or verified by NRC to be Proprietary and information said to be Proprietary. The use of the words “sensitive unclassified information” or “Proprietary” includes both information determined or verified by NRC to be Proprietary and information said to be Proprietary. (3)

The specific types of information and documents that constitute SGI are specified in Exhibit 1 to this handbook. This list is not intended to be all-inclusive. Exhibit 2 specifies types of information not subject to SGI controls. (4)

### Applicability (B)

NRC employees, consultants, and contractors are responsible for ensuring that the procedures specified in this part are followed to protect sensitive unclassified information. The use of the word “contractor” in this part includes subcontractors.

## **Authority for Controls (C)**

The primary authorities for the protection of sensitive unclassified information are the Freedom of Information Act (5 U.S.C. 552), the Privacy Act (5 U.S.C. 552a), and 10 CFR Parts 2 and 9. SGI is controlled in accordance with Section 147 of the Atomic Energy Act of 1954, as amended, and 10 CFR 73.21.

## **Authority To Designate Sensitive Unclassified Information (D)**

To designate information as "sensitive unclassified," a determination must be made that one or more of the statutes and/or regulations mentioned in Section (C) of this part apply. This designation signifies that the information must receive limited distribution and must be protected from unauthorized disclosure. For matters of the Office of the Inspector General, the Inspector General is the only official authorized to designate documents as sensitive unclassified information under applicable statutes. (1)

Within NRC, branch chiefs and above, or other level deemed appropriate by an office director and issued in writing, are authorized to designate information as SGI. Within contractor organizations, the NRC contracting office's authorized representative or the NRC project officer, when necessary, authorizes employees to perform this function. (2)

NRC branch chiefs and above and personnel appointed by NRC contractors are authorized to designate information as "Official Use Only" or "Proprietary." (3)

## **Release of Information to the Public (E)**

The presence of markings such as "Safeguards Information," "Official Use Only," "Proprietary," or other similar markings, or the lack of markings does not determine whether a document may be withheld from the public. A review must be made of each sensitive unclassified document requested to determine whether the document is releasable. (See MD 3.4, "Release of Information to the Public.") (1)

Whenever an office has a question regarding releasability, it may be appropriate to consult with—(2)

## Release of Information to the Public (E) (continued)

- The Division of Information Management, Office of the Chief Information Officer (OCIO), if the Freedom of Information Act (FOIA) or the Privacy Act is involved (see MDs 3.1, "Freedom of Information Act," and 3.2, "Privacy Act") or the release of information relates to the NRC's public health and safety mission (see MD 3.4, "Release of Information to the Public") (a)
- The Office of Nuclear Material Safety and Safeguards on whether a document contains SGI (b)
- The Office of Nuclear Reactor Regulation on safeguards technical and regulatory reviews or generic reactor safeguards issues (c)
- The Office of the General Counsel on legal questions (d)
- Other responsible offices within NRC (e)
- The originator (f)

Other Government agencies or other sources should be consulted before documents bearing restrictive markings or containing sensitive unclassified information of primary interest to them are released to the public. (3)

When sensitive unclassified documents are requested under FOIA or the Privacy Act, the Freedom of Information Act and Privacy Act Officer, OCIO, will assist offices in determining if the documents fall within the scope of the request and consult with other Federal agencies or other sources from which the information is derived regarding their documents or information in NRC files. (See MDs 3.2, "Privacy Act," and 3.1, "Freedom of Information Act.") (4)

## Sensitive Unclassified Records in ADAMS (F)

Documents created in the Agencywide Documents Access and Management System (ADAMS) containing or said to contain Proprietary information must be generated using the Proprietary template. For Official Use Only information, use the Official Use Only template to facilitate identification or protection of the information. The template should be used to safeguard unclassified information that may be exempted from public disclosure under FOIA or the Privacy Act and may be used to protect other unclassified information subject to conditional release (e.g., predecisional information). SGI may not be placed in ADAMS.

## **Part II**

# **Protection and Control of Sensitive Unclassified Information**

### **Information Originated by NRC, NRC Contractors, or NRC Licensees (A)**

The procedures set forth in this section apply to Safeguards Information (SGI), Official Use Only, and Proprietary information.

#### **Access (1)**

NRC personnel and NRC contractor employees shall furnish sensitive unclassified information to only those persons who need the information for the conduct of official business. (a)

If doubt exists as to whether it is proper to furnish information in any particular case, NRC personnel and NRC contractor employees shall consult the—(b)

- Originating office (If the information was originated by a contractor or a licensee, the originator or the NRC office administering the contract or license must be consulted.) (i)
- Office that has primary interest in the information (ii)
- Source from which the information was derived (iii)

If SGI is involved, NRC personnel or NRC contractor employees shall consult the Office of Nuclear Material Safety and Safeguards and the Office of Nuclear Reactor Regulation. (c)

If Proprietary or Official Use Only information is involved, NRC personnel or NRC contractor employees shall consult the—(d)

## Information Originated by NRC, NRC Contractors, or NRC Licensees (A) (continued)

### Access (1) (continued)

- NRC office originating the information (i)
- Office that has primary interest in the information (ii)
- Source from which the information was derived (iii)

An access authorization (security clearance) is not required for access to SGI or other sensitive unclassified information. However, the requirements of 10 CFR 73.57 mandate an FBI fingerprint check be conducted for access to SGI at a power reactor facility. (e)

No person may have access to SGI unless the person needs the information to conduct official business and the person is—(f)

