

U.S. NUCLEAR REGULATORY COMMISSION MANAGEMENT DIRECTIVE (MD)

MD 3.12		HANDLING AND DISPOSITION OF FOREIGN DOCUMENTS AND TRANSLATIONS	DT-14-08
<i>Volume 3, Part 1:</i>	Information Management Publications, Mail, and Information Disclosure		
<i>Approved By:</i>	Mark A. Satorius Executive Director for Operations		
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EXECUTIVE SUMMARY			
Directive and Handbook 3.12 are being revised to clarify and update the policies and procedures applicable to the U.S. Nuclear Regulatory Commission’s translation programs, including interpretation services and document translation of technical reports and public outreach documents for the Limited English Proficiency Program. This revision reflects organizational changes, including the name change from the Division of Contracts to the Acquisition Management Division in the Office of Administration.			

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I. POLICY

It is the policy of the U.S. Nuclear Regulatory Commission to obtain, translate, hold, and distribute foreign documents of interest to NRC in carrying out its regulatory mission. NRC supports the translation of outreach material through the Limited English Proficiency (LEP) Program at Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," and the prohibition against national origin discrimination at Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and Title VI regulations against national origin discrimination.

II. OBJECTIVES

- Assign responsibilities and establish procedures for handling unclassified, sensitive unclassified, and classified foreign documents and their translations, including interpretations.
- Ensure that NRC employees and contractors do not release information in documents received from foreign governments, foreign organizations, or international organizations that would compromise national security, patent rights, copyrights, and other intellectual property rights, or requests for confidentiality by foreign governments, foreign organizations, or international organizations.
- Provide meaningful access to NRC programs and activities by persons with LEP.

III. ORGANIZATIONAL RESPONSIBILITIES AND DELEGATIONS OF AUTHORITY

A. Office of the General Counsel (OGC)

Provides legal review and advice, as needed, on questions regarding inventions, patents, copyrights, and other intellectual property rights that may involve obtaining, translating, holding, and distributing foreign documents.

B. Director, Office of International Programs (OIP)

1. Establishes policy and approves procedures for handling and disseminating unclassified foreign documents and translations.
2. Advises NRC employees and contractors, in consultation with the Office of the General Counsel (OGC); the Acquisition Management Division (AMD), Office of Administration (ADM); and the Office of Information Services (OIS) on matters of internal and external distribution limitations, copyrights, patent rights, other intellectual property rights, and policy ramifications of distributing foreign documents that NRC receives.
3. Advises other NRC office directors and regional administrators of the establishment or revision of distribution lists for standard foreign documents and translations.
4. Stays aware of all international and foreign national agreements with specific reference to limitations on the distribution of documents received through these agreements.
5. Consults with the Division of Facilities and Security (DFS), ADM, regarding the protection and distribution of official use only, proprietary, and classified foreign documents and translations.
6. Develops and maintains the vehicles for providing secure or overseas interpretation services in conjunction with other NRC offices.
7. Performs the functions delineated in Sections III.B.1 through III.B.5 in coordination with the Office of Nuclear Regulatory Research (RES) if research agreements are involved.

C. Director, Office of Administration (ADM)

1. Develops and maintains policies for providing translation services for NRC in conjunction with other NRC offices.
2. Develops and maintains the vehicles for providing translation services of technical reports for NRC in conjunction with other NRC offices.

D. Director, Office of Small Business and Civil Rights (SBCR)

1. Establishes policy and approves procedures for the LEP Program for public outreach (domestic translation or oral interpretation requests).
2. Develops and maintains the vehicles for providing translation services for public outreach documents (i.e., LEP) for NRC in conjunction with other NRC offices.

3. Ensures that information on NRC-conducted programs and activities can be meaningfully accessed and understood by persons with limited English proficiency.
4. Assigns a primary project manager in the Small Business and Civil Rights (SBCR) Outreach and Compliance Coordination Program who is responsible for coordinating and monitoring domestic translation or oral interpretation requests.

