

NSIR Process for the Review of Sensitive Unclassified Non-Safeguards Information in Emergency Preparedness Documents

REVISION: 0

EFFECTIVE DATE: April 11, 2016



Office Procedure No.: EP-200

Office Procedure Title: NSIR Process for the Review of Sensitive Unclassified Non-Safeguards Information in Emergency Preparedness Documents

Primary Contact: Jeannette Arce
301-287-9053
Jeannette.Arce@nrc.gov

Responsible Organization: NSIR/DPR

Training: Information, NSIR/DPR Distribution

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1.0 PURPOSE

The purpose of this procedure is to define the process by which Office of Nuclear Security and Incident Response (NSIR) staff performs sensitive unclassified non-safeguards information (SUNSI) reviews of emergency preparedness (EP) documents submitted to the U.S. Nuclear Regulatory Commission (NRC) Document Processing Center and processed into the Agencywide Documents Access and Management System (ADAMS).

2.0 APPLICABILITY

The provisions of this office procedure applies to all NSIR staff that perform SUNSI reviews of EP documents. This office procedure does not apply to information identified as Safeguards Information (SGI), proprietary or classified.

3.0 OBJECTIVE

The objective of this office procedure is to provide guidance to NSIR staff on the steps and criteria for conducting SUNSI reviews of licensee-submitted EP documents entered into ADAMS. Guidance for NRC SUNSI information is located on the NRC Intranet at: <http://www.internal.nrc.gov/sunsi/>

4.0 BACKGROUND

SUNSI is defined as any information of which the loss, misuse, modification, or unauthorized access can reasonably be foreseen to harm the public interest, the commercial or financial interests of the entity of the individual to whom the information pertains, the conduct of NRC or Federal programs, or the personal privacy of individuals. SUNSI may include: allegation information, investigation information, security-related information; proprietary information; Privacy Act information; Federal, State; foreign government and international agency-controlled information; and sensitive internal NRC information.

After the events of September 11, 2001, the NRC assessed and revised its sensitive information control policies to provide greater assurance against publicly disclosing information that could be useful to potential adversaries. As a result, certain EP-related documents were presumptively withheld from public disclosure. In staff requirements memorandum (SRM) to SECY-15-0032, "Reviewing Documents for Public Release Using Sensitive Unclassified Non-Safeguards Information Guidance," (ADAMS accession No. ML15167A090), the Commission approved the staff's recommendation to

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discontinue the presumptive withholding from public release of EP documents. As such, EP documents that could potentially contain security-related information, submitted to the NRC under Appendix E to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50 or under 10 CFR 50.54 (q)(4), will no longer be presumptively withheld from public disclosure and will be reviewed per the NRC SUNSI policy and be released appropriately.

Effective December 15, 2015, EP documents added to ADAMS will be tagged in ADAMS as "Non-Public Pending Review," as an indicator that a SUNSI review is required. NSIR staff will coordinate with responsible offices in performing the SUNSI review of EP documents.

EP documents, requiring a SUNSI review, may include, but are not limited to, the following:

- Licensee emergency plans,
- Federal Emergency Management Agency (FEMA) after action reports (AARs),
- Licensee emergency exercise objectives and scenarios,
- Emergency plan implementing procedures,
- Licensee evacuation time estimate (ETE) updates,
- Reports of changes to a licensee's emergency plan implemented without prior NRC approval per 10 CFR 50.54(q)(5), including a summary of analysis; and
- Correspondence between the NRC and FEMA related to:
 - evaluation of requested emergency plan changes potentially impacting offsite FEMA-approved radiological emergency plans,
 - FEMA generated exercise AARs, and
 - FEMA annual letters of certification.

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Documents submitted as a license amendment request will have a SUNSI review promptly performed, in coordination with the respective Office of Nuclear Reactor Regulation (NRR)/Division of Operating Reactor Licensing (DORL) project manager (PM), as part of the acceptance review in accordance with NRR Office Instruction LIC-109, "Acceptance Review Procedure."

EP documents that do not require a SUNSI review by designated NSIR SUNSI reviewers include:

- Information which a licensee has identified as security-related or proprietary under 10 CFR 2.390, "Public inspections, exemptions, requests for withholding." These documents will not be tagged as "Non-Public Pending Review" in ADAMS.
- Correspondence between FEMA and the NRC related to concerns/issues being processed under the formal allegations process or related to inter-agency generic work activities.
- Documents generated or received as part of incident response to an actual licensee emergency declaration.