- An employee, agent, or contractor of an applicant for a license, of an NRC licensee, of the NRC, or of the United States Government (i)
- A member of a duly authorized committee of the Congress (ii)
- The Governor of a State or his or her designated representative (iii)
- A representative of the International Atomic Energy Agency (IAEA) engaged in activities associated with the U.S./IAEA Safeguards Agreement who has been certified by the NRC (iv)
- A member of a State or local law enforcement authority that is responsible for responding to requests for assistance during safeguards emergencies (v)
- An individual to whom disclosure is ordered in accordance with 10 CFR 2.744(e) in connection with a domestic licensing proceeding (vi)

The office director or the regional administrator responsible for the document may authorize additional distribution of SGI related to activities conducted under the license. The individuals specified in the preceding list are normally considered to be trustworthy in view of their employment status. However, some discretion should be used in granting access if there is any indication that the proposed recipient would be unwilling or unable to provide the protection prescribed for SGI. (g)



## **Information Originated by NRC, NRC Contractors, or NRC Licensees (A) (continued)**

### **When Information Is Marked (2)**

Documents (including drafts and worksheets), other than for Official Use Only that contain sensitive unclassified information and require marking, must be marked upon origination.

### **SGI Documents (a)**

Documents (including drafts and worksheets) known to contain SGI that are not so marked must be marked accordingly by persons authorized to designate information as "Safeguards Information."

- Documents dated before January 20, 1981, need not be marked until they are withdrawn from the files. (i)
- Documents dated before January 20, 1982, and clearly marked as 10 CFR 2.790(d) to indicate that they contain SGI must be secured as SGI without the alteration of their marking until they are withdrawn from the files for any reason. When withdrawn, these documents must be marked in accordance with this part. (ii)

### **Official Use Only Documents (b)**

A document that contains information for Official Use Only must be marked when the originator believes that marking is essential to ensure proper handling and to ensure that all persons having access to the record will be aware that the—

- Document must not be publicly released. (i)
- Document must be distributed only to those who have a need-to-know to conduct official business. (ii)

### **Conditional Release Documents (c)**

Some NRC documents may be released to the public when particular conditions have been met (e.g., a particular period of time has elapsed, a particular event has occurred, or an agency position has been officially approved). These documents are subject to conditional release and should be protected as Official Use Only until the specific condition has been met. While physical marking of conditional release documents may not be appropriate and is not required, the use of cover sheets marked "Official Use Only" is encouraged to facilitate their protection until they meet the condition for public release.

## **Information Originated by NRC, NRC Contractors, or NRC Licensees (A) (continued)**

### **When Information Is Marked (2) (continued)**

#### **Proprietary Information Documents (d)**

Documents received by NRC or NRC contractors that contain or are said to contain Proprietary information but that are not marked must be marked when marking is essential to ensure proper handling and to ensure that all persons having access to the information will be aware that the—

- Information must not be publicly released. (i)
- Information must be distributed only to those who have a need-to-know to conduct official business. (ii)

### **How Information Is Marked (3)**

#### **Safeguards Information (a)**

At the time it is determined that a document contains SGI, originators must place the name, title, organization, signature, and date of the individual authorized to make an SGI determination and who has determined that the document contains SGI in the lower right corner of the face of the original document, as indicated in Exhibit 3 of this handbook. If the originator or approver of the document is the person authorized to make the determination and signs the document, that signature is sufficient. The signature in either case must appear on the face of the original copy of the document. Other copies may have a facsimile signature or a typed name. (i)

For a document containing SGI, originators must place the marking "SAFEGUARDS INFORMATION" conspicuously at the top and bottom of the page. Originators also must place the marking "Violation of protection requirements for SAFEGUARDS INFORMATION subject to CIVIL and CRIMINAL penalties" in the lower left corner of the face of the document. (ii)

#### **Official Use Only (b)**

Originators must place the marking "OFFICIAL USE ONLY" at the top and bottom of the page on the face of each document containing information for Official Use Only when that marking is required to

## **Information Originated by NRC, NRC Contractors, or NRC Licensees (A) (continued)**

### **How Information Is Marked (3) (continued)**

ensure proper handling. The marking "LIMITED INTERNAL DISTRIBUTION PERMITTED" must be placed in the lower left corner of the face of the document.

### **Proprietary Information (c)**

Originators must place the words "PROPRIETARY INFORMATION" at the top and bottom of the page on the face of each document containing or said to contain Proprietary information.

### **Multiple Page Documents (d)**

The "SAFEGUARDS INFORMATION, OFFICIAL USE ONLY," or "PROPRIETARY INFORMATION" markings must be placed at the top and bottom of—

- The outside of the front and back covers, if any (i)
- The title page, if any (ii)
- The first page of text, if there is no front cover or title page (iii)
- The outside of the back page, if there is no back cover (iv)
- Each page of a document containing sensitive unclassified information (v)

### **Portion-Marking (e)**

Portion-marking is accomplished by clearly indicating the portions (e.g., titles, paragraphs, subjects, or pages) that contain sensitive unclassified information by placing the appropriate abbreviation (e.g., "SGI") in parentheses at the beginning or end of the portion.

