

U.S. NUCLEAR REGULATORY COMMISSION

DIRECTIVE TRANSMITTAL

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To: System Custodians

Subject: Transmittal of Management Directive 3.12, "Handling and Disposition of Foreign Documents and Translations"

Purpose: Directive and Handbook 3.12 replace Manual Chapter 3211 and revise policies and procedures applicable to the NRC program for international cooperation through translations of nuclear research technology documents generated by 25 foreign countries.

Office and Division of Origin: Administration, Freedom of Information and Publications Services

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Directive: 3.12 "Handling and Disposition of Foreign Documents and Translations"

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Handling and Disposition of Foreign Documents and Translations

Directive

*(Formerly
MC 3211)* **3.12**

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U. S. Nuclear Regulatory Commission

Volume: 3 Information Management

Part: 1 Publications, Mail, and Information
Disclosure

ADM

Handling and Disposition of Foreign Documents and Translations Directive 3.12

Policy (3.12-01)

It is the policy of the U.S. Nuclear Regulatory Commission (NRC) to obtain, translate, hold, and distribute foreign documents of interest to NRC in carrying out its regulatory mission.

Objectives (3.12-02)

- To assign responsibilities and establish procedures for handling unclassified, sensitive unclassified, and classified foreign documents and their translations. (021)
- To ensure that NRC and NRC contractors do not release information in documents received from foreign governments, foreign organizations, or international organizations that would compromise national security, patent rights, copyrights, and other intellectual property rights, or requests for confidentiality by foreign governments, foreign organizations, or international organizations. (022)
- To ensure that foreign documents received from individuals that are not part of an agreement are handled in a manner appropriate to their sensitivity. (023)
- To ensure that the staff of the Office of International Programs (OIP) is consulted on all questions relating to the handling of foreign documents and translations. (024)
- To emphasize to the NRC staff and NRC contractors that foreign documents are not NRC-generated documents and are not routinely distributed outside NRC, other than to NRC contractors with a need to know. (025)

Organizational Responsibilities and Delegations of Authority

(3.12-03)

The Director, Office of International Programs (OIP)

(031)

- Establishes policy and approves procedures for handling and disseminating unclassified foreign documents and translations. (a)
- Advises the NRC staff and NRC contractors, in consultation with the Office of the General Counsel (OGC), the Division of Contracts and Property Management (DCPM), Office of Administration (ADM), and the Office of Information Resources Management (IRM), on matters of internal and external distribution limitations, copyrights, patent rights, other intellectual property rights, and policy ramifications of the distribution of foreign documents received by NRC. (b)
- Advises other NRC office directors and regional administrators of the establishment or revision of distribution lists for standard foreign documents and translations. (c)
- Maintains cognizance of all international and foreign national agreements with specific reference to limitations on the distribution of documents received under these agreements. (d)
- Consults with the Division of Security (SEC), ADM, regarding the protection and distribution of Official Use Only, proprietary, and classified foreign documents and translations. (e)
- Performs the functions delineated in this section in coordination with the Office of Nuclear Regulatory Research (RES) if research agreements are involved. (f)

The Director, Office of Administration (ADM)

(032)

Develops and maintains policies for providing translation services for NRC in conjunction with other NRC offices.

The Director, Office of Personnel (OP)
(033)

Advises the Division of Freedom of Information and Publications Services (DFIPS), ADM, regarding arrangements for payment and compensatory time for in-house translators.

The Office of the General Counsel (OGC)
(034)

Provides legal review and advice, as needed, on questions regarding inventions, patents, copyrights, and other intellectual property rights that may be involved in obtaining, translating, holding, and distributing foreign documents.

**The Office of Information Resources
Management (IRM)**
(035)

Maintains a list of foreign documents received under exchange agreements.

