

NRC INSPECTION MANUAL

IRIB

MANUAL CHAPTER 0620

INSPECTION DOCUMENTS AND RECORDS

0620-01 PURPOSE

01.01 To provide general guidance for requesting, controlling, and dispositioning NRC inspection documents and records during all phases of the inspection program. This is not intended to replace guidance in relevant agency manual chapters identified in the reference section which serve as the final authority.

0620-02 DEFINITIONS

02.01. Agency-wide Documents Access and Management System (ADAMS). A document management and recordkeeping system that maintains the official records of the agency and manages their disposition.

02.02 Classified Information. Records that (1) are specifically authorized, under criteria established by an Executive Order or by statute, to be kept secret in the interest of national defense or foreign policy and (2) are, in fact, properly classified pursuant to such authority. These records normally include information in a document or correspondence that is designated National Security Information, Restricted Data, or Formerly Restricted Data. Such classifications may include, but are not limited to, Top Secret, Secret, and Confidential and are consistent with NRC Management Directive (MD) 12.2, "NRC Classified Information Security Plan."

- a. Classified National Security Information. Information that has been determined pursuant to E.O. 12958 or any predecessor order to require protection against unauthorized disclosure and that is so designated.
- b. Restricted Data. All data concerning design, manufacture or utilization of atomic weapons, the production of special nuclear material, or the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to Section 142 of the Atomic Energy Act.

02.03 Sensitive, Unclassified Information. Safeguards information (SGI), official use only information, proprietary information, and 10 CFR 2.390 publicly exempt information. It includes unclassified information from sources other than the NRC, its contractors, and licensees.

- a. Safeguards Information. Information not otherwise classified as National Security Information or Restricted Data that specifically identifies a licensee's or applicant's detailed, security measures for the physical protection of special nuclear material, or security measures for the physical protection and location of certain plant equipment vital to the safety of production or utilization facilities.

- b. 10 CFR 2.390 Publicly Exempt Information. Information below the level of SGI that relates to the security measures for the physical protection of special nuclear material, or security measures for the physical protection of a facility, including inspection reports, findings, and potential vulnerabilities that can be identified to a specific site.

02.04 Document Types:

- a. Controlled Document. Any document, correspondence, or information that is in the licensee's document control system. These documents are generally required to be retained for specific periods.

Also, any NRC document that is classified, SGI, official use only, or exempt from public disclosure in accordance with 10 CFR 2.390.

- b. Draft Document. A preliminary written document or a preliminary sketch or drawing. A document is considered to be a draft while it is being developed and reviewed. It ceases to be a draft only when it has been approved by responsible management and issued as a final document for implementation.
- c. Inspection Document. Any material that is obtained or developed in preparation for, during, or resulting from the inspection of a licensee and that is considered to be an NRC record.
- d. Uncontrolled Documents. Documents or information that is not in the licensee's or vendor's document control system.

02.05 Docket File. Files that contain those agency records or other information related to a specific NRC docket number that provide a complete record of the transactions between the licensee and the NRC whether the information has been made publicly available or not.

02.06 Freedom of Information Act (FOIA). Prescribes the procedures for making NRC agency records requested by a member of the public available to the public for inspection and copying.

02.07 Handwritten Note. An informal method of communicating information to individual members of the licensee or vendor staff during the performance of an inspection (while onsite). Examples include, leaving a note on a licensee staff member's desk indicating the inspector had stopped by to see them, or writing down a procedure (drawing, record, etc.) number to give to a licensee document control clerk to retrieve.

02.08 Inspection. The examination, review, or assessment of any program or activity of a licensee to determine the effectiveness of the program or activity, to ensure that the health and safety of the public and plant personnel are adequately protected, to ensure that the facility is operated safely, and to determine compliance with any applicable rule, order, regulation, or license condition pursuant to the Atomic Energy Act, Energy Reorganization Act, the National Environmental Policy Act or other statutory requirement.