E. Office Directors and Regional Administrators

1. Assign a technical advisor to review translation requests and determine their applicability to program requirements, take into consideration the high cost of translation services, and reject requests for translation of material unrelated to the NRC mission.
2. Establish an office contact and procedures within each office, preferably at the level of office director, to prepare and sign either NRC Form 430, "Request for Translation of Unclassified Document," or NRC Form 832, "Limited English Proficiency Program Request for Domestic Translation Services," and to record requests to prevent duplication.
3. Consult with the Office of International Programs to develop standard and special distribution lists of foreign documents and translations and any needed special markings (e.g., proprietary and limited distribution items).
4. Capture and store any foreign or translated documents for easy identification, retrieval, and use agencywide, according to information handling requirements.
5. Consult with SBCR regarding any domestic translation or interpretation requests for the LEP Program.

F. Director, Division of Administrative Services (DAS), ADM

1. Establishes procedures to provide translation services for NRC.
2. Budgets funds for translation services.
3. Authorizes payment for translation services through authority delegated by the Executive Director for Operations (EDO).
4. Evaluates translation activities to determine whether provisions for translation services are adequate and makes any needed changes.

G. Director, Acquisition Management Division (AMD), ADM

1. Obtains translation and interpretation services in accordance with the Federal Acquisition Regulation.

2. Participates in negotiations, on behalf of SBCR and the Division of Administrative Services, ADM, with contract translators to resolve problems as translation and interpretation work progresses.
3. Consults with DFS, ADM, regarding the protection and distribution of official use only, proprietary, and classified foreign documents and translations when these materials are in the possession of or controlled by an NRC translations or interpretation contractor.

H. Director, Division of Facilities and Security (DFS), ADM

Establishes procedures for receiving, storing, transmitting, and distributing proprietary, sensitive unclassified, and classified foreign documents and translations and ensures that the procedures are implemented and followed.

**I. Director, Division of the Controller (DOC),
Office of the Chief Financial Officer (OCFO)**

Makes payment for translation or interpretation services upon receipt of properly prepared and signed documents that meet the policy and procedures regarding certified vouchers contained in Management Directive (MD) 4.1, "Accounting Policy and Practices," and MD 11.1, "NRC Acquisition of Supplies and Services."

IV. APPLICABILITY

The policy and guidance in MD 3.12 apply to all NRC employees and contractors.

V. DIRECTIVE HANDBOOK

Handbook 3.12 contains guidelines for handling foreign documents and translations, procedures for obtaining translation or interpretation services, and information on the availability of translations.

VI. REFERENCES

Code of Federal Regulations

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

10 CFR Part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders."

10 CFR Part 9, "Public Records."

48 CFR Chapter 1, "Federal Acquisition Regulation," 52.246, "Inspection of Services—Fixed-Price."

Nuclear Regulatory Commission Documents

ADM Translation Services Web site:

<http://www.internal.nrc.gov/ADM/translation/translation.html>.

Management Directive—

3.6, “Distribution of Unclassified NRC Staff- and Contractor-Generated Reports.”

3.7, “NUREG-Series Publications.”

4.1, “Accounting Policy and Practices.”

11.1, “NRC Acquisition of Supplies and Services.”

12.1, “NRC Facility Security Program.”

12.2, “NRC Classified Information Security Program.”

12.5, “NRC Cyber Security Program.”

12.6, “NRC Sensitive Unclassified Information Security Program.”

12.7, “NRC Safeguards Information Security Program.”

NRC Forms Library at SharePoint:

<http://portal.nrc.gov/nrcformsportal>.

NUREGs—

NUREG/BR-0344, “Know Your Rights: Limited English Proficiency (LEP),”
December 2008.

NUREG/BR-0345, “Affirming LEP Access & Compliance in Federal and Federally
Assisted Programs,” December 2008.

Office of International Programs SharePoint site:

<http://portal.nrc.gov/OCM/ip/default.aspx>.

SBCR Office Procedures, “Procedures for Processing Requests for Domestic
Translation Services,” February 22, 2010, at

<http://www.internal.nrc.gov/communications/LEPPolicyProceduresNRCOffices.pdf>.

SBCR Outreach and Compliance Coordination Program Web site:

<http://www.internal.nrc.gov/SBCR/outreach.html>.

SECY-07-0065, “Outreach and Compliance Coordination Program,” April 4, 2007.

SUNSI Web site:

<http://www.internal.nrc.gov/sunsi>.