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

- Establish an office contact and procedures within each office, *preferably at the level of office director, to prepare and sign NRC Form 430, "Request for Translation of Foreign Document"* (Exhibit 2 of Handbook 3.12), and to record requests to prevent duplication. The office contact should work closely with the technical advisor to prevent unnecessary translation requests. (a)
- Assign a technical advisor to review translation requests to determine their applicability to program requirements, to take into consideration the high cost of translation services, and to reject requests for translation of material unrelated to the NRC mission. (b)
- Consult with OIP to develop standard and special distribution lists of foreign documents and translations and any needed special markings, such as for proprietary and limited distribution items. (c)
- Submit requests for translations to DFIPS under the procedures contained in Handbook 3.12. (d)

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

- Establish **realistic due dates** for translation services and justify requests for priority treatment or rush jobs, in writing, to the Director, DFIPS. (e)
- Review completed translations for technical adequacy and notify DFIPS of acceptable or unacceptable translations under the procedures contained in Handbook 3.12. (f)

**The Director, Division of Freedom of
Information and Publications
Services (DFIPS), ADM
(037)**

- Establishes procedures to provide translation services for NRC as specified in Handbook 3.12. (a)
- Prepares purchase requisitions for translation services. (b)
- Authorizes payment for translation services through authority delegated by the Executive Director for Operations (EDO). (c)
- Advises NRC staff and NRC contractors with respect to the development of standard and special distributions for foreign documents and translations. (d)
- Establishes procedures regarding arrangements for payment and compensatory time for the in-house translation program in consultation with the Office of Personnel (OP). (e)
- Budgets funds for translation services. (f)
- Periodically evaluates translation activities to determine whether provisions for translation services are adequate and makes any needed changes. (g)

**The Director, Division of Contracts and
Property Management (DCPM), ADM
(038)**

- Establishes procedures to obtain translation services under the Federal Acquisition Regulation. (a)

**The Director, Division of Contracts and
Property Management (DCPM), ADM
(038) (continued)**

- Negotiates with contract translators to resolve problems as translation work progresses. (b)
- Consults with the Division of Security (SEC), ADM, regarding the protection and distribution of Official Use Only, proprietary, and classified foreign documents and translations when these materials are in the possession or under the control of an NRC translations contractor. (c)

**The Director, Division of
Security (SEC), ADM
(039)**

Establishes procedures for receiving, storing, transporting, and distributing proprietary, sensitive unclassified, and classified foreign documents and translations.

**The Director, Division of Accounting and
Finance (DAF), Office of the Controller (OC)
(0310)**

Makes payment for translation services upon receipt of properly prepared and signed documents under the policy and procedures regarding certified vouchers contained in Management Directive 4.1, "Accounting Policy and Practices" (formerly MC 1101), and Management Directive 11.1, "NRC Acquisition of Supplies and Services" (formerly MC 5101).

**Applicability
(3.12-04)**

The provisions of this directive and handbook apply to and must be followed by all NRC employees and NRC contractors.

**Handbook
(3.12-05)**

Handbook 3.12 contains guidelines for handling foreign documents and translations, procedures for obtaining translation services, and information on the availability of translations.

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Directive 3.12**

References

(3.12-06)

1. NRC Management Directive 12.1, “NRC Facility Security Program” (formerly MC 2101).
2. NRC Management Directive 12.2, “NRC Classified Information Security Program” (formerly MC 2101).
3. NRC Management Directive 12.6, “NRC Sensitive Unclassified Information Security Program” (formerly MC 2101).
4. NRC Management Directive 3.6, “Distribution of Unclassified NRC Staff and Contractor-Generated Reports” (formerly MC 3203).
5. NRC Management Directive 4.1, “Accounting Policy and Practices” (formerly MC 1101).
6. NRC Management Directive 11.1, “NRC Acquisition of Supplies and Services” (formerly MC 5101).
7. The Federal Acquisition Regulation (48 CFR Chapter 1) 52.246-4 April 1984—Inspection of Services.

