

U.S. NUCLEAR REGULATORY COMMISSION

DIRECTIVE TRANSMITTAL

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To: NRC Management Directives Custodians

Subject: Transmittal of Directive 3.12, "Handling and Disposition of Foreign Documents and Translations"

Purpose: Directive and Handbook 3.12 have been revised to clarify and update the policies and procedures applicable to NRC's translations program that supports NRC's international cooperation agreements related to nuclear safety and safeguards. It also reflects recent organizational changes within the NRC.

Office and Division of Origin: Office of Administration
Division of Administrative Services

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Directive: 3.12 Handling and Disposition of Foreign Documents and Translations

Availability: Rules and Directives Branch
Office of Administration
(301)415-7164 or (301)415-7086

Handling and Disposition of Foreign Documents and Translations

***Directive
3.12***

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Handling and Disposition of Foreign Documents and Translations

Directive 3.12

Policy (3.12-01)

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.

Objectives (3.12-02)

- To assign responsibilities and establish procedures for handling unclassified, sensitive unclassified, and classified foreign documents and their translations. (021)
- To ensure that NRC staff and NRC 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. (022)

Organizational Responsibilities and Delegations of Authority

(3.12-03)

General Counsel (GC) (031)

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

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**Director, Office of International
Programs (OIP)**
(032)

- Establishes policies and approves procedures for handling and disseminating unclassified foreign documents and translations. (a)
- Advises the NRC staff and NRC contractors, in consultation with the Office of the General Counsel (OGC), the Division of Contracts and Property Management (DCPM), Office of Administration (ADM), and the Office of the Chief Information Officer (OCIO), on matters of internal and external distribution limitations, copyrights, patent rights, other intellectual property rights, and policy ramifications of the distribution of foreign documents that NRC receives. (b)
- Advises other NRC office directors and regional administrators of the establishment or revision of distribution lists for standard foreign documents and translations. (c)
- Maintains cognizance of all international and foreign national agreements with specific reference to limitations on the distribution of documents received under these agreements. (d)
- 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. (e)
- If research agreements are involved, performs the functions delineated in (a) through (e) in coordination with the Office of Nuclear Regulatory Research (RES). (f)

Director, Office of Administration (ADM)
(033)

Develops and maintains policies for providing translation services for NRC in conjunction with other NRC offices.

**Office Directors and
Regional Administrators
(034)**

- Assign a technical advisor to review translation requests to determine their applicability to program requirements, to take into consideration the high cost of translation services, and to reject requests for translation of material unrelated to the NRC mission. (a)
- Establish an office contact and procedures within each office, preferably at the level of office director, to prepare and sign NRC Form 430, "Request for Translation of Foreign Document," and to record requests to prevent duplication. (b)
- Consult with OIP to develop standard and special distribution lists of foreign documents and translations and any needed special markings, such as for proprietary and limited distribution items. (c)

**Director, Division of Administrative
Services (DAS), ADM
(035)**

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

**Director, Division of Contracts and
Property Management (DCPM), ADM
(036)**

- Obtains translation services under the Federal Acquisition Regulation. (a)
- Participates in negotiations with contract translators and DAS to resolve problems as translation work progresses. (b)

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Director, Division of Contracts and
Property Management (DCPM), ADM
(036) (continued)

- 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 when these materials are in the possession or under the control of an NRC translations contractor. (c)

Director, Division of Facilities and
Security (DFS), ADM
(037)

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.

Director, Division of Accounting and
Finance (DAF), Office of the Chief
Financial Officer (OCFO)
(038)

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

Applicability
(3.12-04)

The policy and guidance in this directive and handbook apply to all NRC employees and NRC contractors.

Handbook
(3.12-05)

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

References

(3.12-06)

Federal Acquisition Regulation (48 CFR Chapter 1) 52.246-4 April 1984-Inspection of Services.

NRC Management Directive

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

— 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 Automated Information Systems Security Program.”

— 12.6, “NRC Sensitive Unclassified Information Security Program.”

NUREG/BR-0800, “Translations of Foreign Documents.”

Handling and Disposition of Foreign Documents and Translations

***Handbook
3.12***

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Part I

Guidelines for Handling Foreign Documents and Translations

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

To protect information obtained from agreement nations, NRC must exercise control over the translation and distribution of documents received as a result of official agreements. Because U.S. Government documents are not protected by copyright laws and usually only classified and proprietary documents are exempt from mandatory public disclosure under the Freedom of Information Act and Commission regulations in 10 CFR Parts 2 and 9, the Office of International Programs (OIP) offers the following guidelines to NRC staff and NRC contractors for safeguarding foreign documents obtained by international and foreign national agreements and their subsequent translations:

- 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, and are still the property of the foreign author or the sponsoring government or organization. (1)
- NRC headquarters and regional offices that obtain a foreign document must examine it 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. (2)

Limiting Distribution of Foreign Documents Obtained as Part of an Official Agreement (A) (continued)