02.09 Inspection Finding. An NRC identified or self-revealing issue of concern that is related to a licensee performance deficiency. Findings may or may not be associated with a regulatory requirement and, therefore, may or may not result in a violation. Licensee-identified findings of very low safety significance (Green) that are not violations of regulatory requirements are not documented in inspection reports.

02.10 Inspector's Notes. Notes made by individual inspectors for their own use in preparation for, during, or after an inspection, including notes relative to telephone conversations, are considered personal records. Inspector's notes may be stored electronically provided they are not shared with others and are located in a distinct subdirectory.

02.11 Licensee. The applicant for, or holder, of an NRC license or construction permit.

02.12 Official Issuance. The final publication, and distribution of a document that has been reviewed, concurred on, and signed by all appropriate levels of management.

02.13 Proprietary Information. Records that (1) contain trade secrets and commercial or financial information, obtained from a person or entity as privileged or confidential, the disclosure of which would result in substantial harm to the competitive position of the owner as supported by an accompanying affidavit signed and notarized by the owner of the information in accordance with 10 CFR 2.390, (2) contain voluntarily provided information that the submitter would not normally release to the public, or (3) would harm the government's ability to obtain information in the future.

02.14 Records:

- a. Documentary Material. A collective term for records, non-record documents, and personal papers that refers to all media containing recorded information regardless of the nature of the media or the methods or circumstances of recording.
- b. Non-record Documentary Material. Documentary material such as unofficial copies of documents that are kept only for convenience or reference, or reference stocks of publications and processed documents, and library or museum material intended solely for reference or exhibition.
- c. NRC Record. Any record obtained or created by the NRC that is required for the conduct of government business. NRC records include any book, paper, map, photograph, brochure, punch card, magnetic tapes, sound recording, pamphlet, slide, motion picture, video-tape, e-mail, or other documentary material, regardless of form or characteristics.
- d. Official Records. All books, papers, maps, photographs, machine readable documentary materials regardless of form or physical characteristics created or received by any agency of the United States Government under Federal law or in connection with the transaction of public business and that are preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of the data contained in these materials.
- e. Personal Records. Records created by NRC personnel that are not required to be made, have not been circulated, are not commingled with agency records, and are not required to be retained by the NRC, or records of a personal nature that are not associated with government business regardless of the form or physical characteristics.
- f. Privacy Act Records. Any item, collection, or grouping of information about an individual that is maintained by the NRC in a Privacy Act system of records, including but not limited to the individual's education, financial transactions, medical history, employment history, or criminal history, and that contains the individual's name, or the identifying number, symbol, or other identifying particular

assigned to the individual, such as a fingerprint, a voice print, or a photograph and is retrieved by the individual identifier.

02.15 Regulatory Requirement. A legally binding obligation such as a statute, regulation, license condition, technical specification, or order.

02.16 Retained. Information taken into possession by the NRC as an NRC record to support an inspection finding. This information will be kept by the inspector after the inspection report has been issued .

0620-03 RESPONSIBILITIES

03.01 Executive Director for Operations (EDO). Approves the release of all inspection documents that have not been officially issued, or any information contained therein, except in cases where release authority for significant safety or safeguards issues has been granted to the office directors or regional administrators.

03.02 Office Directors and Regional Administrators

- a. Provide for the establishment of internal procedures in accordance with existing policies, guidance, and regulatory requirements for the acquisition, control, and disposition of documentation used in preparation for inspections, gained during the conduct of inspections, and resulting from inspections.
- b. Obtain EDO approval before releasing a draft inspection document and before discussing the document in a way that is contrary to established NRC policies, procedures, and regulatory requirements for exit meetings, inspector discussions with licensees during inspection, etc.
- c. Notify the EDO immediately if substantive documents (i.e. allegations, documents containing OI findings or significant safety or safeguards issues) are inadvertently released or discussed.
- d. Take required corrective action when inspection documents are released contrary to NRC policies, procedures, regulations, and legal requirements.
- e. Ensure that subordinate managers and staff are cognizant of, and adhere to, the policies and guidance in this inspection manual chapter (IMC).