Handling and Disposition of Foreign Documents and Translations

Handbook

*(Formerly
Appendix 3211)* **3.12**

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Part I

Guidelines for Handling Foreign Documents and Translations

Limiting Distribution of Foreign Documents Obtained as Part of an Official Agreement (A)

To protect information obtained from agreement nations, NRC must exercise control over the translation and distribution of documents received as a result of official agreements. Because U.S. Government documents are not protected by copyright laws and usually only classified and proprietary documents are exempt from mandatory public disclosure under the Freedom of Information Act and Commission regulations in 10 CFR Parts 2 and 9, the Office of International Programs (OIP) offers the following guidelines to NRC staff and NRC contractors for safeguarding foreign documents obtained by international and foreign national agreements and their subsequent translations:

- Translations of foreign documents received by international and foreign national agreements are not NRC-generated documents but are derivative works created from foreign documents by foreign authors, and are still the property of the foreign author or the sponsoring government. (1)
- NRC headquarters and regional offices that obtain a foreign document must examine it for any instructions or markings indicating restricted distribution. (2)
- Persons who request translations of restricted documents through the Division of Freedom of Information and Publications Services (DFIPS), Office of Administration (ADM), should advise DFIPS of any restrictions on the distribution of the document. (3)

Limiting Distribution of Foreign Documents Obtained as Part of an Official Agreement (A) (continued)

- NRC offices must consult with OIP and, if research agreements are involved, with the Office of Nuclear Regulatory Research (RES) before authorizing distribution of a foreign document or its translation outside the NRC. (4)
- If NRC decides that a foreign document or its translation should be handled as Official Use Only, proprietary, or classified, the document must be handled in accordance with procedures contained in Management Directives 12.1, “NRC Facility Security Program,” 12.2, “NRC Classified Information Security Program” (formerly MC 2101), and 12.6, “NRC Sensitive Unclassified Information Security Program” (formerly MC 2101) . (5)

Documents Received From Nonagreement Countries and From Individuals (B)

When NRC receives foreign documents and translations from unofficial sources in agreement countries or from individuals in nonagreement countries, these documents may not require the rigid protection necessary for documents from official sources. If an NRC staff member receives a foreign document or a translation of a foreign language document as part of an official visit to a foreign country, or receives a document of this type from a foreigner visiting this country, the staff member should consider the document as provided to him or her as part of the official visit, unless otherwise indicated. If the staff member has any doubt as to whether or not the document or translation is covered by an NRC international, foreign national, or research agreement, he or she should consult OIP or RES. Additionally, the staff member should seek legal guidance from the Office of the General Counsel (OGC) if the unofficial source attempts to impose restrictive distribution terms on the document. (1)

If the document to be translated contains or is believed to contain proprietary information, attach NRC Form 190, “Proprietary Information Cover Sheet” (Exhibit 1), to the front of the document before sending it to RRDB. (2)

Part II

Translation Procedures

General Procedures (A)

The Rules Review and Directives Branch (RRDB), DFIPS, ADM, is responsible for coordinating translation services for NRC. To provide timely translation of foreign documents to NRC staff through appropriate NRC program representatives, RRDB has developed standard procedures for requesting, preparing, reviewing, and distributing translations for NRC. (1)

From the time the document is submitted to RRDB for translation until the completed translation is returned to the requester, routine handling for most unclassified translations requires from 15 to 90 calendar days, depending upon the volume of material to be translated and the language of the foreign document. When a document requires nonroutine handling (e.g., classified documents or documents needing priority treatment), staff should make arrangements before submitting the document to RRDB for translation. Provide written justification for special handling in block 14 of NRC Form 430, "Request for Translation of Foreign Document" (Exhibit 2). (2)

Procedures for Obtaining Translations of Unclassified Documents (B)

Follow these step-by-step instructions for requesting translation of unclassified documents:

- Follow individual office procedures for requesting translations. These procedures should include, at a minimum, submittal of the request to the office contact and review of the request by the technical advisor. This review reduces the possibility of duplicate requests and allows individual offices to observe trends and determine needs for specific types of information. (1)

Procedures for Obtaining Translations of Unclassified Documents (B) (continued)

- Upon the decision to translate any foreign document into English or any English document into a foreign language, the office contact **must** complete an NRC Form 430 (Exhibit 2). NRC Form 430 may be obtained from RRDB or the NRC supply rooms. (2)
- The office contact must send the completed NRC Form 430, the original document to be translated, and a clean, complete one-sided copy of the document to RRDB. Allow 15 to 90 calendar days for routine handling. (3)
- RRDB then requests the contractor to furnish a camera-ready copy of the translated document and one photocopy. Upon receipt, RRDB will send the photocopy to the requester with a partially completed NRC Form 431, "Translation Evaluation" (Exhibit 3). The NRC Form 431 is used to indicate that the translation is acceptable and the contractor can be paid, or that the translation is unacceptable and must be corrected. (4)