Other Documents

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," August 11, 2000, at <http://www.gpo.gov/fdsys/pkg/FR-2000-08-16/pdf/00-20938.pdf>.

U.S. Department of Justice Guidance for Implementing Executive Order 13166, "Commonly Asked Questions and Answers Regarding Executive Order 13166, at <http://www.justice.gov/crt/about/cor/Pubs/lepqa.php>.

United States Code

Copyrights (17 U.S.C.).

Freedom of Information Act, as amended (5 U.S.C. 552).

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d, et seq.).

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I. GUIDELINES FOR HANDLING FOREIGN DOCUMENTS AND TRANSLATIONS

A. Limiting Distribution of Foreign Documents Obtained as Part of an Official Agreement

To protect information obtained from agreement nations, the U.S. Nuclear Regulatory Commission must exercise control over the translation and distribution of documents received as a result of official agreements. U.S. Government documents are not protected by copyright laws and usually only classified and proprietary documents are exempt from mandatory public disclosure in accordance with the Freedom of Information Act and Commission regulations at 10 CFR Parts 2 and 9. The Office of International

Programs (OIP) offers the following guidelines to NRC employees and contractors for safeguarding foreign documents obtained by international and foreign national agreements and their subsequent translations:

1. Translations of foreign documents received by international and foreign national agreements are not NRC-generated documents but are derivative works created from foreign documents by foreign authors. These documents are still the property of the foreign author or the sponsoring government or organization. See Title 17 of the *Code of Federal Regulations*, "Copyright" (17 CFR).
2. NRC headquarters and regional offices that obtain a foreign document must examine the foreign document for any instructions or markings indicating restricted distribution. Foreign documents are not NRC-generated documents and are not routinely distributed outside NRC, other than to NRC contractors with a need to know.
3. Persons who request translations of restricted documents through the Rules, Announcements, and Directives Branch (RADB), Division of Administrative Services (DAS), Office of Administration (ADM), should advise RADB of any restrictions on the distribution of the document.
4. NRC offices must consult with the Office of International Programs (OIP) and, if research agreements are involved, with the Office of Nuclear Regulatory Research (RES) before authorizing distribution of a foreign document or its translation outside the NRC. Management Directive (MD) 3.13, "Reproduction and Distribution," provides guidance regarding the internal dissemination of documents. MD 3.7, "NUREG-Series Publications," provides guidance regarding the agency's formal publication series, the NUREG series.
5. If NRC decides that a foreign document or its translation should be handled as official use only, proprietary, or classified, NRC employees and contractors must handle the document following the procedures contained in MD 12.1, "NRC Facility Security Program"; MD 12.2, "NRC Classified Information Security Program"; MD 12.5, "NRC Automated Information Security Program"; MD 12.6, "NRC Sensitive Unclassified Information Security Program"; and MD 12.7, "NRC Safeguards Information Security Program."

B. Documents Received From Unofficial Sources in Agreement Countries or From Individuals in Nonagreement Countries

1. When NRC receives foreign documents and translations from unofficial sources in agreement countries or from individuals in nonagreement countries, the following procedures apply:
 - (a) If an NRC employee receives a foreign document or a translation of a foreign language document as part of an official visit to a foreign country, or receives a

document of this type from a foreigner visiting this country, the employee should consider the document as provided to him or her as part of the official visit, unless otherwise indicated.

- (b) If the employee has any doubt as to whether or not the document or translation is covered by an NRC international, foreign national, or research agreement, he or she should consult OIP or RES.
 - (c) If the unofficial source attempts to impose restrictive distribution terms on the document, the employee should seek legal guidance from the Office of the General Counsel (OGC).
2. If the document to be transmitted contains or is believed to contain proprietary information, follow the information security guidance on the Sensitive Unclassified Non-Safeguards Information (SUNSI) Web site at <http://www.internal.nrc.gov/sunsi>, before sending the document to RADB. For example, mark the document with the required header and footer markings that indicate the type of SUNSI (i.e., "Official Use Only - Proprietary Information," "Official Use Only - Sensitive Internal Information"). Please note that NRC has discontinued use of coversheets (e.g., the yellow Proprietary Information cover sheet and the green "Official Use Only" cover sheet), as announced in Yellow Announcement No. 05-077.
 3. If the document to be transmitted contains or is believed to contain Safeguards Information (SGI) and Safeguards Information – Modified Handling (SGI-M), attach the SGI cover sheet, NRC Form 461 (10-2009) and NRC Form 461A (10-2009). Both SGI and SGI-M are protected in the same manner.
 4. If the document to be transmitted contains or is believed to contain classified information, attach Standard Form 703, "Top Secret Cover Sheet"; Standard Form 704, "Secret Cover Sheet"; or Standard Form 705, "Confidential Cover Sheet," as appropriate.