03.03 Inspector Supervisors

- a. Ensure that their staff is cognizant of, adheres to, and implements the policies and guidance contained in this IMC.
- b. In accordance with this IMC and established policies, procedures, and regulatory requirements, provide for reviews, approvals, or denials of all inspection documentation before release to a licensee, ADAMS, or in response to a FOIA request.
- c. As appropriate, immediately inform the respective division, staff, or project director when draft inspection documents are inadvertently released to a licensee, or the public, contrary to NRC policies, procedures and regulatory requirements, and report the facts concerning the release.
- d. Review and approve extensive list of documents requested from licensees.

03.04 Inspectors

- a. Maintain a working knowledge of, and adhere to, the regulatory requirements, policies, and guidance for the acquisition, control, and disposition of inspection documentation.
- b. May release on own authority, if time is critical, draft inspection documents to prevent or mitigate an emergency or significant safety or safeguards event.
- c. Where approved by regional management, may provide the licensee with a written list of significant issues identified during the inspection before the issuance of the inspection report, if necessary to communicate inspection findings that require prompt corrective action.
- d. If documents or information are inadvertently left unattended for a brief period of time in an area accessible by the licensee or the public, determine whether the subject matter was reviewed in detail by third parties or if a substantive release of information was evident. If release of information is evident, notify division director for further discussion.

03.05 Program Office

- a. Develops and interprets the information contained in this IMC.
- b. Provides guidance on situations not covered in this IMC.

0620-04 BASIC REQUIREMENTS

04.01 Requesting Documents

- a. Requesting Documents for Inspection Preparation.
 - 1. Requests for documents or information needed either to prepare for an inspection or during an inspection are to be reasonable and should not put an excessive burden on the licensee.
 - 2. Documents that are already NRC records in ADAMS shall not normally be requested.
 - 3. Inspectors should not normally request draft licensee documents or analyses that do not exist in the licensee's document control system.
 - 4. Inspectors shall not request that a licensee generate documents such as analyses, position papers, or calculations, that are not needed to meet a regulatory requirement. Inspectors can request from the licensee listings of specific records in the licensee's document control system such as listings of modifications or corrective action program documents sorted by date, subject, status, or other attribute.
 - 5. The lead inspector or team leader should prepare a list of documents that are needed for the inspection or that the inspector would like to have available upon arrival at the site. If the list is lengthy, or if requested by the licensee, or if directed

by NRC management, the list should be sent in a letter which includes the docket number, to the licensee. The purpose of this is to avoid placing an excessive burden on the licensee.

6. Lengthy requests for documents should be communicated, either orally or in writing, to the licensee at least 30 days before the documents are needed.

7. For team inspections, corresponding with the licensee via e-mail is appropriate to request additional documents after the initial request has been formally made. Documents that contain classified information (i.e. National Security Information, and Restricted Data) may not be transmitted via e-mail. SGI may be sent via e-mail if the files are encrypted on a SGI system using a FIPS 140-02 compliant version of PGP (Pretty Good Protection) then transferred via diskette (in encrypted form) to the LAN attached system for e-mail transmission. (Refer to NRC Management Directive's 12.2, "NRC Classified Information Security Plan" and 12.4, "NRC Telecommunication Systems Security Program" for current policy).

Additionally, e-mail may be used for exchanges of general information on administrative activities such as schedules, meeting preparations, travel plans, etc.

8. Some inspections or site visits may require requests for the same information from each of a selected sample of licensees. If the same information is requested from ten or more licensees during a one year period, OMB review and approval is required before such requests are submitted to the licensee.

b. Obtaining Documents.

Acceptable practices for obtaining licensee documents include:

1. Requesting the licensee to send the documents to the region office addressed to the individual inspector.

2. Requesting that the documents be sent electronically to the team leader or lead inspector. Documents that contain Classified Information (i.e. National Security Information, and Restricted Data) cannot be transmitted via e-mail. SGI may be transmitted electronically if properly encrypted. (Refer to NRC Management Directive's 12.2, "NRC Classified Information Security Plan" and 12.4, "NRC Telecommunication Systems Security Program" for current policy).