Reviewing Unclassified Translations for Acceptability and Distribution (C)

After receiving the completed unclassified translation, the requester should—

- Carefully review the translation for technical adequacy to the best of his or her ability. (1)
- If the translation is acceptable, return the signed NRC Form 431 (Exhibit 3) to RRDB. **Do not** return copies of the translation. (2)
- If the translation is unacceptable, complete and sign the NRC Form 431 and return it with a marked-up copy of the translation to RRDB. RRDB will return the translation to the translator for correction. (3)
- Complete the NRC Form 431 and return it to RRDB within the allotted time indicated on the form so that payment can be promptly authorized. The requester will be allowed 7 Federal workdays to evaluate the translation. **If the NRC Form 431 is not returned within the allotted time, RRDB will authorize payment and the requester may not request correction of the translation.** (4)

Reviewing Unclassified Translations for Acceptability and Distribution (C) (continued)

- If the translation is acceptable, RRDB enters this information into its translations database. At the end of each quarter, RRDB compiles NUREG/BR-0080, "Translations of Foreign Documents," and distributes it to senior-level management and technical staff. RRDB will retain a record of having translated the document but will refer all questions about its availability or content to the original requester. RRDB will microfilm unclassified unrestricted translations and file them in the NRC Library. (5)
- Translations placed in the NRC Library are available on microfiche only to NRC employees. These translations are available only for viewing and may not be copied. If an employee desires a copy, he or she should contact RRDB (492-8520). Proprietary and classified translations will not be available in microfiche. Requests for sensitive and classified information should be directed to the originating NRC office. (6)

Procedures for Obtaining Translations of Classified Documents (D)

Classified translations are handled in much the same way as unclassified translations. However, the following procedures must be followed to ensure that the document is safeguarded during the translation process:

- The requester must follow individual office procedures for requesting translations. These procedures should include, at a minimum, submission of the request to the office contact and review of the request by the technical advisor. This review reduces the possibility of duplicate requests and allows individual offices to observe trends and determine needs for specific types of information. (1)
- Upon the decision to translate the document, the office contact completes an NRC Form 430 (Exhibit 2). NRC Form 430 may be obtained from RRDB or the NRC supply rooms. (2)

Procedures for Obtaining Translations of Classified Documents (D) (continued)

- The office contact advises the RRDB translations staff that a classified document is being submitted. Please note that RRDB is not located in a secure building and special arrangements must be made to handle classified documents if they are to be left overnight. (3)
- The individual office arranges for delivery of a classified document to RRDB under procedures specified in Management Directive 12.2. (4)
- The foreign document will be given only to NRC staff or NRC contractor employees with the appropriate security clearance and facilities approved by the Division of Security (SEC), ADM, for storing and handling the highest classification of the documents involved. (5)
- If the document is to be forwarded outside NRC or NRC contractor facilities for translation, RRDB must check with SEC to ensure that the recipient has appropriate facility approval to use, process, store, reproduce, transmit, and handle the classified matter involved. (6)
- Translators and others having access to the documents must possess the appropriate security clearance, depending on the classification of the documents. (7)
- When the translator has completed the assignment, he or she will return the translation, the original document, and all notes to RRDB. This material should be transmitted in accordance with the provisions of Management Directive 12.2. (8)
- RRDB will notify the requester when the translation has been returned and make arrangements to deliver all related materials to the original requester. (9)

Reviewing Classified Translations for Acceptability and Distribution (E)

After receiving the completed classified translation, the requester should—

Reviewing Classified Translations for Acceptability and Distribution (E) (continued)