SUNSI reviews of EP documents, not submitted as a license amendment request, should be processed in a timely manner with a goal of completing a SUNSI review no later than 1 month of receipt. The exception to this process will be the submitted EP exercise scenarios which shall not be screened for public release until completion of the exercise to ensure confidentiality of the scenario.

5.0 BASIC REQUIREMENTS

5.1 EP Documents SUNSI Review Guidance and Procedure

All documents identified as EP documents will be distributed by the Document Control Desk to the NSIRDPR-ORLT Resource mailbox (NSIRDPR-ORLT.resource@nrc.gov). In addition, exercise-related EP documents, such as scenario submittals, AARs, etc., will also be distributed by the Document Control Desk to the NSIRDPR-IRIB Resource mailbox (NSIRDPR-IRIB.resource@nrc.gov).

In order to address ADAMS Public Release Timely (PRT) Report Concerns, DORL project managers will conduct a SUNSI review of the cover letters within 5 workdays of all incoming EP documents that are in ADAMS as "Non-Public Pending Review." If the SUNSI review concludes that the cover letter should be publicly available, the DORL

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project manager will request ADAMS IM to create a package with the cover letter designated PUBLIC and the remainder of the document (enclosures, attachments, et al.) designated NON-PUBLIC PENDING REVIEW. If the cover letter is released to the public according to NRC release policy (by the 6th workday from date added to ADAMS), the office will receive credit on their PRT report. Staff is still expected to put forth reasonable efforts to complete SUNSI review of the remainder of the document in a timely manner.

NSIR staff will perform SUNSI reviews of the documents according to established criteria and will send an e-mail to the respective NRR/DORL PM with the results, detailing whether the documents should be made publicly available or withheld from public disclosure. If a document is designated to be withheld from public disclosure, the NSIR reviewer will provide a technical basis in an e-mail to the DORL PM explaining the reason for withholding the document. This explanation should identify the specific areas of the document that should be withheld. The DORL PM should forward this email to the ADAMS IM support group for action. NSIR staff will not perform a redaction of the document, unless a formal Freedom of Information Act (FOIA) request is received.

For organizational purposes, a subfolder titled "SUNSI" has been created in the NSIRDPR-ORLT mailbox in Microsoft Outlook. In that folder, two additional subfolders have been created with the titles, "To be Released" and "To be Withheld." After completion of the SUNSI review of a specific document, the e-mail received from the ADAMS IM support group is archived in one of these folders depending on the result of the review.

5.2 SUNSI Screening Criteria

Documents that are required to be submitted to the NRC under Appendix E to 10 CFR Part 50 (i.e., emergency action level scheme changes, ETE updates) or under 10 CFR 50.54(q)(4) & (5) require a SUNSI Review.

EP documents that contain the following security-related information, or specific sensitive information based on the categories and examples provided in NSIR Office Procedure SEC-506, "Sensitive unclassified Non-Safeguards Information (SUNSI)," shall be withheld as non-publicly available in ADAMS:

NOTE: Security-related information may be redacted and the EP document provided as publicly available in ADAMS following the receipt of a FOIA request.

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- Information on emergency response actions taken in response to a hostile action based (HAB) event:
 - locations for pre-positioning of operators or other pre-planned response actions;
 - alternate staging or incident command locations for emergency response personnel; or
 - alternate emergency communications methods and protocols.
- Licensee floor plans that in aggregate provides sufficient detail to construct pathways or routes of travel to identified vital equipment or vital areas (Reference 9).
- Specific information that would provide access to or allow the activation/operation of normally secured emergency facilities/areas or emergency callout systems and designated notification means (e.g., telephone numbers/passcodes, lock combinations, etc.).
- Listings for non-publicly available telephone numbers (and access codes) to emergency facilities or Federal, State, and local governmental facilities.
- Information, viewed in its totality, which may warrant a SGI designation. (Refer to Regulatory Issue Summary 2015-17, “Review and Submission of Updates to Final Safety Analysis Reports, Emergency Preparedness Documents, and Fire Protection Documents.”)

