CONTROLLED UNCLASSIFIED INFORMATION (CUI) AT THE NRC

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What is CUI?

- **C**ontrolled: required by law, regulation, or Government-wide policy to be safeguarded or have limited dissemination
- **U**nclassified: not included under Executive Order 13526 “Classified National Security Information” (December 29, 2009) or a predecessor or successor order, or Atomic Energy Act of 1954, as amended
- **I**nformation: data, reports, documents, etc.

Why CUI?

Executive departments and agencies apply their own ad-hoc policies and markings to unclassified information that requires safeguarding or dissemination controls, resulting in:

An inefficient patchwork system with **more than 100 different policies and markings** across the Executive branch	Inconsistent marking and safeguarding of documents	Unclear or unnecessarily restrictive dissemination policies	Impediments to authorized information sharing

Executive Order 13556

- Issued November 4, 2010

- Established CUI Program
- Designated an Executive Agent to implement and oversee compliance

CONTROLLED
UNCLASSIFIED
INFORMATION

Source: www.archives.gov/dc

CUI Registry

- EO 13556 called for a review of the categories, subcategories, and markings used by agencies
- Information types were grouped together, legal authorities examined, and CUI Registry published

32 CFR 2002: The “CUI Rule”

- Published September 14, 2016
- Effective November 14, 2016

- Implements CUI Program
- Establishes policy for designating, handling, and decontrolling CUI
- Describes, defines, and provides guidance on the minimum protections for CUI
- Emphasizes unique protections described in law, regulation, and/or Government-wide policies (authorities)

NIST Special Publication 800-171

- Agencies must use NIST SP 800-171 when establishing security requirements to protect CUI's confidentiality on non-Federal information systems
- Intended for use by Federal agencies in appropriate contractual vehicles or other agreements
- Established requirements for protecting CUI at Moderate Confidentiality Impact Value
- Non-tailorable requirements

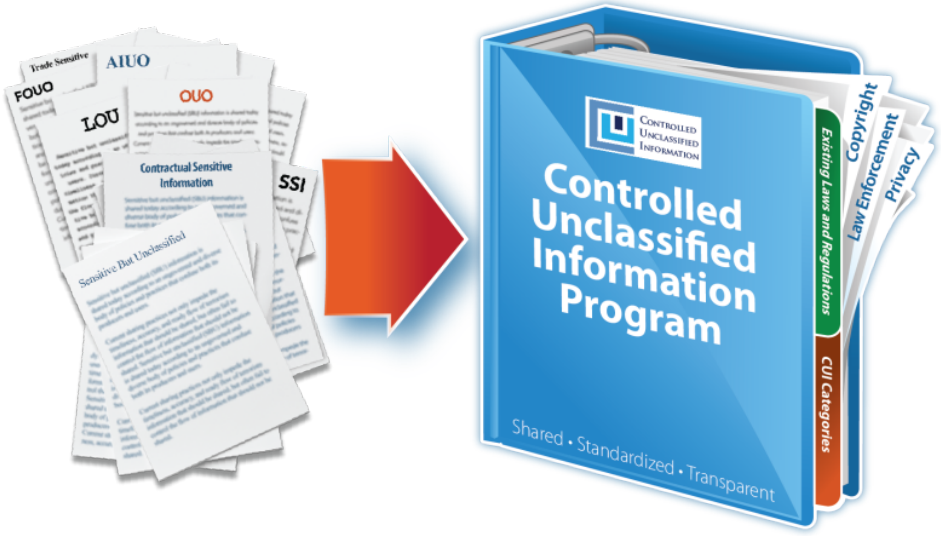
When to Use NIST SP 800-171

- Use NIST SP 800-171 when a non-Federal entity:
  - Receives CUI incidental to providing a service or product to the Government outside of processing services (ex: producing a study, conducting research, creating a training program, etc.)
  - Government is only concerned with the confidentiality of the information … **CUI** is regarded as the asset requiring protection