### **Sensitive Unclassified Information (i)**

Portion-marking is required for sensitive unclassified information when—

## Information Originated by NRC, NRC Contractors, or NRC Licensees (A) (continued)

### How Information Is Marked (3) (continued)

- A document contains several categories of sensitive unclassified information. Portion-marking indicates which portions (e.g., paragraphs, pages, and appendices) contain each category, that is, Safeguards Information, SGI; Official Use Only information, OOU; or Proprietary information, "PROPIN." The highest category of information contained in the document ("SGI" or in the absence of "SGI," "PROPIN") will be the overall marking used at the top and bottom of the portion. (a)
- A document contains both classified and sensitive unclassified information. Portion-marking indicates which portions contain each category. Portions (e.g., paragraphs) that contain both sensitive unclassified information and classified information must be marked with the applicable classification markings only (see Part I, Section (B)(3)(g) of Handbook 12.2, "NRC Classified Information Security Program"). If a document is declassified and sensitive unclassified information remains, the document must be marked in accordance with the requirements stated in this part. (b)

### Safeguards Information (ii)

In addition to the overall marking, portion-marking is required for SGI contained in—

- Correspondence to and from the NRC, NRC contractors, and NRC licensees (a)
- Items listed in Exhibit 1 of this handbook (b)

### Files or Folders (f)

Files and folders containing sensitive unclassified information must be marked front and back with the appropriate category marking (e.g., "SAFEGUARDS INFORMATION," "OFFICIAL USE ONLY INFORMATION," or "PROPRIETARY INFORMATION") upon creation or when extracted from an existing file system.

### Transmittal Documents (g)

Documents (e.g., cover letters or memoranda) that do not in themselves contain sensitive unclassified information but are used to

## **Information Originated by NRC, NRC Contractors, or NRC Licensees (A) (continued)**

### **How Information Is Marked (3) (continued)**

transmit one or more documents containing this information must be marked to indicate the fact that sensitive unclassified information is contained in the documents transmitted. The marking (e.g., "SAFEGUARDS INFORMATION," "OFFICIAL USE ONLY," or "PROPRIETARY INFORMATION") indicating the category of information must be placed at the top and bottom of the first page of the transmittal document. Additionally, the following marking must be placed at the side or bottom of the transmittal document:

"Document transmitted herewith contains sensitive unclassified information. When separated from enclosures, this document is decontrolled."

### **Cover Sheet (4)**

Each copy of a document containing SGI in the possession of NRC or NRC contractors must be covered by an SGI cover sheet (NRC Form 461, Exhibit 4). Documents containing or said to contain Proprietary information must be covered by a Proprietary information cover sheet (NRC Form 190, Exhibit 5), when necessary to prevent unauthorized access. (a)

Cover sheets should be used for Official Use Only information when their use facilitates identification or protection of the information. The Official Use Only cover sheet (NRC Form 190(x), Exhibit 6) should be used to safeguard unclassified information and may be used to identify and protect other information subject to conditional release. Cover sheets need not be used on documents that are in files. (b)

### **Reproduction (5)**

A minimum number of copies of documents containing or said to contain sensitive unclassified information may be reproduced by holders to meet operational requirements without permission of the originator or the responsible office. Care must be taken to prevent unauthorized access during reproduction and in the disposition of matter containing sensitive unclassified information (e.g., unneeded copies or improperly prepared copies). (a)

## Information Originated by NRC, NRC Contractors, or NRC Licensees (A) (continued)

### Reproduction (5) (continued)

Whenever the originator wants to limit the further dissemination or reproduction of documents containing sensitive information, the following statement should be placed on the front of the document: "Reproduction or Further Dissemination Requires Approval of \_\_\_\_\_." (b)

If reproduction of sensitive unclassified information is requested, NRC Form 30, "Request for Administrative Services," or NRC Form 460, "Request for Graphics Services," should contain an explanation in the special instructions block that sensitive unclassified information is attached, and an asterisk should be placed in the "Unclassified" and "Other" blocks. This action must be taken to ensure proper handling of the document and proper disposal of any waste (see Section (A)(12) of this part). The requester shall ensure that the markings on documents submitted for reproduction are in black or red and dark enough to be reproduced. (c)

### Transmission (6)

#### Methods Used (a)

Documents containing sensitive unclassified information must be transmitted by one of the following methods: (i)

- NRC messenger or NRC contractor authorized messenger or courier. NRC messengers and couriers shall be authorized to hand-carry sensitive unclassified information outside a facility by their division director or a higher level authority. NRC contractor personnel shall be authorized by the cognizant security office. (a)
- U.S. Postal Service First Class Mail, U.S. Postal Service Registered Mail, U.S. Postal Service Express Mail, or U.S. Postal Service Certified Mail (b)
- NRC headquarters interoffice mail or NRC pouch mail between NRC headquarters and regional offices (c)

## **Information Originated by NRC, NRC Contractors, or NRC Licensees (A) (continued)**

### **Transmission (6) (continued)**

- Any individual authorized access to the category of information involved (*d*)
- Other means approved by the Director, Division of Facilities and Security (DFS), Office of Administration (ADM) (*e*)

Individuals transporting documents containing SGI shall retain them in their possession at all times, unless they place the documents in the custody of another person authorized access to the information. (*ii*)

Individuals transporting documents containing other categories of sensitive unclassified information shall retain them in their possession to the maximum extent possible, unless they place the documents in the custody of another person authorized access to the information. Judgment must be used in handling these documents when retention is not feasible. (*iii*)

### **Preparation for Transmission (b)**

#### **General Rule (i)**

- Documents containing sensitive unclassified information must be addressed to an individual authorized access to that information. (*a*)
- Material used for packaging must be opaque and of such strength and durability as to provide secure protection for the document in transit, prevent items from breaking out of the container, and facilitate the detection of any tampering with the container. (*b*)

#### **Safeguards Information (ii)**

- Documents containing SGI may be hand-carried or transmitted between NRC headquarters facilities by NRC interoffice mail, or between headquarters and regional offices by NRC pouch mail, in a single opaque envelope or wrapper. The envelope or wrapper must have the words "Safeguards Information" at the top and bottom on both sides and be addressed to the intended recipient, with a return address included. (*a*)