3. Sending a designated inspector to the site to obtain the needed documents from the licensee.

4. Requesting the resident inspectors' office staff to retrieve the needed documents from the licensee or vendor.

5. Using the licensee's computer with approved NRC agreement.

6. Using the licensee's copy machine to make copies of materials relevant to the inspection.

NOTE: If a licensee asserts that any of the documents or document excerpts to be retained by an inspector as an NRC record contain proprietary or company classified information, an application for withholding pursuant to 10 CFR 2.390(b)(1) with the required affidavit shall be requested from the licensee before any of the documents are removed

from the site. The affidavit must be provided to the lead inspector or team leader by the licensee at the exit meeting or within 10 working days after the exit meeting.

04.02 Controlling Documents and Records

a. Use of Cameras.

1. Inspectors are required to obtain licensee permission to take photographs during the inspection. It is suggested that the inspector obtain blanket approval from the licensee before the start of the inspection to prevent burdening either the licensee or the inspector. Follow guidance on the use of photographs during the inspection process in Exhibit A.

b. Handwritten Notes to the Licensee

1. The inspector should use caution when providing handwritten notes to a member of the licensee's staff. It is acceptable for an inspector to provide handwritten notes to licensee's document control staff listing a reasonable number of specific licensee documents.

2. It is also acceptable for an inspector to leave a brief handwritten note on the desk or at the work station of a licensee employee indicating that the inspector had stopped by while the employee was out of the office. This handwritten note should be limited to the inspector's name, the date and time of the visit, a brief description of the topic to be discussed, and information related to how or when the inspector would like to be contacted in the future.

3. Handwritten notes shall not request the licensee employee to provide a response to a specific question.

4. Handwritten notes shall not take the place of a request for information from a licensee to support preparation for an inspection.

c. Inspector Notes

1. Inspector's notes are retained or discarded at the inspector's sole discretion because the NRC has exercised no control or dominion over them as long as they have not been shared with anyone.

2. The team leader normally makes an integrated list of the significant inspection findings identified at team meetings; the findings are considered inspector's notes. As a courtesy, the team leader or lead inspector discusses them daily with licensee management so that there will be no surprises at the exit meeting. However, the written list of preliminary inspection findings is not to be shown to licensee management. If it is, it is to be placed in ADAMS and may be requested under FOIA.

d. Storage and Disposal of Inspector Notes and Materials

1. Personal records and NRC records may be stored in the same file cabinet or in an inspector's desk. However, personal records must not be kept in the same file folder or same drawer or on the same computer disk as agency records. If stored in separate folders in the same drawer or on the same computer disk as NRC records, such personal records may be considered to be commingled or mixed with NRC records and, as such become NRC records.

2. While onsite, inspectors should take care to ensure draft material or notes developed at licensee facilities are appropriately disposed of when no longer necessary. This precaution is to ensure pre-decisional or draft information is not inadvertently reviewed by the licensee.

3. Before using licensee facilities for disposal of documents or notes prepared by the inspector, the inspector should evaluate whether the information, if made available to the licensee, would interfere with the NRC's ability to effectively regulate the licensee or would be an embarrassment to the NRC or the inspector.

e. Licensee Controlled Information and Space

1. Inspectors should inform licensee management before the inspection that they may be requesting documents from the licensee's document control staff.

2. When the licensee uses a form to request controlled documents from its storage facility or document control clerks, the inspector may fill out this form following the licensee's procedures.

3. Controlled copies of licensee records and documents may be reviewed at any time during the inspection on licensee owned property. This documentation is not to be removed from the licensee's property or disposed of without the licensee's permission. With the licensee's permission, controlled copies of their records and documents may be reviewed offsite. Disposition of the licensee controlled information not retained by the inspector will be as directed by the licensee.

