

October 6, 2005

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE PRE-LICENSE APPLICATION PRESIDING OFFICER BOARD

In the Matter of)	Docket No. PAPO-00
)	
U.S. DEPARTMENT OF ENERGY)	ASLBP No. 04-829-01-PAPO
)	
(High Level Waste Repository:)	
Pre-Application Matters))	

**DEPARTMENT OF ENERGY'S NOTICE REGARDING PROTECTED SENSITIVE
INFORMATION REQUESTED BY THE BOARD**

In its Memorandum and Order dated September 19, 2005, the Board requested certain documents from the participants at the Case Management Conference now scheduled for October 13, 2005. During the teleconference on September 28, 2005, the Board also requested that the parties provide advance notice about any requested document that may contain protected sensitive information. The Board has requested at least one document from DOE that contains protected sensitive information — NAVSEAINST 5511.32C.¹

DOE wishes to provide the Board with a copy of this document. NAVSEAINST 5511.32C, however, is a document created by the Naval Nuclear Propulsion Program and has been designated as sensitive unclassified Naval Nuclear Propulsion Information (NNPI) requiring protection against unauthorized dissemination. To meet their obligations for protecting such information, DOE and the Naval Nuclear Propulsion Program are required to ensure that the Board will protect this document in accordance with internal NRC requirements governing

¹ The Board actually requested revision B of this document, but revision C is the most current.

the treatment of protected sensitive information and with the protection requirements applicable to unclassified NNPI. A description of the unclassified NNPI protection requirements, which are derived from NAVSEAINST 5511.32C, is attached at Exhibit 1. In addition to filing this notice, DOE hereby respectfully requests that the Board confirm that it will protect this document from unauthorized dissemination in accordance with applicable NRC requirements and the protection requirements described in Exhibit 1.

DOE has also identified a second document that may contain protected sensitive information. It is the Joint DOE and NRC Sensitive Unclassified Information and Classification Guide for the Office of Civilian Radioactive Waste Management Program. DOE and NRC security personnel are discussing the protection requirements for this document.

Respectfully submitted,

U.S. DEPARTMENT OF ENERGY

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Protection of Unclassified Naval Nuclear Propulsion Information (U-NNPI)

Specific Requirements for Protecting U-NNPI:

- a. Only people who are a U.S. citizen and have a "Need to Know," as determined by the Naval Nuclear Propulsion Program (NNPP), shall be allowed access to U-NNPI.
- b. When not in direct control of an authorized individual, U-NNPI must be secured in a locked container (e.g., file cabinet, desk, safe, etc.). Access to the container must be such that only authorized persons can access it and compromise of the container can be visually detected. Containers should have no labels that indicate the contents. If removed from the site, U-NNPI must remain in the personal possession of the individual. At no time should U-NNPI be copied or left unsecured, such as in a home or automobile, unattended in a motel room or sent with baggage.
- c. Documents will have the word NOFORN at the top and bottom of each page. The cover sheet will have the warning statement shown below. Documents originated in the course of work that reproduce, expand or modify marked information shall be marked and controlled in the same way as the original. Media such as video tapes, disks, etc., must be marked and controlled similar to the markings on the original information.

NOFORN: This document is subject to special export controls and each transmittal to foreign governments or foreign nationals may be made only with the prior approval of the Naval Sea Systems Command.

- d. U-NNPI may not be processed on networked computers with outside access unless approved by the NNPP. Personally owned computing systems, including, but not limited to, personal computers (PC), laptops, and Portable Electronic Devices (PED) such as Personal Digital Assistants (PDA), are not authorized for processing NNPI. Exceptions require the specific approval of the NNPP.
- e. U-NNPI may be faxed within the continental U.S. and Hawaii provided there is an authorized individual waiting to receive the document and properly control it. U-NNPI may not be faxed to facilities outside the continental U.S., including military installations, unless encrypted by NNPP approved means.
- f. U-NNPI may be sent within the continental U.S. and Hawaii via first class mail in a single opaque envelope that has no markings indicating the nature of the contents.
- g. Disposal of documents containing U-NNPI shall ensure that the information is not easily retrievable. Disposing of documents in the same manner as classified documents is preferred. Alternatively, documents may be returned to the NNPP for disposal.

- h. Report any attempts to elicit U-NNPI by unauthorized persons to the appropriate NRC security personnel and the NNPP.
- i. Report any compromises of U-NNPI by unauthorized persons to the appropriate NRC security personnel and the NNPP. This includes intentional or unintentional public release via such methods as theft, improper disposal (e.g., material not shredded, disks lost), placement on website, transmission via email, or violation of the information system containing U-NNPI.

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SENSITIVE INFORMATION REQUESTED BY THE BOARD
CERTIFICATE OF SERVICE**

I hereby certify that copies of the DEPARTMENT OF ENERGY'S NOTICE REGARDING PROTECTED SENSITIVE INFORMATION REQUESTED BY THE BOARD in the above captioned proceeding have been served on the following persons this 6th day of October, 2005 by Electronic Information Exchange.

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