II. AVAILABLE INTERPRETATION AND TRANSLATION SERVICES

A specific interpretation or translation request may be served through one or a combination of the following NRC services or programs. Exhibit 1, "Matrix of Available NRC Interpretation and Translation Services," summarizes the available services and the highest level of information and document handling for each service or program. Exhibit 1 also notes the funding obligations of each available service.

A. Interpretation Services for Overseas Inspections

The International Operations Branch (IOB), OIP, provides live interpretation and document translation services for overseas inspections, agreements, arrangements, and

other agency functions which may potentially require information handling procedures (see Section I of this handbook for guidelines).

B. Interpretation and Translation Services for Outreach Material (Limited English Proficiency (LEP) Program)

The Office of Small Business and Civil Rights (SBCR) provides interpretation and translation services for outreach materials (i.e., LEP Program) through the Outreach and Compliance Coordination Program (OCCP). Outreach materials include key documents related to the meeting, including the public meeting notice, agenda, presentation, vital documents, and the public feedback form.

C. Translation Services for Technical Reports

RADB, DAS, ADM, provides translation services for technical reports.

III. INTERPRETATION SERVICES FOR INTERNATIONAL SITES

A. General

1. Background

The U.S. Department of State (DOS) provides NRC verifications of textual authenticity when international agreements are conducted in English and the language of the partner nation. The DOS Office of Language Services charges for translation services for international cooperation agreements. About one-third of NRC's 42 international agreement partners are required by their national laws to conduct agreements in both languages. Although not all agreements are required in both languages, OIP will retain a copy in English in its Agreement Division.

2. Available Services

OIP provides assistance and recommendations on international issues and will assist offices on obtaining cleared, "real-time" interpretation services "as needed" (e.g., overseas inspections). Interpreters are usually hired by the day, except for advanced meetings for which interpreters are hired by the hour. OIP will obtain the best quote and hire locally through the embassy. OIP will provide details depending on country and locale. Requestors should contact OIP for lead time information and consult the Procurement Administrative Lead Time (PALT) for procurement response timelines. The PALT ranges are for planning purposes and begin with receipt of the procurement request in the Acquisition Management Division. Actual lead times will depend on the complexity, extent of market research required, and particular circumstances of the procurement.

B. Memorandum of Understanding with the U.S. Department of State (DOS)

1. To request real-time interpretation, please contact the International Programs Manager, IOB, OIP. Contact information is available through the OIP SharePoint site at <http://portal.nrc.gov/OCM/ip/default.aspx>.
2. When OIP receives the interpretation request, OIP will contact the DOS Office of Nuclear Energy, Safety and Security, and inform the NRC program office of any funding obligations.

**IV. INTERPRETATION AND TRANSLATION SERVICES FOR OUTREACH
MATERIAL (LIMITED ENGLISH PROFICIENCY (LEP) PROGRAM)**

A. General

1. The SBCR OCCP oversees the agency's LEP Program. SBCR has established a contract to assist NRC offices in meeting LEP requirements. More information is available on the SBCR OCCP Web site at <http://www.internal.nrc.gov/SBCR/outreach.html>. Please contact OCCPrograms.Resources@nrc.gov for more information.
2. NRC is dedicated to improving access to agency programs and activities by persons with LEP by ensuring that persons with LEP can meaningfully access and understand information about NRC-conducted programs and activities, including public meetings. See—
 - (a) Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," August 11, 2000.
 - (b) NUREG/BR-0344, "Know Your Rights: Limited English Proficiency (LEP)."
 - (c) NUREG/BR-0345, "Affirming LEP Access & Compliance in Federal and Federally Assisted Programs."
 - (d) SECY-07-0065, "Outreach and Compliance Coordination Program."

