



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

NRC-2018-000062

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RESPONSE TYPE

INTERIM

FINAL

REQUESTER:

Julian Tarver

DATE:

12/07/2017

DESCRIPTION OF REQUESTED RECORDS:

"History and/or overview and/or description of the NRC Foreign Intelligence Information Program"

PART I. -- INFORMATION RELEASED

You have the right to seek assistance from the NRC's FOIA Public Liaison. Contact information for the NRC's FOIA Public Liaison is available at <https://www.nrc.gov/reading-rm/foia/contact-foia.html>

- Agency records subject to the request are already available on the Public NRC Website, in Public ADAMS or on microfiche in the NRC Public Document Room.
- Agency records subject to the request are enclosed.
- Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Comments.

PART I.A -- FEES

NO FEES

AMOUNT*

*See Comments for details

- You will be billed by NRC for the amount listed.
- You will receive a refund for the amount listed.
- Fees waived.

- Minimum fee threshold not met.
- Due to our delayed response, you will not be charged fees.

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- We did not locate any agency records responsive to your request. *Note:* Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions") 5 U.S.C. 552(c). This is a standard notification given to all requesters: it should not be taken to mean that any excluded records do, or do not, exist.
- We have withheld certain information pursuant to the FOIA exemptions described, and for the reasons stated, in Part II.
- Because this is an interim response to your request, you may not appeal at this time. We will notify you of your right to appeal any of the responses we have issued in response to your request when we issue our final determination.
- You may appeal this final determination within 90 calendar days of the date of this response by sending a letter or e-mail to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal." You have the right to seek dispute resolution services from the NRC's Public Liaison, or the Office of Government Information Services (OGIS). Contact information for OGIS is available at <https://ogis.archives.gov/about-ogis/contact-information.htm>

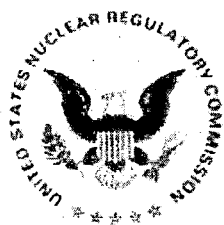
PART I.C COMMENTS (Use attached Comments continuation page if required)

As reflected in the enclosed Yellow Announcement No. 040 (May 28, 2003), which is the only record responsive to your request that was located, the Foreign Intelligence Information Program was abolished in 2003. We conducted searches of the Nuclear Security & Incident Response (NSIR) and Office of International Programs (OIP) offices; no other records were found. Staff advised that any records generated out of this program would have been disposed of in accordance with applicable record disposition schedules. You may wish to refer back to MD 12.2, provided to you in response to prior requests, for current guidance on the NRC's Classified Information Security Program.

Signature - Freedom of Information Act Officer or Designee

Stephanie A. Blaney

Digitally signed by Stephanie A. Blaney
Date: 2017.12.07 12:11:33 -05'00'



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

Announcement No. 040

Date: May 28, 2003

To: All NRC Employees

SUBJECT: TERMINATION OF THE NRC FOREIGN INTELLIGENCE INFORMATION PROGRAM

After performing an effectiveness and efficiency review, the NRC has decided to terminate the NRC Foreign Intelligence Information (FII) Program because existing programs provide adequate protection of classified intelligence information and additional FII requirements are not justified by the benefits they yield. The FII program was created by the NRC in 1975 to provide more protection to some SECRET and CONFIDENTIAL information than currently required by Federal directives. The NRC will continue to adhere to all Federal directives relating to the protection of classified information without the additional requirements of the FII program.

Now that the NRC FII program has been abolished, the requirements for classified information previously designated as FII are the same as the comparable level of CONFIDENTIAL and SECRET information. The following changes resulted from the termination of the FII program:

1. Commissioners, office directors, and regional administrators are no longer required to nominate individuals for access to FII. Personnel may have access to classified information if they possess the appropriate access authorization (security clearance) and need-to-know.
2. FII-specific training is no longer required and will no longer be offered.
3. The FII cover sheet along with its access list used to document individual access to FII is no longer required and will not be used. Instead, the standard red SECRET and blue CONFIDENTIAL cover sheets will be used to protect classified information previously identified as FII.
4. Classified information previously designated as FII at the CONFIDENTIAL or SECRET level may now be destroyed through shredding, pulping, etc., or by disposal in classified waste receptacles located throughout NRC buildings.

Employees can obtain detailed information on the proper handling of classified information in Management Directives 12.1, "NRC Facility Security Program," and 12.2, "NRC Classified Information Security Program," or by contacting the Information Security Section at 301-415-2212.

/RA/

Roy P. Zimmerman, Director

Office of Nuclear Security and Incident Response

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