4. Unlike the resident inspector's office, office space provided onsite for the use of inspectors is not considered NRC office space. This space and any licensee documents under review or used by inspectors in this office space, are the property of the licensee, and not the NRC. However, in accordance with 10 CFR 50.70 and 10 CFR 70.55, the licensee or vendor is not permitted to go through documents or materials used by NRC inspectors in this space and is not privy to any conversations held between NRC inspectors in this space.

f. Licensee Forms and Written Documentation

1. Some licensees supply inspectors with forms, during team inspections, to ask written questions or to request information and documents that are needed to continue the inspection. Similar written forms are also generated by licensees to give inspectors written interim and final answers to inspectors' questions. The information on these forms is then entered into the licensee's computer system, along with any written responses from the licensee, and tracked.

2. Written answers by licensee personnel in response to verbal questions by an inspector on a licensee form that are retained by the inspector, after leaving the site, as the basis of an inspection finding are also NRC records subject to public disclosure. The inspector shall notify the licensee that the retained form will be considered an NRC record subject to public disclosure and provide them the opportunity to request withholding the information pursuant to the requirements of 10 CFR 2.390(b)(1).

3. Written answers in response to verbal questions by an inspector on licensee forms that provide background information or do not provide the basis for an inspection finding, and are not retained by the inspector after leaving the site are not NRC records and, therefore, are not subject to public disclosure. Disposition

of the licensee forms not retained by the inspector will be as directed by the licensee.

4. Written interim answers given by licensee personnel to an inspector on a prepared form or any type of paper, including computer printouts, may give the appearance that the inspector has helped the licensee to answer the question(s), may reflect the opinion of an individual staff member rather than the official position of the licensee, may give the appearance of the licensee doing the inspector's job and is not an acceptable substitute for obtaining first-hand information.

g. Release of Information Before Inspection Report Issuance

1. Discussions with licensees related to information contained in the inspection report should be limited to the observations made by the inspector during the inspection and the inspector's preliminary assessment of the observation.

2. Under rare circumstances, a written list of significant issues identified during the course of inspection may be provided to the licensee by the lead inspector to facilitate the communication of inspection findings that require prompt corrective action. This list must be approved by the regional division director before it is released and it must be attached to the inspection report.

3. Consistent with NRC policies, procedures and regulatory requirements, no portion of any inspection report shall be shown to or given to licensees, or any other group or person external to the NRC before formal issuance of the inspection report, without the explicit written permission of the EDO.

4. If inspection documentation is inadvertently or improperly released by the NRC, its contractors, or other government agencies, the EDO shall be immediately informed in writing of the release and the facts about the release. Corrective action shall be taken by the responsible office or region to retrieve the documentation and prevent recurrence of such a release.

5. Significant safety or security-related information shall be promptly and clearly communicated to responsible licensee management to obtain prompt evaluation and corrective action. There are few circumstances where this information cannot be relayed orally. Therefore, no draft inspection documents shall be given to the licensee unless the issue is so critical that verbal communication will not suffice to expeditiously correct the situation.

6. If the release of draft inspection information is necessary, prior approval shall be obtained from the inspector's management, when possible. If time is critical to the release of draft inspection documents to prevent or mitigate an emergency or significant safety or security event, the inspector shall release the documentation on his or her own authority and inform the responsible NRC management of the release and the circumstances surrounding the release as soon as practical. Such draft inspection documents shall be attached to the inspection report.

04.03 Dispositioning Documents and Records

a. FOIA Requirements.

1. Documents that are in the possession and control of the NRC may be subject to a FOIA request.

2. Documents that may be captured by a FOIA request include, but are not limited to:

- (a) Memoranda, facsimile transmissions (faxes), and electronic files, such as e-mail, WordPerfect files, and databases.
- (b) Licensee documents, including photographs, diagrams, and video-tapes, in the possession of and under the control of an NRC inspector. These include, but are not limited to, controlled, uncontrolled, and draft copies of licensee documents.
- (c) NRC-originated photographs, video-tapes, or sound recordings that are in the possession of NRC staff.
- (d) Documented conversations that have been shared with others or commingled with NRC records.
- (e) Inspector notes, including annotated licensee documents, that have been shared with others or commingled with NRC records.
- (f) Background material in the possession and control of NRC staff.
- (g) Preliminary inspection findings that have been shown to licensee management.