- Carefully review the translation for technical accuracy to the best of his or her ability and ensure that the cover, the title page, and other pages are marked as specified in Management Directive 12.2. (1)
- If the translation is acceptable, return the completed signed NRC Form 431 (Exhibit 3) to RRDB. Do not return copies of the translation. (2)
- If the translation is unacceptable, return the signed NRC Form 431 with a marked-up copy of the translation to RRDB. RRDB will return the translation to the translator for correction. (3)
- Complete NRC Form 431 and return it to RRDB within the allotted time indicated on the form so that payment can be promptly authorized. The requester will be allowed 7 Federal workdays to evaluate the translation. **If the NRC Form 431 is not returned within the allotted time, RRDB will authorize payment and the requester may not request correction of the translation.** (4)
- Proprietary and classified translations will not be available in microfiche. RRDB will retain a record of having translated the classified document but will refer all questions about its availability or content to the original requester. (5)

Glossary

Copyright. A form of protection provided by the laws of the United States in Title 18 of the U.S. Code. This protection is available for both published and unpublished works. Because copyright laws may be different in foreign countries, any questions on copyrights should be directed to the NRC Office of the General Counsel.

Distribute. To send documents to specific organizations and individuals to ensure participation in the regulatory process and support of research and technological investigations. Distribution may also be made based on requests by the originating office as approved by OIP.

Foreign National Agreements. Negotiated statements of cooperative intent signed by the Commission and representatives of foreign countries. Agreements of this type are administered by OIP.

International Agreements. Arrangements between the United States and foreign countries or international organizations. Agreements of this type are administered by OIP and, where research agreements are involved, RES.

Patent Rights. Legal rights in a patent obtained on an invention or in a patent application filed on an invention. Because patent rights may be different in foreign countries, any questions on patent rights should be directed to the NRC Office of the General Counsel.

Proprietary Information. Documentation containing trade secrets and commercial or financial information that is obtained from a person and purported to be confidential, or information given in confidence to NRC by a foreign source (see 10 CFR 2.790).

Exhibit 1
NRC Form 190, "Proprietary Information Cover Sheet"

PROPRIETARY INFORMATION

NOTICE

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.

COPY NO. _____
DOCKET NO. _____
CONTROL NO. _____
REPORT NO. _____
REC'D W/LTR DTD. _____

NRC Form 190
(10-89)
NRCM 2101

PROPRIETARY INFORMATION

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**Exhibit 2
 NRC Form 430, “Request for Translation of Foreign
 Document”**

NRC FORM 430 (12-82) NRCMD 3.12		U.S. NUCLEAR REGULATORY COMMISSION		NRC TRANSLATION NUMBER	
REQUEST FOR TRANSLATION OF FOREIGN DOCUMENT					
<i>Forward the original of this form together with one clear, complete copy of the document to be translated.</i>			1. FROM: REQUESTER'S NAME		
TO: DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES MAIL STOP: P-223			OFFICE/DIVISION/BRANCH		
			TELEPHONE NUMBER		MAIL STOP
2. LANGUAGE OF FOREIGN DOCUMENT			3. ORIGINAL PUBLICATION DATE		4. CLASSIFICATION <input type="checkbox"/> UNCLASSIFIED <input type="checkbox"/> CLASSIFIED <i>(If classified, specify type of classification)</i>
5. FOREIGN REPORT NUMBER(S)			6. NUMBER OF PAGES		
7. FOREIGN TITLE (Leave blank if other than Roman alphabet)			8. ENGLISH TITLE (If available)		
9. AUTHOR(S) (If more than three, name first author followed by "and others")			10. NAME AND ADDRESS OF FOREIGN ORGANIZATION RESPONSIBLE FOR PUBLISHING DOCUMENT		
11. TYPE OF DOCUMENT <input type="checkbox"/> REPORT <input type="checkbox"/> JOURNAL ARTICLE <input type="checkbox"/> OTHER <input type="checkbox"/> BOOK <input type="checkbox"/> LEGAL DOCUMENT <i>(Specify in Item 14.)</i> <input type="checkbox"/> THESIS <input type="checkbox"/> CORRESPONDENCE			12. NUMBER OF WORDS OR CHARACTERS IN FOREIGN DOCUMENT (See reverse for instructions)		13. DOCUMENT OBTAINED BY <input type="checkbox"/> EXCHANGE AGREEMENT <input type="checkbox"/> OTHER <i>(Specify in Item 14)</i>
14. ADDITIONAL INFORMATION (including special handling instructions)					
15. NAME AND TITLE OF APPROVING OFFICIAL (Office or Division Director or Designee)					
16. SIGNATURE				17. DATE	