B. Standard Request for Interpretation or Translation of Outreach Material

1. Request domestic translation or interpretation services through SBCR. Oral interpretation and translation services are available, including translation of a key document related to a meeting, a public meeting notice, agenda, presentation, vital documents, and the public feedback form.
2. See SBCR "Procedures for Processing Requests for Domestic Translation Services," on the OCCP Web site at <http://www.internal.nrc.gov/SBCR/outreach.html>.

3. Submit NRC Form 832, "Limited English Proficiency Program Request for Domestic Translation Services," on the NRC Forms Library, available at <http://portal.nrc.gov/nrcformsportal>, to the SCBR OCCP coordinator.

C. Special Handling for Interpretation or Translation of Outreach Material

When a request requires special handling (e.g., documents needing priority treatment), employees should make arrangements before submitting the request to SBCR. In general, interpreting or translating outreach material should never require special information handling procedures because the intended audience is the public.

V. TRANSLATION SERVICES FOR TECHNICAL REPORTS

A. General

1. ADM manages a contract that provides centralized document translation services to the agency. Non-sensitive documents may be submitted for translation from a foreign language into English or vice versa. (See Title 17 of the CFR and MD 3.7.)
2. Contact information and additional guidance are available on the ADM Translation Services Web site at <http://www.internal.nrc.gov/ADM/translation/translation.html>. Contact Translation.Program@nrc.gov for more information.

B. Standard Request for Translation of Technical Report

1. Timeline for Routine Handling

Routine handling for most unclassified translations requires from 15 to 90 calendar days from the time the document is submitted to RADB, DAS, ADM, for translation until the completed translation is returned to the requester, depending on the volume of material to be translated and the language of the foreign document. Standard procedures for requesting, preparing, reviewing, and distributing translations for NRC are given in Section V.B.2 of this handbook.

2. Submit Request for Translation of Unclassified Technical Report

- (a) To request the translation of a foreign technical report into English or an English document into a foreign language, complete NRC Form 430, "Request for Translation of Unclassified Document," and submit this form to RADB. Include the original document, or a clean, legible copy if the original is not available, to be translated and an extra clean, complete one-sided copy of the original document in the package. Depending on the length of the document, allow 15 to 90 calendar days for routine handling.

- (b) When RADB receives the translated document, RADB will send a copy of the translation to the requester with a partially completed NRC Form 431, "Evaluation of Unclassified Translation."
- (c) The requester will follow the instructions in Section II.D.3 of this handbook. NRC Form 431 is used to indicate that the translation is acceptable and the contractor can be paid, or that the translation is unacceptable and must be corrected.
- (d) The staff should contact the RADB staff to discuss economical options for translations.

C. Special Procedures for Translation of Documents Requiring Special Handling

1. When a document requires special handling (e.g., classified documents or documents needing priority treatment), employees should make arrangements before submitting the document to RADB for translation. Provide written justification for special handling in block 19 of NRC Form 430.
2. Classified translations and translations with SGI are handled in much the same way as unclassified translations. However, the following procedures must be followed to ensure that the document is safeguarded during the translation process:
 - (a) To request translation of the document, complete NRC Form 430 and submit the form to RADB.
 - (b) The office contact advises RADB that a classified or SGI document is being submitted. RADB will make special arrangements to handle a classified or SGI document if overnight storage is required. In addition, the individual office arranges for delivery of—
 - (i) A classified document to RADB under procedures specified in MD 12.2, "NRC Classified Information Security Program," or
 - (ii) An SGI document to RADB under procedures specified in MD 12.7, "NRC Safeguards Information Security Program."
 - (c) The foreign document will be given only to NRC employees or contractors with the appropriate security clearance and facilities approved by the Division of Facilities and Security (DFS), ADM, for storing and handling the highest classification of the documents involved.
 - (d) If the document is to be forwarded outside NRC or to NRC contractor facilities for translation, RADB will check with DFS to ensure that the recipient has appropriate facility approval to use, process, store, reproduce, transmit, and handle the classified matter involved.