3. Documents may be withheld in part or withheld in their entirety if they fall within one or more of the FOIA exemptions defined in 10 CFR Part 9 (see MD 3.1 for more detailed explanations of FOIA exemptions).

- (a) Documents or portions of documents that fall within one or more of the nine FOIA exemptions defined in 10 CFR Part 9. (See also MD 3.1 for more detailed explanations of FOIA exemptions)

Note: A copy of all records that are within the scope of the FOIA request must be provided. Any record to be withheld in part or in its entirety must be bracketed with the appropriate FOIA exemption noted.

04.04 Records Disposition

a. Retaining Records

1. The inspector shall only retain as an NRC record the information necessary to support the inspection finding. Most of the time it is acceptable to just identify the source of the information (procedure number, revision, title, etc.) in the inspection report, which becomes the agency's official record. See IMC 0612, "Power Reactor Inspection Reports," for further guidance.

Note: It should be a rare occurrence that inspection documents are retained.

2. The question that should be asked when determining what information should be retained is: Can the NRC retrieve the document or information from the licensee in the foreseeable future? With this in mind, the inspector should evaluate what level of detail related to the licensee controlled information should be provided in the inspection report

3. If a document is the sole basis for an inspection finding and is not retrievable from the licensee, it should be listed as an attachment to the inspection report and placed in ADAMS.

- b. ADAMS Requirement: ADAMS is a recordkeeping system that maintains the official records of the agency and manages their disposition. Official agency records include all books, papers, maps, photographs, and machine readable documentary materials regardless of form or physical characteristics created or received by any agency of the United States Government under Federal law or in connection with the transaction of public business and that are preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of the data contained in these materials.

The documents listed below are required to be placed in ADAMS:

1. Written correspondence, including e-mails, to the licensee requesting documents for inspection preparation.
2. Inspection reports.
3. Photographs, video-tapes, or recordings that do not contain personal privacy, classified, proprietary, or safeguards information, that were relied on (solely) to substantiate inspection findings.
4. Documents or excerpts of documents retained by an inspector that were used to substantiate an inspection finding.
5. Where approved by regional management, written lists of significant issues identified during the course of the inspection that require prompt corrective actions provided to the licensee at the exit meeting. This list must be attached to the inspection report. This should be a rare occurrence.
6. Any documentary information, relative to inspection activities, distributed by an NRC inspector at a management meeting with the licensee. Such written material must be attached to the inspection report.
7. Any information or document sent to the NRC by mail or overnight express, with the exception of those sent directly to an NRC inspector as personal mail. (See NRC MDs 3.50, "Document Management" and 3.23 "Mail Management.")

Note: Documents or portions of documents that meet the requirements above and fall within the exempt categories of 10 CFR 2.390 and 10 CFR 9.13, are not to be made publicly available.

0620.05 REFERENCES

42 U.S.C. 2011 et. Seq., "Atomic Energy Act of 1954."

5 U.S.C. 552, "Freedom of Information Act."

10 CFR 2.390 "Public Inspection Exemptions, Requests for Withholding".

10 CFR Part 9 "Public Records" (FOIA's, Privacy Act Information).

10 CFR 50.70 "Inspections" (Power Reactors).

10 CFR 70.55 "Inspections (Special Nuclear Material)

NRC Management Directive 3.1, "Freedom of Information Act."

NRC Management Directive 3.50, " Document Management."

NRC Management Directive 3.53, "NRC Records Management Program."

NRC Management Directive 12.1, "NRC Facility Security Program."

NRC Management Directive 12.2, "NRC Classified Information Security Plan."

NRC Management Directive 12.4, "NRC Telecommunication Systems Security Program."

NRC Management Directive 12.6, "NRC Security Manual Sensitive Unclassified Information Security Plan."

NRC Management Directive 3.2, "Privacy Act."