NRC FORM 430 (12-82)

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Exhibit 2 (continued)

**INSTRUCTIONS FOR COMPLETING ITEM 12, "NUMBER OF WORDS OR
CHARACTERS IN FOREIGN DOCUMENT"**

1. Calculate the average number of words* per line of text.
 - Count the number of words in several full lines of text on several randomly selected pages.
 - Divide the total number of words counted by the total number of lines counted.
 2. Calculate the average number of words per page.
 - Count the number of lines of text on a representative page.
 - Multiply the number of lines per page by the average number of words per line.
 3. Calculate the text word count.
 - Multiply the number of text pages by the average number of words per page.
 4. Count the words to be translated in figures and tables.
 5. Add the number of words in tables and figures to the text word count to determine the total number of words or characters in the foreign document.
- *If the foreign document is written in Chinese or Japanese, count the number of individual characters instead of words.

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**Exhibit 3
 NRC Form 431, "Translation Evaluation"**

NRC FORM 431 (12-92) NRCMD 3.12 TRANSLATION EVALUATION	U.S. NUCLEAR REGULATORY COMMISSION	NRC TRANSLATION NUMBER ORIGINAL LANGUAGE/COUNTRY
TRANSLATED TITLE		
TO:	THIS FORM MUST BE COMPLETED AND RETURNED TO: DIRECTIVES AND SPECIAL PUBLICATIONS SECTION (P-223) RULES REVIEW AND DIRECTIVES BRANCH DIVISION OF FREEDOM OF INFORMATION AND PUBLICATIONS SERVICES OFFICE OF ADMINISTRATION NO LATER THAN CLOSE OF BUSINESS If this form is not received by the above date, it will be assumed that the translation is acceptable. The translation will be announced in NUREG/BR-0080, "Translations of Foreign Documents," and will be made available in the NRC Library. REFER QUESTIONS TO: (301) 492-8520	

1. QUALITY OF TRANSLATION		
<input type="checkbox"/> ACCEPTABLE	<input type="checkbox"/> UNACCEPTABLE <i>(Indicate why it is unacceptable in "Comments." Be brief and concise. Your evaluation will become the justification to return the translation to the translator for correction.)</i>	
COMMENTS:		
2. TRANSLATION CLASSIFICATION		
<input type="checkbox"/> UNCLASSIFIED	<input type="checkbox"/> CLASSIFIED <i>(If classified, indicate classification)</i>	CLASSIFIED TRANSLATIONS WILL BE AVAILABLE FROM THE REQUESTING OFFICE ONLY.
3. AVAILABILITY OF UNCLASSIFIED TRANSLATION <i>(unless other instructions are received)</i>		
TRANSLATIONS WILL BE ANNOUNCED TO THE NRC STAFF IN NUREG/BR-0080, A QUARTERLY LISTING OF ALL TRANSLATIONS PUBLISHED FOR INTERNAL USE ONLY. TRANSLATIONS WILL BE MICROFILMED AND MADE AVAILABLE IN THE NRC LIBRARY. ALL ORIGINALS WILL BE RETURNED TO THE REQUESTING OFFICE AFTER MICROFILMING HAS BEEN COMPLETED. RRDB/DFIP/ADM WILL BE RESPONSIBLE FOR ANY DISTRIBUTION OF TRANSLATIONS, UNLESS THE TRANSLATIONS ARE PROPRIETARY. THE REQUESTING OFFICE IS RESPONSIBLE FOR DISTRIBUTION OF PROPRIETARY TRANSLATIONS. WRITTEN APPROVAL FROM THE FOREIGN SOURCE SHOULD BE OBTAINED BEFORE DISTRIBUTION OF ANY SENSITIVE INFORMATION OUTSIDE THE AGENCY.		
4. APPROVING OFFICIAL CERTIFICATION		
REQUESTER OR DESIGNEE - TYPED OR PRINTED NAME AND TITLE	SIGNATURE	DATE

NRC FORM 431 (12-92)

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