## **Information Originated by NRC, NRC Contractors, or NRC Licensees (A) (continued)**

### **Transmission (6) (continued)**

- Whenever documents containing SGI are transmitted outside an NRC facility or an NRC contractor facility by other means or to other destinations, they must be enclosed in two opaque sealed envelopes or similar wrappings. The inner envelope or wrapper must show the address of the intended recipient and the sender on the front and have the words "Safeguards Information" at the top and bottom on both sides. The outer envelope or wrapper must be addressed to the intended recipient, must contain the address of the sender, and must not bear any markings or indication that the document contains sensitive unclassified information. (b)

### **Proprietary Information or Official Use Only Information (iii)**

Documents containing Proprietary or Official Use Only information must be transmitted between NRC facilities and outside NRC facilities or NRC contractor facilities in a single opaque envelope or wrapper. The single opaque envelope or wrapper must not bear any markings or indication that the document contains Proprietary or Official Use Only information. Two opaque envelopes or wrappers may be used as described in Section (A)(6)(b)(ii) of this part when the sender believes it necessary to ensure proper handling and protection.

### **Receipts (iv)**

Receipts are not required for sensitive unclassified documents. However, NRC Form 253, "NRC Messenger/Courier Receipt," may be used if the sender wishes to ensure the delivery of the document.

### **Telecommunications (7)**

#### **General Rule (a)**

- Utmost discretion must be used in the transmission of any sensitive unclassified information by electrical means. Mail channels are preferable. For further information, refer to Management Directive (MD) 12.4, "NRC Telecommunications Systems Security Program." (i)



## **Information Originated by NRC, NRC Contractors, or NRC Licensees (A) (continued)**

### **Telecommunications (7) (continued)**

- Proprietary and Official Use Only information must be encrypted if encryption is requested by the sender. Note: NRC telecommunications from the NRC Secure Communications Center are automatically encrypted and acceptable for transmission of sensitive unclassified information. (ii)
- To request encryption for messages sent through communication centers, the sender shall place the letters "EFTO" (Encrypt For Transmission Only) on the message form between the address and the text of the message. Messages containing SGI, Official Use Only, or Proprietary information must contain the words "SAFEGUARDS INFORMATION," "OFFICIAL USE ONLY," or "PROPRIETARY INFORMATION," as applicable, before the beginning of the text. (iii)

### **Safeguards Information (b)**

SGI must be transmitted over protected telecommunications circuits approved by DFS. Unprotected circuits may be used only under emergency or extraordinary conditions. For the purpose of this requirement, emergency or extraordinary conditions are defined as any circumstances that require immediate communication in order to report, summon assistance for, or respond to a safeguards event or an event that has potential safeguards significance. Examples of these events include—(i)

- Safeguards events that must be reported as specified in 10 CFR 73.71 (i.e., unaccounted-for shipments, suspected thefts, unlawful diversion or radiological sabotage, or events that significantly threaten or lessen the effectiveness of safeguards) (a)
- Schedule changes, delays, or equipment breakdowns associated with the transport of spent fuel or Category I strategic special nuclear material (b)
- Failure or loss of safety-related equipment identified in the physical security plan as being vital (c)

The restriction on telecommunications applies to telephone, telegraph, teletype, communicating word processors, facsimile circuits, and radio (ii)

## Information Originated by NRC, NRC Contractors, or NRC Licensees (A) (continued)

### Automatic Data Processing (ADP) (8)

SGI and other sensitive data (e.g., personal data, proprietary data, or data that has a high potential for financial loss) may be processed or produced on Information Technology systems, provided that the systems meet the requirements of MD 12.5, "NRC Automated Information Systems Security Program."

### Word Processing (9)

SGI and other sensitive data may be processed, stored, or produced on stand-alone personal computers or the NRC Local Area Network provided that the systems meet the criteria of MD 12.5.

### Protection of Information During Use (10)

While in use, documents containing sensitive unclassified information must be under the control of an individual authorized access to such information by the individual's division or office director or regional administrator in order to limit access to persons who have a "need-to-know." This requirement is satisfied in the case of SGI if the immediate space in which the documents are held is attended by an authorized individual even though the information is not constantly being used. In the case of Proprietary and Official Use Only information, this requirement is satisfied when the information is not constantly being used by those means that the office or division has determined will prevent unauthorized access. DFS will aid in developing the most practical approach possible.

### Storage (11)

#### Official Use Only and Proprietary Information (a)

Official Use Only and Proprietary information stored in NRC space (headquarters and regional offices) that has electronic access control approved by DFS or NRC contract guards on duty requires no additional physical security measures, unless—

- Specific storage requirements have been published under a Privacy Act system of records. (i)
- The holder deems additional protection (e.g., a locking cabinet) is necessary because of unusual circumstances or the sensitivity of the information (e.g., resident inspection sites). (ii)

**Information Originated by NRC,  
NRC Contractors, or NRC  
Licensees (A) (continued)**

**Storage (11) (continued)**

**Safeguards Information (b)**

SGI must be stored in a locked security storage container when unattended or not in actual use. (i)

As the term is used in this part, "security storage container" includes any of the following repositories: (ii)

- A steel filing cabinet equipped with a steel locking bar and a three-position changeable combination, GSA-approved padlock for storage in NRC headquarters and regional office buildings that have sufficient controls to prevent unrestricted access to the container. An NRC office that is occupied by employees during working hours and locked during nonworking hours (cleaning personnel may have keys, if necessary) would be considered to have sufficient access controls. This steel filing cabinet would not be considered adequate for a generally "public" area (e.g., a Public Document Room). (a)
- A security filing cabinet that bears a Test Certification Label on the side of the locking drawer, or on an interior plate, and that is marked as a "General Services Administration Approved Security Container." (b)
- A bank safe deposit box. (c)
- Other repositories that the Director, DFS, judges would provide adequate physical protection. (d)

**Lock Combinations (c)**

The lock combinations protecting any category of sensitive unclassified information must be limited to a minimum number of persons who have a "need-to-know" for operating purposes and are otherwise authorized access to the category of sensitive unclassified information in accordance with the provisions of this part. Combinations must be changed when placed in use, whenever a person having access no longer has an official "need-to-know," or at least once every year.