- (e) When the translator has completed the assignment, he or she will return the translation, the original document, and all notes to RADB. This material should be transmitted in accordance with the provisions of MD 12.2.
- (f) RADB will notify the requester when the translation has been returned and make arrangements to deliver all related materials to the original requester.

D. Requester's Review of Document Translations for Acceptability

1. The requester should—
 - (a) Carefully review the translation for technical adequacy to the best of his or her ability.
 - (i) If the translation is acceptable, return the completed, signed NRC Form 431 to RADB. Do not return copies of the translation.
 - (ii) If the translation is unacceptable, complete and sign the NRC Form 431 and return the form with a marked-up copy of the translation to RADB. RADB will return the translation to the translator for correction.
 - (b) Complete NRC Form 431 and return the form to RADB within the allotted time indicated on the form so that payment can be promptly authorized. The requester will be allowed 7 to 30 Federal workdays to evaluate the translation. The amount of time allowed for the evaluation depends on the number of words in the translation, as follows:

52,000 words or less	7 Federal workdays
52,001 - 100,000 words	14 Federal workdays
More than 100,000 words	30 Federal workdays
 - (c) If the requester does not return NRC Form 431 within the allotted time, RADB will authorize payment, and correction of the translation may no longer be requested.
2. If the translation is acceptable, RADB enters this information into its translations tracking system. RADB will retain a working record of having translated the document but will refer all questions about its availability or content to the original requester, who retains the translation.
3. RADB will refer all questions about the availability or content of proprietary or classified translations to the original requester.
4. If an employee desires a copy of a translation, he or she should contact RADB (Translation.Program@nrc.gov) to identify the originating NRC office. Requests will be directed to the originating NRC office.

VI. GLOSSARY

Copyright

A form of protection provided by the laws of the United States in Title 17 of the U.S. Code. This protection is available for both published and unpublished works. Because copyright laws may be different in foreign countries, any questions on copyrights should be directed to the NRC Office of the General Counsel.

Document translation

Written communication in a second language having the same meaning as the written communication in a first language.

Foreign national agreements

Negotiated statements of cooperative intent signed by the Commission and representatives of foreign countries. Agreements of this type are administered by the Office of International Programs.

International agreements

Arrangements between the United States and foreign countries or international organizations. Agreements of this type are administered by the Office of International Programs and, where research agreements are involved, the Office of Nuclear Regulatory Research.

Interpretation

Oral communication in a second language having the same meaning as the oral communication in a first language. Also referred to as “real-time” translation.

Patent rights

Legal rights in a patent obtained on an invention or in a patent application filed on an invention. Because patent rights may be different in foreign countries, any questions on patent rights should be directed to the NRC Office of the General Counsel.

Proprietary information

Documentation containing trade secrets and commercial or financial information that is obtained from a person and purported to be confidential, or information given in confidence to NRC by a foreign source (see 10 CFR 2.390).

Translation

Communication in a second language having the same meaning as the communication in a first language. See document translation and interpretation.

EXHIBIT

Exhibit 1 Matrix of Available NRC Interpretation and Translation Services

Office	Program	Available Services		Highest Level of Information Handling*	Example Request or Deliverable**	Funding Required from Requesting Office	Fee-billable?
		Interpretation	Translation				
ADM	Technical Translation Program	No	Yes	Safeguards Information (SGI)	Technical report, conference paper, journal article, etc., published in a language other than English; camera-ready deliverable returned.	No, but subject to review to determine applicability to program requirements.	Yes
SBCR	Limited English Proficiency Program	Yes	Yes	Non-sensitive (publicly available)	Limited English Proficiency public meeting for Turkey Point COL application (NRO): Key documents related to the meeting, including as the public meeting notice, agenda, presentation, vital documents, and the public feedback form, were available in Spanish. In addition, there were two onsite interpreters (Spanish and Creole).	Yes	Yes
OIP	International Operations Branch	Yes	Yes	Classified, including National Security Information (NSI) and Restricted Data (RD)	Live or "real-time" interpretation and onsite translation services for interactions with foreign governments or international agreements, including support for overseas vendor inspections, the Operations Center at headquarters, signing ceremonies, or meetings with a foreign representative or visitor.	Yes	Yes

* See MD 12.2 for specific handling procedures.

** Each example request does not depict the highest level of information handling available through the specific program.