NRC Inspection Manual Chapter 0330, "Guidance for NRC Review of Licensee Draft Documents."

NRC Inspection Manual Chapter 0612, "Power Reactor Inspection Reports."

NRR Office Instruction COM-203, Rev 1 dated 04/04/05, "Informal Interfaces and Exchange of Information with Licensees and Applicant." (ML050800544)

EXHIBIT 1

USE OF PHOTOS DURING THE INSPECTION PROCESS		
QUESTION	ANSWER	SOURCE
1. Do I need the licensee's permission to take photographs?	<p>Yes, if a photograph is made by the NRC during an inspection, it should be preannounced and all participants informed. If someone objects, the objection should always be honored. On occasions where it is not possible to get the licensee's permission in advance, be sure to notify the licensee as soon as possible.</p> <p>Use common sense in taking photographs as part of your routine inspection activities. Avoid taking photographs of personnel or plant features related to security. Follow the licensee's policy on the use of photographic equipment, including the prohibition of flash photography in areas of sensitive plant equipment.</p>	IMC-620 <u>NRC Documents Records, or Information</u>
2. What if the licensee does not grant permission?	Discuss the licensee's concerns with your supervisor.	
3. Can I forward photographs to my management electronically without the licensee's review?	No. If a photograph is made during an inspection, it should be reviewed by the licensee to determine if it contains any personal privacy, classified, proprietary, or safeguards information.	IMC-620 <u>NRC Documents Records, or Information</u>
4. Do I need something in writing from the licensee that says they have reviewed the pictures for safeguards, personal privacy and propriety information?	No.	
5. Is there agency guidance on how to forward photographs that contain classified or sensitive unclassified information?	Yes. Photographs that contain proprietary information or are for Official Use Only <u>can</u> be forwarded electronically (via email or fax) . Photographs that contain classified or safeguards information <u>cannot</u> be forwarded via email. However, if it is necessary to provide these photographs to management or to NRC experts to assist in making an inspection determination, you must print the photographs and forward them via a secure fax machine utilizing appropriate controls established in agency guidance. If secure fax capability is not available, the photographs must be mailed in accordance with NRC requirements and the approved NRC	<p>MD 12.2 "NRC Classified Information Security Program"</p> <p>MD 12.4 "NRC Telecommunication Systems Security Program"</p> <p>MD 12.6 "NRC Sensitive Unclassified Information Security Program"</p>

	classified mailing address must be used if classified information is involved. Also, all photographs believed to contain classified or sensitive unclassified information must be marked in accordance with NRC requirements. The camera used to take the classified photographs must be protected as classified and secured when unattended.	
<p>6. How do I know when photographs must be retained ?</p> <p>When are photographs required to be destroyed?</p> <p>If photographs are not used to support inspection findings can they be retained for training purposes?</p>	<p>If the photographs are used to substantiate an inspection finding and they do not contain classified or safeguards information, they are considered official agency records and must be retained and placed into ADAMS.</p> <p>Examples of photographs <u>used</u> to substantiate an inspection finding include photographs that are relied on to support regulatory decision-making. In some cases, the photograph may be the sole basis for the inspection finding.</p> <p>If the photographs are not used to substantiate an inspection finding and they contain personal privacy, classified, proprietary or safeguards information they <u>must</u> be destroyed in accordance with NRC requirements.</p> <p>Examples of photographs <u>not used</u> to support an inspection finding include: (1) those photographs that are used as memory joggers to assist the inspector in finalizing the inspection report and (2) photos forwarded electronically to regional management to clarify or to discuss findings. Photographs of this nature are not relied on for regulatory decision-making.</p> <p>If the photographs <u>do not</u> contain personal privacy, classified, proprietary, or safeguards information, they may be retained for informal training purposes.</p> <p>If the photographs contain personal privacy, classified, proprietary, or safeguards information, then they must be destroyed in accordance with IMC 0620.</p>	<p>MD 12.1 “NRC Facility Security Program” IMC-620 NRC Documents Records, or Information</p> <p>NRC’s authority under the Atomic Energy Act, § 161©)</p>
7. What if the licensee requests that a photograph be withheld from public disclosure because it contains personal privacy or	If it is necessary to keep a photograph containing personal privacy or proprietary information, the licensee must request that it be withheld from public disclosure in accordance with 10 CFR 2.390 (b) (1). If the information is proprietary the request must be	<p>10 CFR 2.390 (b) (1)</p> <p>MD 12.1 “NRC Facility Security Program”</p>

