

# U.S. NUCLEAR REGULATORY COMMISSION

## **DIRECTIVE TRANSMITTAL**

TN: DT-95-22

**To:** NRC Management Directives Custodians

**Subject:** Transmittal of Management Directive 12.2 Supplement, "NRC Classified Information Security Program" **INTERIM SUPPLEMENT TO MD 12.2**

**Purpose:** Executive Order (EO) 12958, effective October 16, 1995, changed certain aspects of the U.S. Government Security Program, especially concerning classification management. The changes, which affect various NRC offices, require a complete revision of MD 12.2. Because EO 12958 is already in effect, there is no time to completely rewrite, edit, and reissue Management Directive 12.2. In lieu of a complete revision at this time, the Rules Review and Directives Branch recommended an interim supplement that summarizes the key features of EO 12958, as a method to bind employees to EO requirements until Management Directive 12.2 is completely revised and reissued.

Place this interim supplement on top of MD 12.2. **Do not discard MD 12.2.**

**Office of Origin:** Office of Administration

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# ***NRC Classified Information Security Program***

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## ***Interim Supplement 12.2***

**This supplement provides interim guidance to accommodate changes to classification and protection of national security information effected by Executive Order 12958, "Classified National Security Information."**

**The Division of Security, Office of Administration, plans to conduct briefings with authorized classifiers, security advisors, document custodians, and others within the NRC who handle classified information. Nonetheless, this supplemental information may require further explanation. For specific questions or guidance, please contact the Information Security Branch, Division of Security at 415-2212.**

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# U. S. Nuclear Regulatory Commission

Volume: 12 Security

ADM

## **NRC Classified Information Security Program Interim Supplement 12.2**

### **Introduction**

(12.2-01)

Executive Order (EO) 12958, "Classified National Security Information," effects, as of October 16, 1995, certain fundamental principles of the U.S. Government Security Program with regard to National Security Information (NSI). The changes will affect the NRC Security Program, specifically the classification and protection of NSI. Restricted Data is not affected by this order and will continue to be handled, protected, and classified in accordance with the Atomic Energy Act. (a)

Management Directive (MD) 12.2 will be revised to reflect the provisions of EO 12958. However, because the order became effective before other organizations (i.e., Information Security Oversight Office and Security Policy Board) could complete work on the required implementing directives, it is necessary to issue an interim supplement to MD 12.2. This supplement highlights the new emphasis on "openness in Government" and provides general classification guidance until the provisions of the Executive order and its implementing directives are incorporated into MD 12.2. (b)

Traditionally, the U.S. Government emphasized the need to classify and protect, without question, information that met certain classification standards. EO 12958 commits to a more open concept of classification management and discourages unnecessary classification, emphasizing declassification whenever appropriate. (c)

## **Introduction**

(12.2-01) (continued)

This interim supplement only provides the implementing actions necessary to meet the immediate requirements of EO 12958. (d)

## **Key Changes**

(12.2-02)

### **Categories of Information Considered for Classification**

(021)

EO 12958 reduces from 10 to 7 the categories of information that should be considered for classification. It eliminates a catchall category of information that was considered for classification under the previous Executive order. The seven new categories are—

- Military plans, weapons systems, or operations (a)
- Foreign government information (b)
- Intelligence activities (including special activities), intelligence sources or methods, or cryptology (c)
- U.S. foreign relations or foreign activities, including confidential sources (d)
- Scientific, technological, or economic matters relating to national security (e)
- U.S. Government programs for safeguarding nuclear materials or facilities (f)
- Vulnerabilities or capabilities of systems, installations, projects, or plans relating to the national security (g)

### **Classification**

(022)

EO 12958 eliminates the presumption that certain types of information are automatically classified. Rather, it requires authorized classifiers to identify or describe potential damage to national security if the information were not classified. The previous Executive order did not. (a)

**Classification**  
(022) (continued)

The new Executive order further stipulates that if there is doubt as to whether information is classifiable, resolution should favor of non-classification. The previous Executive order required such information be referred to a higher authority for review. (b)

Finally, the new Executive order encourages and expects authorized holders of classified information to challenge classification decisions they believe to be improper. (c)

**Duration of Classification**  
(023)

EO 12958 establishes a 10-year classification duration for information newly classified that cannot be declassified because of a date or event. Information may be exempt from declassification after 10 years if the release could reasonably be expected to—(a)

