

**U.S. Nuclear Regulatory Commission Summary of Implementation Efforts through the End of Fiscal Year 2010 and Full Implementation Plan Efforts to Comply with Section 5.4(d) of Executive Order 13526, "Classified National Security Information."**

- a. The Information Security Oversight Office Directive, Title 32 of the *Code of Federal Regulations* (CFR) Part 2001, will serve as U.S. Nuclear Regulatory Commission's (NRC's) implementing regulation for Executive Order 13526. The Directive sets forth guidance to NRC on original and derivative classification, downgrading, declassification, and safeguarding of classified national security information. Additionally, the NRC is updating 10 CFR Part 95, "Facility Security Clearance and Safeguarding of National Security Information and Restricted Data" to include the new Executive Order number in the four instances that reference the order. The NRC Management Directive 12.2, "NRC Classified Information Security Program", is also being updated, a process that takes 12 to 18 months.
- b. NRC classification guides have been reviewed and/or updated during the last 5 years. Since there have been zero original classification decisions during the past 2 years, there is no requirement to incorporate any original classification decisions into NRC classification guides.
- c. The NRC is conducting an initial "Fundamental Classification Guidance Review", per Section 1.9 of Executive Order 13526, within 2 years of the effective date of the Order, June 25, 2010. The review ensures classification guidance reflects current circumstances and identifies classified information that no longer requires protection and can be declassified. NRC classification guides have been reviewed and/or updated during the last 5 years.
- d. The NRC has updated its security education and training program content. "Executive Overview and Classifier's Briefing on Executive Order 13526" has been updated and is currently used to brief NRC staff. All NRC original classification authorities must receive training in proper classification at least once a calendar year, and this year by December 31, 2010. All NRC derivative classifiers shall receive training in the proper application of the classification principles of the order at least once every 2 years.
- e. The NRC maintains an ongoing self-inspection program, which includes the regular reviews of representative samples of the agency's original and derivative classification actions. There have been zero original classification decisions during the past 2 years.
- f. In compliance with Section 5.4(d)(7) of the Order, the NRC ensures that the performance evaluations of personnel whose duties significantly involve managing and/or handling classified information are included in staff's yearly appraisal rating.
- g. The NRC does have a Classified Mailing Address and secure electronic and telephonic means available to receive information, allegations, or complaints regarding over-classification and to provide guidance to personnel on proper classification as needed.
- h. The NRC is expanding the use of electronic marking tools and document templates on classified electronic systems. As newer tools with greater capabilities become available, the NRC plans on obtaining and implementing such electronic tools, subject to budgetary constraints.
- i. The NRC has limited the delegations of original classification authority to the minimum necessary to implement the Order.

Enclosure