proprietary information.	<p>accompanied by an affidavit.</p> <p>If the photograph is the basis for a finding, it should be edited by the licensee to delete the sensitive information unless that information is necessary to support the finding.</p> <p>REMINDER—Under IMC-620 if the photograph contains personal privacy, classified, proprietary, or safeguards information it must be destroyed if it is <u>not</u> the basis for an inspection finding.</p>	
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USING PHOTOS FOR INFORMAL TRAINING

QUESTION	ANSWER	SOURCE
8. If photographs are not used to support inspection findings can they be retained for training purposes?	<p>If the photographs <u>do not</u> contain personal privacy, classified, proprietary, or safeguards information, they may be retained for informal training purposes.</p> <p>If the photographs contain personal privacy, classified, proprietary, or safeguards information, then they must be destroyed in accordance with IMC 0620.</p>	<p>NRC's authority under the Atomic Energy Act, § 161©)</p> <p>IMC-0620 "NRC Documents, Records, or Information"</p>
9. Do I need the licensee's permission to keep these photographs?	<p>You <u>do not</u> need the licensee's permission to retain these photographs for training purposes if you believe these photographs would be helpful in carrying out NRC's regulatory responsibilities.</p> <p>However, follow the guidance that relates to requesting the licensee's permission and review to determine if the photographs contain proprietary, personal privacy, classified, or safeguards information.</p>	NRC's authority under the Atomic Energy Act
10. Are training photographs subject to FOIA?	Yes.	NRC MD 3.1 "Freedom of Information Act"
11. How should the photographs be identified?	<p>Photographs that contain proprietary information <u>must</u> be labeled as such in accordance with 2.390(b) and should include the date and name of the facility or facility owner.</p> <p>There are no agency requirements that non-sensitive photographs be labeled and dated. Recommends that for ease of FOIA searches, photographs be dated and labeled.</p>	10 CFR 2.390

12. If the photographs contain classified and safeguards information can they still be used for training purposes?	Yes, but only if absolutely necessary and only if the photographs support an inspection finding (REMINDER-staff reviewing such photographs must possess the appropriate clearance levels and have a "need to know"). If this is the case, such photographs and or digital cameras that contain classified and safeguards information must be secured and agency guidance followed. Follow guidance in IMC-0620 regarding licensee review of such photographs.	IMC-620 <u>NRC Documents Records, or Information</u> MD 12.1 "NRC Facility Security Plan" MD 12.2 "NRC Classified Information Security Plan"
13. Are photographs used for training purposes required to go in ADAMS?	NO , if the photographs are used for informal training (OJT and learning opportunities). Yes , if the photographs are used for formal training (e.g. Technical Training Center).	MD 3.53 "NRC Records Management Program"
14. How long should photographs used for informal training (OJT and learning opportunities) be retained? How long should photographs used for formal training be retained.	Recommend that the photographs be destroyed when they are no longer needed. Currently, only formal training is thru HR/TTD, and retention schedules exist for them. Regional offices typically provide only informal training.	

ATTACHMENT 1

Commitment Tracking Number	Issue Date	Description of Change	Training Needed	Training Completion Date	Comment Resolution Accession Number
N/A	01/27/06	Four year review for commitments has been completed			
N/A	01/27/06	Eliminated the requirement to list all documents reviewed as an attachment to the inspection report and the requirement to place all documents reviewed in ADAMS. Updated and added security documents that contain classified information. Added guidance on the use of E-mail during the inspection process.	None	N/A	N/A No significant comments received.