## **Information Originated by NRC, NRC Contractors, or NRC Licensees (A) (continued)**

### **Storage (11) (continued)**

#### **Inspection of Out-of-Service Storage Repositories (d)**

Security storage containers, desks, and other storage repositories to be removed for repair or maintenance, returned to the supplier, or otherwise taken out of service for any reason must be examined to ensure that no classified or sensitive unclassified documents remain therein.

### **Destruction (12)**

Holders of sensitive unclassified information documents are responsible for destroying these documents when they are no longer required. Records of destruction are not required. Documents containing sensitive unclassified information must be destroyed by a method that will prevent reconstruction of the information in whole or in part (see NUREG-0910, "NRC Comprehensive Records Disposition Schedule"). (a)

Documents may be destroyed by tearing them into small pieces (i.e., several pages or documents torn into one-half inch pieces or smaller and thoroughly mixed), or by burning, pulping, pulverizing, shredding, or chemical decomposition. Within NRC headquarters, documents may be placed in receptacles designated for classified waste or receptacles approved by DFS for destruction of sensitive unclassified information. (b)

#### **Removal of Information From the Sensitive Unclassified Category (13)**

##### **Necessity for Review (a)**

Periodic review of documents containing sensitive unclassified information to determine whether these documents should remain in this category is not required. This review is necessary only when specific circumstances require such action. Typically, a request for the information under the Freedom of Information Act or the Privacy Act would necessitate a review of this type.

## **Information Originated by NRC, NRC Contractors, or NRC Licensees (A) (continued)**

### **Removal of Information From the Sensitive Unclassified Category (13) (continued)**

#### **Who May Remove Information From the Sensitive Unclassified Category (b)**

##### **Sensitive Unclassified Information Other Than SGI (i)**

The following individuals may remove markings from documents containing sensitive unclassified information (other than SGI) when these individuals determine that the information is no longer in the sensitive unclassified category: (a)

- The originator, whose name appears on the document (1)
- His or her successor (2)
- A supervisor of either of the above (branch chief or above) (see Section (A)(13)(d) of this part) (3)

These individuals must be notified if any other persons remove this information from the sensitive unclassified category. (b)

##### **SGI (ii)**

Any individual authorized to determine that a document contains SGI may remove the marking or indicate that it may be removed whenever the information is no longer in this category, provided that the following individuals are informed: (a)

- The individual whose name appears on the document (1)
- His or her successor (2)
- A supervisor of either of the above (branch chief or above) or other level deemed appropriate by an office director and issued in writing (3)

The procedure set forth in Section (A)(13)(d) of this part must be followed. (b)

**Information Originated by NRC,  
NRC Contractors, or NRC  
Licensees (A) (continued)**

**Removal of Information From the Sensitive Unclassified  
Category (13) (continued)**

**Notification (c)**

The person authorizing removal of a document from the sensitive unclassified information category or authorizing a change in the category shall so advise, to the extent feasible, the recipients of the document, who in turn shall so advise any subsequent recipient.

**Marking (d)**

**When Information Is Marked (i)**

The marking indicating a date or event for removal of the information from the sensitive unclassified category may be placed on documents upon origination or upon removal of the information from the sensitive unclassified category. The person taking the action shall place the following marking on the face of the document: (a)

Removed from sensitive unclassified information category  
(on) or (after) \_\_\_\_\_

\_\_\_\_\_  
(Signature of  
person making  
determination)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Office)

\_\_\_\_\_  
(Date)

The date of cancellation of the marking or the event that will result in cancellation must be indicated. If a date or event is given, any possessor of the information may remove the sensitive unclassified information marking (e.g., "SAFEGUARDS INFORMATION," "OFFICIAL USE ONLY," or "PROPRIETARY INFORMATION") after the date or event has occurred. The last line must be completed with the signature, title, and office of the person authorizing the action and the date of authorization. (b)

**Information Originated by NRC,  
NRC Contractors, or NRC  
Licensees (A) (continued)**

**Removal of Information From the Sensitive Unclassified  
Category (13) (continued)**

**Change in Category (ii)**

Documents must be marked to indicate a change of category, the person who is responsible for the change, and the date of the change. For example, if the document is removed from the SGI category but will still contain Official Use Only information, the SGI markings must be removed and the document marked "OFFICIAL USE ONLY" and "LIMITED INTERNAL DISTRIBUTION PERMITTED."