- Reveal intelligence sources, methods, or activities, or a cryptologic system (i)
- Reveal information that would assist in the development or use of weapons of mass destruction (ii)
- Reveal information that would impair the development or use of technology within a U.S. weapons system (iii)
- Reveal U.S. military plans, or national security emergency preparedness plans (iv)
- Reveal information about a foreign government (v)
- Damage relations between the United States and a foreign government, reveal a confidential source, or seriously undermine diplomatic activities that are reasonably expected to be ongoing (vi)
- Impair the ability of responsible U.S. Government officials to protect the President, the Vice President, and other individuals for whom protection services, in the interest of national security, are authorized (vii)
- Violate a statute, treaty, or international agreement (viii)

**Duration of Classification**  
(023) (continued)

The new Executive order eliminates an indefinite duration of classification by eliminating the phrase “Originating Agency Determination Required (OADR)” when a specific date or event for declassification cannot be determined. The previous Executive order permitted indefinite classification. (b)

**Document Marking**  
(024)

EO 12958 has changed the classification markings for NSI. The NSI stamp should no longer be used. Attachment 1 provides a checklist to assist in properly marking classified documents. Attachment 2 provides examples of typical document stamps to indicate type of classification. (a)

EO 12958, like the previous Executive order, requires that each page or part of a document containing NSI be marked to indicate which portions are classified (see “Portion Marking,” Attachment 1). Only the Information Security Oversight Office may grant waivers to this requirement. (b)

**Oversight**  
(025)

EO 12958 establishes the Information Security Policy Advisory Council of non-Government representatives appointed by the President to make recommendations on classification and declassification policies. Under the previous Executive order, the National Security Council had this responsibility. (a)

The new Executive order also establishes an Interagency Security Classification Appeals Panel, which will consist of members from various departments of the Government, as an appellate authority to decide classification challenges. (b)

## Attachment 1

### CLASSIFIED DOCUMENT MARKING CHECKLIST

1. Portion Marking

- Level: Are portions (paragraphs, titles) of the document parenthetically marked showing their classification levels [ (C) = Confidential, (S) = Secret, (TS) = Top Secret ]?
- Category: When the document contains both National Security Information and Restricted Data, are the categories shown (e.g., NSI or RD) and coupled with the appropriate LEVEL designator (e.g., CNSI = Confidential National Security Information)?

2. Overall Classification

- Is the first page, title page or cover page, if any, marked, top and bottom, with the highest classification level of the information contained in the document?
- Are internal pages of the document marked, top and bottom, with the overall classification of the document, or with the highest classification level contained on the page?

3. Category Marking

- Has an appropriate category marking (i.e., Restricted Data or Formerly Restricted Data) been placed on the lower left of the corner of the face of the document? The National Security Information marking is no longer needed under E.O. 12958.

4. Classification

- Does the "Classified By" line, placed in the lower right hand corner of the face of the document, identify the authorized classifier?
- Does the "Reason" line, also in the lower right hand corner of the face of the document identify one of the seven categories outlined in Sec. 1.5 of E.O. 12958?

5. Declassification\*

- Does the "Declassify On" line, in the right hand corner of the face of the document, reflect one of the following:
  - a. the date or event for declassification (may not exceed 10 years from the date of the original decision)?; or
  - b. the date that is 10 years from the date of original classification?; or
  - c. the exemption category from declassification?; or
  - d. SOURCE MARKED "OADR" - Date of Origin?

(\*Remember, Restricted Data is EXEMPT from automatic declassification)

6. Classification Record

- Has an NRC Form 790, "Classification Record," been completed and forwarded to SEC?



## Attachment 2

### STAMPS

#### ORIGINAL DECISION

CLASSIFIED BY \_\_\_\_\_  
NAME  
\_\_\_\_\_  
TITLE/NUMBER  
REASON: \_\_\_\_\_  
DECLASSIFY ON: \_\_\_\_\_  
DATE/EVENT/EXEMPTION

#### DERIVATIVE DECISION

DERIVED FROM: \_\_\_\_\_  
SOURCE/DATE  
REASON: \_\_\_\_\_  
DECLASSIFY ON: \_\_\_\_\_  
DATE/EVENT/EXEMPTION  
CLASSIFIER: \_\_\_\_\_  
NAME/NUMBER

#### DERIVATIVE DECISION

DERIVED FROM: \_\_\_\_\_  
SOURCE/DATE  
REASON: \_\_\_\_\_  
DECLASSIFY ON: SOURCE - MARKED "OADR"  
DATE OF ORIGIN: \_\_\_\_\_  
CLASSIFIER: \_\_\_\_\_  
NAME/NUMBER