In addition, personally identifiable information (PII), which is defined as information about an individual which can be used to distinguish or trace an individual's identity, and financial information should also be withheld from public disclosure. (Refer to <http://www.internal.nrc.gov/PII/index.html> for further information on PII.)

For EP exercise-related documents, in addition to the criteria above, specific information detailing the mechanism(s) for the failure or disabling of safety-related or safe shutdown equipment, or providing any details on licensee response to an HAB event, shall be considered sensitive security-related information. Based on their content describing the methodology to defeat plant systems, structures and components leading to a radiological release, HAB exercise scenarios should normally be considered as containing sensitive security-related information and maintained as non-publicly available, unless redacted upon receipt of a FOIA request.

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NSIR staff will keep all EP exercise scenarios in a non-public status until the exercise is conducted to ensure confidentiality from exercise participants. After completion of the exercise, staff will perform a SUNSI review and release or withhold the documents accordingly.

NSIR staff reviewing FEMA-generated exercise AARs should ensure that document does not include language that would reflect continued confidentiality of the scenario following completion of the exercise or the need to obtain third-party approval for public release.

6.0 RESPONSIBILITIES AND AUTHORITIES

NSIR staff assigned to perform SUNSI reviews of EP documents are responsible for following the guidance in this NSIR office procedure.

7.0 PERFORMANCE MEASURES

The NSIR primary contacts for SUNSI reviews of EP documents shall be responsible for reviewing this office procedure as necessary, to ensure consistency and compliance with appropriate NRC policies and procedures.

8.0 PRIMARY POINTS OF CONTACT

Jeannette Arce
ORLOB/DPR/NSIR
301-287-9053
Jeannette.Arce@nrc.gov

Michael Norris
ORLOB/DPR/NSIR
301-287-3754
Michael.Norris@nrc.gov

9.0 RESPONSIBLE ORGANIZATION

Office of Nuclear Security and Incident Response, Division of Preparedness and Response.

10.0 EFFECTIVE DATE

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11.0 REFERENCES

1. NRC SUNSI policy: <http://www.internal.nrc.gov/sunsi/>.
2. Management Directive 3.4, "Release of Information to the Public."
3. Management Directive 12.2, "NRC Classified Information Security Program."
4. NSIR Office Procedure SEC 506, "Sensitive unclassified Non- Safeguards Information (SUNSI)."
5. SRM-SECY-15-0032, "Reviewing Documents for Public Release Using Sensitive Unclassified Non-Safeguards Information Guidance," dated June 15, 2015 (ADAMS Accession No. ML15167A090).
6. LIC 109, "Acceptance Review Procedure."
7. NRC Regulatory Issue Summary 2015-17, "Review and Submission of Updates to Final Safety Analysis Reports, Emergency Preparedness Documents, and Fire Protection Documents," dated December 23, 2015 (ADAMS Accession No. ML15321A400).
8. Management Directive 3.2, "Privacy Act."
9. Layton, Michael, NSIR, memo to Boland, Anne, NRR/DORL, "Public Release of Floor Plans Contained in Final Safety Analysis Reports," dated September 16, 2015 (ADAMS Accession No. ML15253A607 (package)).

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4. NSIR Office Procedure SEC 506, "Sensitive unclassified Non- Safeguards Information (SUNSI)."
5. SRM-SECY-15-0032, "Reviewing Documents for Public Release Using Sensitive Unclassified Non-Safeguards Information Guidance," dated June 15, 2015 (ADAMS Accession No. ML15167A090).
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DISTRIBUTION:

JAnderson, NSIR DWrona NRR KCoyne, NSIR SCoffin, NSIR JGallo, NSIR

ACCESSION NO.: ML16029A366

OFFICE	NSIR/DPR	TL:NSIR/DPR	BC:NSIR/DPR	BC:NSIR/DSO/ISB	BC:NSIR/DSP/RSB
NAME	J Arce*	M Norris*	J Anderson*	D Parsons	D. Huyck
DATE	2/1/2016	2/2/2016	2/2/2016	2/4/2016	3/2/2016
OFFICE	BC:NRR/DORL*	DD: DPR/NSIR	D:DPR/NSIR	D: PMDA/NSIR	
NAME	D. Wrona	K Coyne	S. Coffin	J Gallo	
DATE	3/10/16	03/11/16	03/14/16	04/07/16	

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