**Removal of Markings (iii)**

As a minimum, the sensitive unclassified information markings on the first page of text and on the outside of the front and back covers, if any, must be blacked out upon removal of a document from the sensitive unclassified information category or upon a change in the category. In the latter case, the new category must be inserted. If there are no covers, the marking must be blacked out or changed on the title page. If there is no title page, the marking must be blacked out or changed on the first page of text and on the outside of the back page. (a)

Persons possessing copies of the document, except as stated below, who are advised that the marking is no longer required or that the marking is changed, shall use a marker to blacken out or change the sensitive unclassified information markings, as appropriate, on the copies in their possession and indicate on each copy the authority for deleting or changing the markings. (b)

Large file rooms and copy distribution centers possessing multiple copies are not required to black out or change the markings but will maintain the notification of removal or change as a record of the action taken. Copies transmitted outside these rooms or centers must be marked to indicate their content. (c)

## **Information Originated by NRC, NRC Contractors, or NRC Licensees (A) (continued)**

### **Removal of Information From the Sensitive Unclassified Category (13) (continued)**

#### **Disagreement on Changes of Category (e)**

In any instance in which a disagreement exists as to whether a document should be removed from the SGI category, the matter must be referred for final determination to the Director, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, as the contact for issues related to materials and transportation, and to the Director, Division of Inspection Program Management, Office of Nuclear Reactor Regulation, as the contact for issues related to reactors. In other instances of disagreement as to the removal of sensitive unclassified information from a category or a change in the category, the matter should be referred to one of the persons specified in Section (A)(13)(b)(i) of this part.

## **Information Originated by Sources Other Than NRC, NRC Contractors, or NRC Licensees (B)**

### **General Rule (1)**

Sensitive unclassified information, originated by sources other than NRC, NRC contractors, or NRC licensees, must be protected and disseminated under the same security measures set forth in Section (A) of this part for sensitive unclassified information originated by NRC, NRC contractors, or NRC licensees. (a)

Documents originated by sources other than NRC, NRC contractors, or NRC licensees that are marked so as to indicate that they contain sensitive unclassified information (e.g., Company Confidential) must be marked with NRC standard markings to indicate the category of information (e.g., Proprietary information) when the holder determines this marking is necessary for clarification. Holders shall contact the originators of documents in these cases to ensure documents are properly marked. (b)



## **Information Originated by Sources Other Than NRC, NRC Contractors, or NRC Licensees (B) (continued)**

### **Access (2)**

If any doubt exists as to whether it is proper in any particular case to grant access to sensitive unclassified information originating outside NRC, NRC contractors, or NRC licensees, the originating party, or other appropriate person in the agency responsible for the information, or other source from which the information is derived, must be consulted.

## **Hearings, Conferences, or Discussions (C)**

### **Security Preparations Required for Hearings, Conferences, or Discussions (1)**

NRC personnel, NRC consultants, NRC contractor personnel, and others (e.g., bidders) who arrange or participate in hearings, conferences, or discussions (see MD 3.5, "Public Attendance at Certain Meetings Involving the NRC Staff") involving sensitive unclassified information shall—

- Ensure before a hearing, conference, or discussion that participating personnel are identified and are authorized to have access to the information to be discussed (a)
- Indicate to participating personnel that the specific data they will furnish is sensitive unclassified information and advise them of the category of the information (e.g., SGI, Official Use Only, or Proprietary information), together with any protective measures required (b)
- Ensure that no discussion takes place that is audible to persons not authorized access to the information (c)

### **Where Held (2)**

With the exception of inspection exit interviews held at locations owned and controlled by NRC licensees, conferences involving sensitive unclassified information must be held within NRC guarded or controlled areas, if practical. Conferences may be held outside guarded or controlled areas only when the director of a headquarters office or a regional administrator determines that adequate protection can be provided such information.

## **Protective Orders (D)**

Regulations, 10 CFR 2.740(c), for domestic licensing proceedings, provide authority to presiding officers to determine, on motion, whether a trade secret or other confidential research, development, or commercial information will not be disclosed or only will be disclosed in a designated way. This determination is contained in a protective order issued by the presiding officer that sets forth procedures necessary to protect the information.

## **Exhibit 1**

### **Safeguards Information**

The following categories of information and specific items are subject to controls for Safeguards Information (SGI) specified in Part II of this handbook:

- **Physical Protection at Fixed Sites (A)**

Unclassified information relating to the protection of facilities that possess formula quantities of strategic special nuclear material and power reactors,\* specifically—

- Composite physical security plan for the nuclear facility or site (1)
- Site-specific drawings, diagrams, sketches, or maps that substantially represent the final design features of the physical protection system (2)
- Details of alarm system layouts showing location of intrusion detection devices, alarm assessment equipment, alarm system wiring, emergency power sources, and duress alarms (3)
- Written physical security orders and procedures for members of the security organization, as well as duress codes and patrol schedules (4)
- Details of the onsite and offsite communications systems that are used for security purposes (5)
- Lock combinations and mechanical key design (6)
- Documents and other material that contain lists or locations of certain safety-related equipment explicitly identified in the documents as vital for purposes of physical protection, as contained in physical security plans, safeguards contingency plans, or plant-specific safeguards analyses for production or utilization facilities (7)
- Composite safeguards contingency plan for the facility or site (8)
- Those portions of the facility guard qualifications and training plan that disclose features of the physical security system or response procedures (9)
- Response plans to specific threats detailing size, disposition, response times, and armament of responding forces (10)

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\* Most of the physical protection information for activities involving a formula quantity of unirradiated strategic special nuclear material would be National Security Information and classified in accordance with the NRC Classification Guide for National Security Information concerning Nuclear Materials and Facilities (CG-NMF-2).