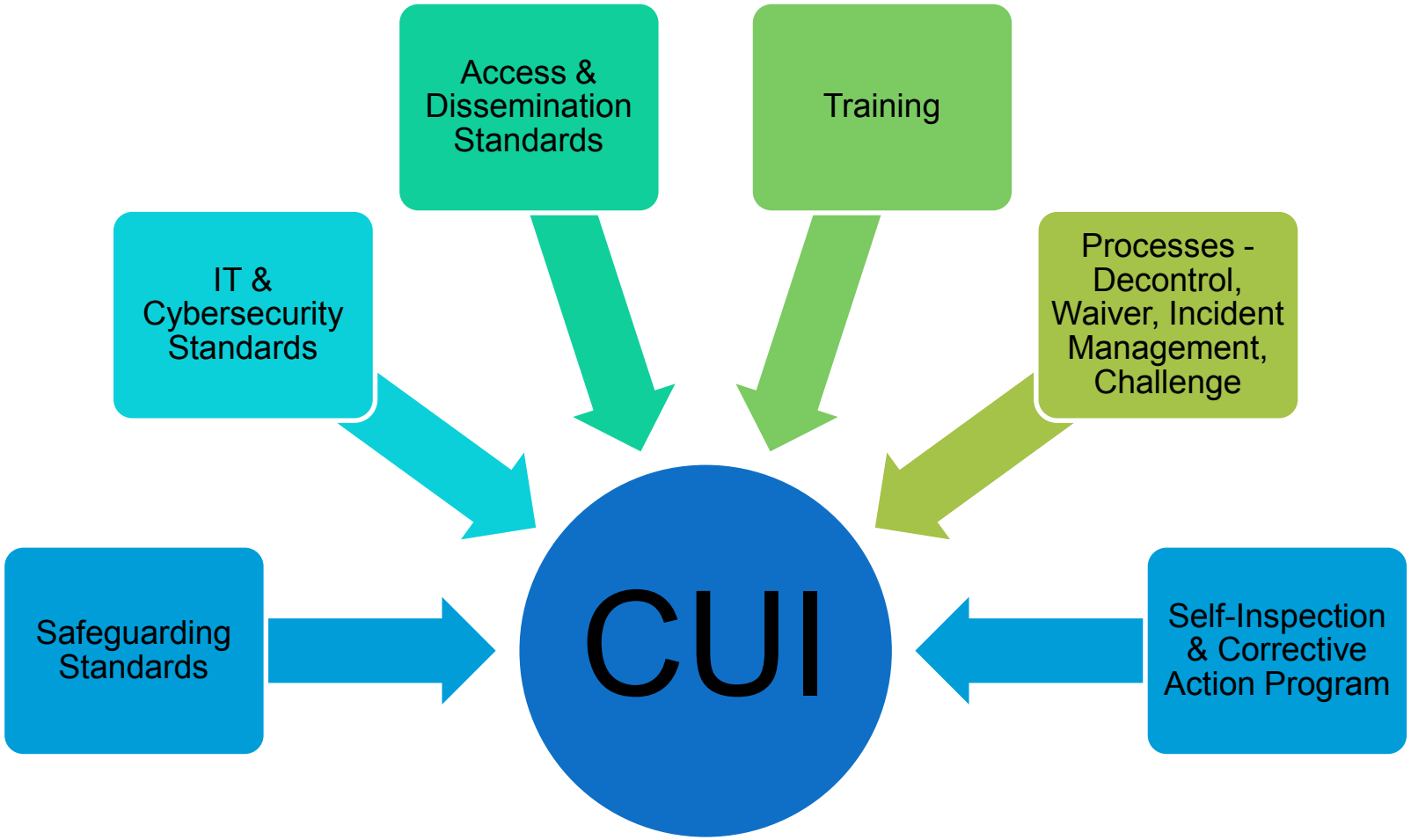
- DO NOT use NIST SP 800-171 when a non-Federal entity:
  - Collects or maintains CUI as part of a Government function (ex: census takers or records storage)
  - Builds an information system or operates an information system for the Government (ex: an email provider or payroll system)
  - Provides processing services for the Government (ex: cloud service provider)
  - Government has a concern in the confidentiality, integrity, and availability of the information system … the **system** is the asset requiring protection
  - Agencies may require these systems to meet additional requirements that it sets for its own internal systems