## Exhibit 1 (continued)

- **Physical Protection at Fixed Sites (A) (continued)**

- Size, armament, and disposition of onsite reserve forces (11)
  - Size, identity, armament, and arrival times of offsite forces committed to respond to safeguards emergencies (12)

- **Physical Protection in Transit (B)**

Unclassified information relating to the protection of shipments of formula quantities of strategic special nuclear material and spent fuel, specifically—

- Composite transportation physical security plan (1)
  - Schedules and itineraries for specific shipments\* (2)
  - Details of vehicle immobilization features, intrusion alarm devices, and communications systems (3)
  - Arrangements with and capabilities of local police response forces, and locations of safe havens (4)
  - Details regarding limitations of radio-telephone communications (5)
  - Procedures for response to safeguards emergencies (6)

- **Inspections, Audits, and Evaluations (C)**

Unclassified information relating to safeguards inspections and reports, specifically, portions of safeguards inspection reports, evaluations, audits, or investigations that contain details of a licensee's or an applicant's physical security system or that disclose uncorrected defects, weaknesses, or vulnerabilities in the system.\*\*

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\* Routes and quantities for shipments of spent fuel are not withheld from public disclosure. Schedules for spent fuel shipments may be released 10 days after the last shipment of a current series.

\*\* Information regarding defects, weaknesses, or vulnerabilities may be released after corrections have been made. Reports of investigations may be released after the investigation has been completed, unless withheld pursuant to other authorities, for example, the Freedom of Information Act (5 U.S.C. 552).

## **Exhibit 2**

### **Information Not Subject to Safeguards Information (SGI) Controls**

Certain types of information, even though possibly regarded as SGI, are not subject to the provisions of Part II of this handbook. However, these items may require controls set forth in Part II of this handbook for other categories of sensitive unclassified information.

Most notably, these items include studies, reports, and analyses conducted by or on behalf of the Commission, licensees, or applicants for licenses concerning the safeguarding of nuclear materials or facilities. Information specifically excluded from protection as SGI under Part II of this handbook includes—

- Documents, drawings, or reports submitted by applicants or licensees, or produced by the staff, in response to the environmental and safety requirements contained in 10 CFR Parts 50, 51, 70, and 71 (1)
- Routes and quantities of spent fuel shipments (2)
- Information concerning licensee control and accounting procedures, or inventory differences (not otherwise classified as National Security Information or Restricted Data) for special nuclear material, or source material and byproduct material (3)
- Any information already in the public domain, including commercial safeguards equipment specifications, catalogues, and equipment buying data (4)
- Portions of guard qualification and training plans that do not disclose facility safeguards features or response procedures (5)

**Note:** Reports to or from the NRC that contain information concerning a licensee's physical protection program for special nuclear material not otherwise designated as SGI or classified as National Security Information or Restricted Data, shall be handled and marked as "PROPRIETARY INFORMATION" as defined by 10 CFR 2.790(d).

## Exhibit 3

### Safeguards Information Document Marking

#### **SAFEGUARDS INFORMATION**

#### Analysis of Physical Security Plan for Sunshine Nuclear Power Plant

Violation of protection requirements for  
SAFEGUARDS INFORMATION subject  
to CIVIL and CRIMINAL penalties. The  
determination that this document contains  
Safeguards information was made by

\_\_\_\_\_  
Name, Title, Organization, Date

**SAFEGUARDS INFORMATION**

## **Exhibit 4**

### **Safeguards Information Cover Sheet**

<b>NRC FORM 481</b> <b>(8-89)</b>	<b>U.S. NUCLEAR REGULATORY COMMISSION</b>
 <b>SAFEGUARDS INFORMATION</b>  	
<p>THIS DOCUMENT CONTAINS INFORMATION WHICH MUST BE PROTECTED FROM UNAUTHORIZED DISCLOSURE IN ACCORDANCE WITH NRC REGULATIONS, NRC MANUAL CHAPTER AND APPENDIX 2101; 10 CFR 73.21; AND SECTION 147, ATOMIC ENERGY ACT OF 1954, AS AMENDED, APPLY. VIOLATIONS ARE SUBJECT TO CIVIL OR CRIMINAL PENALTIES.</p> <p>THIS DOCUMENT IS NOT TO BE LEFT UNATTENDED OR ACCESSIBLE TO UNAUTHORIZED PERSONS. WHEN NOT IN USE, IT MUST BE STORED IN A LOCKED SECURITY STORAGE CONTAINER.</p> <p>IT IS YOUR RESPONSIBILITY TO PROTECT THE INFORMATION CONTAINED IN THIS DOCUMENT FROM COMPROMISE, THEFT OR UNAUTHORIZED DISCLOSURE.</p>	
 <b>SAFEGUARDS INFORMATION</b>	

## Exhibit 5

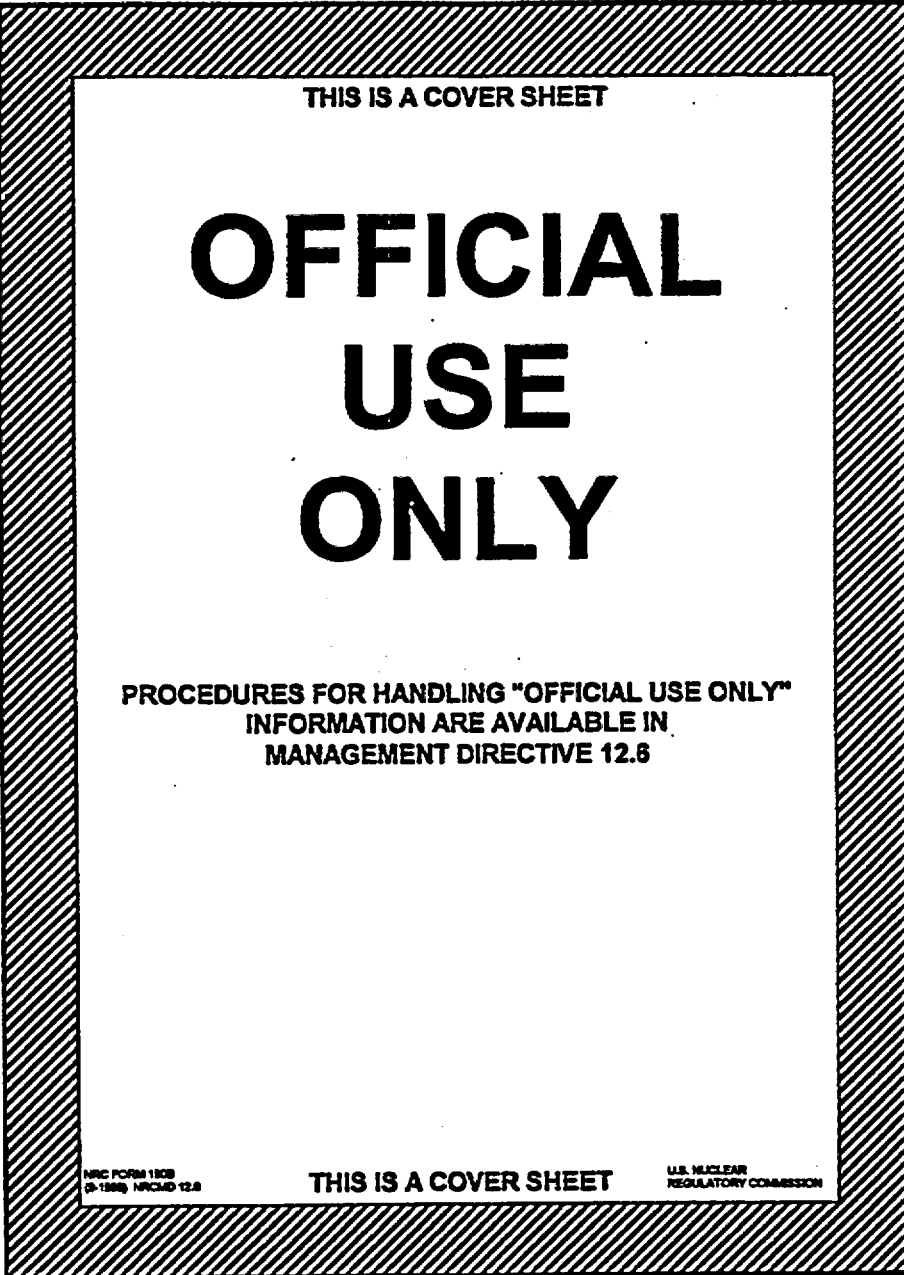
### Proprietary Information Cover Sheet

<small>NRC FORM 100 (9-1988) NRCMD 3.12</small>	<small>U.S. NUCLEAR REGULATORY COMMISSION</small>
<h2 style="margin: 0;">PROPRIETARY INFORMATION</h2>  <h3 style="margin: 0;">NOTICE</h3> <p style="margin: 0;">THE ATTACHED DOCUMENT CONTAINS OR IS CLAIMED TO CONTAIN PROPRIETARY INFORMATION AND SHOULD BE HANDLED AS NRC SENSITIVE UNCLASSIFIED INFORMATION. IT SHOULD NOT BE DISCUSSED OR MADE AVAILABLE TO ANY PERSON NOT REQUIRING SUCH INFORMATION IN THE CONDUCT OF OFFICIAL BUSINESS AND SHOULD BE STORED, TRANSFERRED, AND DISPOSED OF BY EACH RECIPIENT IN A MANNER WHICH WILL ASSURE THAT ITS CONTENTS ARE NOT MADE AVAILABLE TO UNAUTHORIZED PERSONS.</p> <div style="text-align: right; margin-top: 20px;"><p>COPY NO. _____</p><p>DOCKET NO. _____</p><p>CONTROL NO. _____</p><p>REPORT NO. _____</p><p>REC'D W/LTR DTD. _____</p></div>	
<h2 style="margin: 0;">PROPRIETARY INFORMATION</h2>	



## **Exhibit 6**

### **Official Use Only Information Cover Sheet**

The image shows a template for an "Official Use Only Information Cover Sheet". It consists of a large rectangular area with a diagonal hatched border. Inside this border is a white rectangular area. At the top of the white area, the text "THIS IS A COVER SHEET" is printed. In the center, the words "OFFICIAL USE ONLY" are printed in large, bold, black capital letters. Below this, the text "PROCEDURES FOR HANDLING 'OFFICIAL USE ONLY' INFORMATION ARE AVAILABLE IN MANAGEMENT DIRECTIVE 12.8" is printed in smaller, bold, black capital letters. At the bottom of the white area, there are three lines of text: "NRC FORM 1808 (9-1988) NRCMD 12.8" on the left, "THIS IS A COVER SHEET" in the center, and "U.S. NUCLEAR REGULATORY COMMISSION" on the right.

**THIS IS A COVER SHEET**

**OFFICIAL  
USE  
ONLY**

**PROCEDURES FOR HANDLING "OFFICIAL USE ONLY"  
INFORMATION ARE AVAILABLE IN  
MANAGEMENT DIRECTIVE 12.8**

NRC FORM 1808  
(9-1988) NRCMD 12.8 **THIS IS A COVER SHEET** U.S. NUCLEAR  
REGULATORY COMMISSION