CUI at the NRC

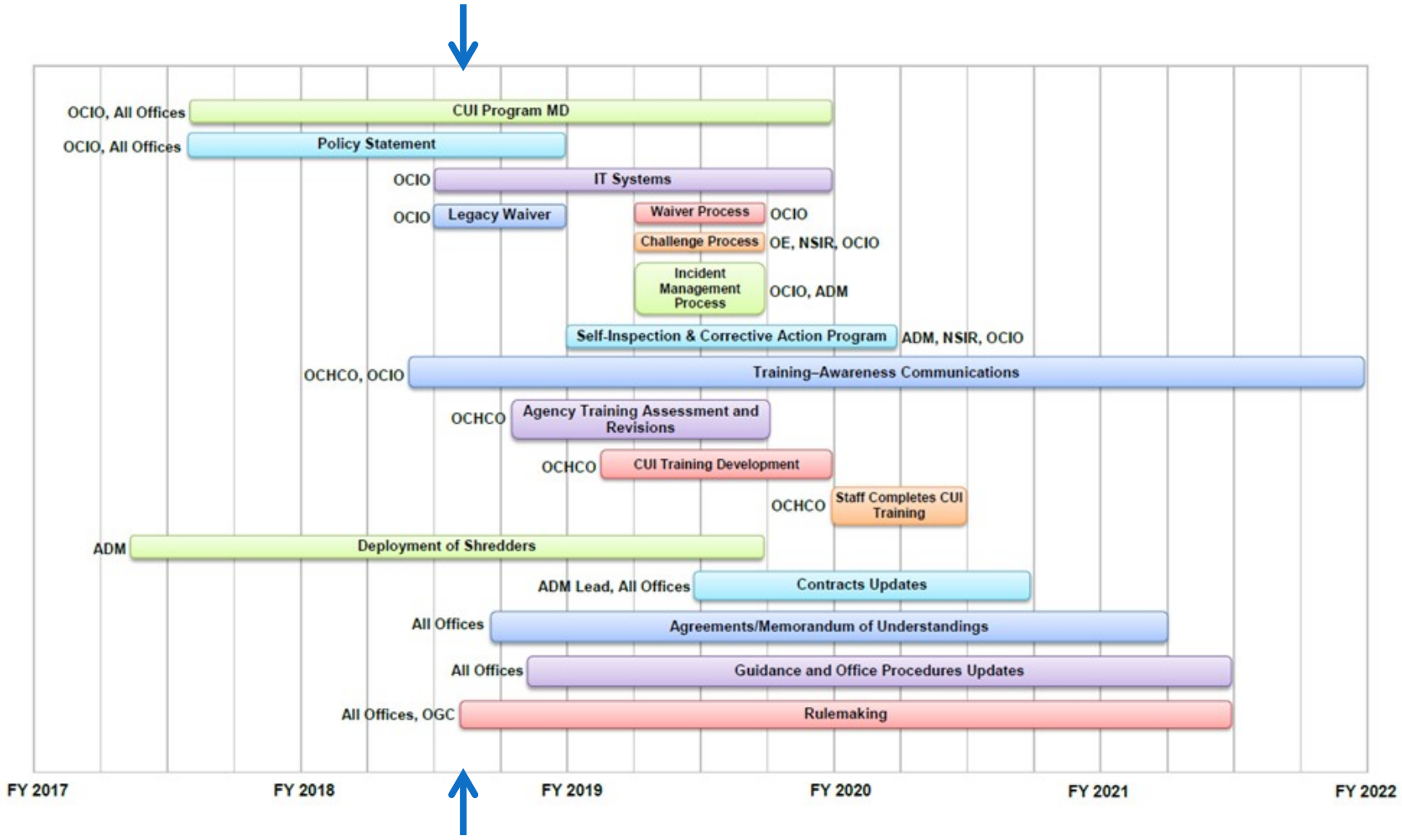
- Replace the current Sensitive Unclassified Non-Safeguards Information (SUNSI) program (i.e., proprietary information, personally identifiable information)
- Include Safeguards Information (SGI) and Safeguards Information—Modified (SGI-M) Handling



NRC's CUI Program Elements



Schedule


OCIO, All Offices
CUI Program MD
OCIO, All Offices
Policy Statement
OCIO
IT Systems
OCIO
Legacy Waiver
Waiver Process
OCIO
Challenge Process
OE, NSIR, OCIO
Incident Management Process
OCIO, ADM
Self-Inspection & Corrective Action Program
ADM, NSIR, OCIO
OCHCO, OCIO
Training–Awareness Communications
OCHCO
Agency Training Assessment and Revisions
OCHCO
CUI Training Development
OCHCO
Staff Completes CUI Training
ADM
Deployment of Shredders
ADM Lead, All Offices
Contracts Updates
All Offices
Agreements/Memorandum of Understandings
All Offices
Guidance and Office Procedures Updates
All Offices, OGC
Rulemaking
FY 2017
FY 2018
FY 2019
FY 2020
FY 2021
FY 2022

Transition to CUI Program

- During transition, all elements and controls of the SUNSI program will remain in place
- Until directed by the NRC's CUI policy, guidance, and training, NRC employees and contractors must not use CUI markings or follow other requirements specific to CUI
- During transition period, information received at the agency that is marked as CUI must be protected accordingly

Impact on External Stakeholders

- Recognize changes will have impacts on external stakeholders – including Agreement States, licensees, tribes, intervenors, contractors, and others
- Requirements will likely vary between stakeholder groups based on types of information shared and how that information is created
- Want input from stakeholders on best approaches

Information Sharing Agreements

- Agencies should, when feasible, enter into or modify existing agreements with non-Executive branch entities before sharing CUI
  - Agreements must include provisions that require handling CUI in accordance with the CUI Rule
- Existing laws, regulations and Government policies that govern CUI-Specified, must be followed whether or not an Agreement is in place with the non-Executive branch entity taking receipt of the sensitive information (ex: SGI)

Intention to Reduce Burden

- Looking at potential new solutions / services for secure information sharing and collaboration
- Legal interpretation of what must be protected and how
- Seeking input on best approaches

Discussion

Contacts and Resources

- Sara Mroz, CUI Program Manager
  - Sara.Mroz@nrc.gov
- John Moses, Senior Agency Official for CUI
  - John.Moses@nrc.gov

- SECY-18-0035: Update on Development of the Controlled Unclassified Information Program
  - ML18065B107
  - https://www.nrc.gov/docs/ML1806/ML18065B107.pdf

- NARA CUI website
  - www.archives.gov/cui