- Persons who request translations of restricted documents through the Rules and Directives Branch (RDB), Division of Administrative Services, Office of Administration, should advise RDB of any restrictions on the distribution of the document. (3)
- NRC offices must consult with 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. (4)
- If NRC decides that a foreign document or its translation should be handled as official use only, proprietary, or classified, the document must be handled in accordance with procedures contained in Management Directives 12.1, "NRC Facility Security Program," 12.2, "NRC Classified Information Security Program," 12.5, "NRC Automated Information Systems Security Program," and 12.6, "NRC Sensitive Unclassified Information Security Program." (5)

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

When NRC receives foreign documents and translations from unofficial sources in agreement countries or from individuals in nonagreement countries, the following apply: (1)

- If an NRC staff member 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 staff member should consider the document as provided to him or her as part of the official visit, unless otherwise indicated. (a)
- If the staff member 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. (b)

**Documents Received From
Unofficial Sources in Agreement
Countries or From Individuals
in Nonagreement Countries (B) (continued)**

- If the unofficial source attempts to impose restrictive distribution terms on the document, the staff member should seek legal guidance from the Office of the General Counsel. (c)

If the document to be translated contains or is believed to contain proprietary information, attach NRC Form 190, "Proprietary Information Cover Sheet," to the front of the document before sending it to RDB. (2)

If the document to be transmitted contains or is believed to contain classified information, attach Standard Form 703, "Top Secret Cover Sheet," 704, "Secret Cover Sheet," or 705, "Confidential Cover Sheet," as appropriate. (3)

Part II

Translation Procedures

General (A)

The Rules and Directives Branch (RDB), Division of Administrative Services, Office of Administration (ADM), is responsible for coordinating translation services for NRC. From the time the document is submitted to RDB for translation until the completed translation is returned to the requester, routine handling for most unclassified translations requires from 15 to 90 calendar days, 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 below.

Routine Procedures for Obtaining Translations (B)

To request the translation of a foreign document into English or an English document into a foreign language, complete NRC Form 430 and submit it to RDB. 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. (1)

When RDB receives the translated document, it will send a copy of the translation to the requester with a partially completed NRC Form 431, "Translation Evaluation." (2)

The requester will follow the instructions in (D) of this part. The 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. (3)

Requester's Review of Unclassified Translations for Acceptability (C)

The requester should—(1)

- Carefully review the translation for technical adequacy to the best of his or her ability. (a)
 - If the translation is acceptable, return the completed, signed NRC Form 431 to RDB. **Do not** return copies of the translation. (i)
 - If the translation is unacceptable, complete and sign NRC Form 431 and return it with a marked-up copy of the translation to RDB. RDB will return the translation to the translator for correction. (ii)
- Complete NRC Form 431 and return it to RDB 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

If the requester does not return NRC Form 431 within the allotted time, RDB will authorize payment and correction of the translation may no longer be requested. (b)

If the translation is acceptable, RDB enters this information into its translations database. RDB annually compiles NUREG/BR-0080, "Translations of Foreign Documents," and distributes it to senior-level management and technical staff. RDB will retain a record of having translated the document but will refer all questions about its availability or content to the original requester. RDB will microfilm unclassified, unrestricted translations and place them in the NRC Library. (2)

Translations placed in the NRC Library are available on microfiche only to NRC employees. These translations are available only for viewing and may not be copied. If an employee desires a copy, he or she should contact RDB (415-7164). Proprietary and classified translations will not be available in microfiche. Requests for sensitive and classified information should be directed to the originating NRC office. (3)

Special Procedures for Translation of Classified Documents (D)

When a document requires special handling (e.g., classified documents or documents needing priority treatment), staff should make arrangements before submitting the document to RDB for translation. Provide written justification for special handling in block 14 of NRC Form 430, "Request for Translation of Foreign Document." (1)

Classified translations 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: (2)

- To request translation of the document, complete NRC Form 430 and submit it to RDB. (a)
- The office contact advises the RDB translations staff that a classified document is being submitted. The individual office arranges for delivery of a classified document to RDB under procedures specified in Management Directive (MD) 12.2. RDB will make special arrangements to handle classified documents if they are to be left overnight. (b)
- The foreign document will be given only to NRC staff or NRC contractor employees 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. (c)
- If the document is to be forwarded outside NRC or to NRC contractor facilities for translation, RDB 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. (d)
- When the translator has completed the assignment, he or she will return the translation, the original document, and all notes to RDB. This material should be transmitted in accordance with the provisions of MD 12.2. (e)
- RDB will notify the requester when the translation has been returned and make arrangements to deliver all related materials to the original requester. (f)

Reviewing Classified Translations for Acceptability and Distribution (E)

The requester should—(1)

- Carefully review the translation for technical accuracy and ensure that the cover, the title page, and other pages are marked as specified in MD 12.2. (a)
 - If the translation is acceptable, return the completed, signed NRC Form 431 to RDB. **Do not** return copies of the translation. (i)
 - If the translation is unacceptable, return the signed NRC Form 431 with a marked-up copy of the translation to RDB. RDB will return the translation to the translator for correction. (ii)
- Complete NRC Form 431 and return it to RDB 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

If the requester does not return NRC Form 431 within the allotted time, RDB will authorize payment and correction of the translation may no longer be requested. (b)

Proprietary and classified translations will not be available in microfiche. RDB will retain a record of having translated the classified document but will refer all questions about its availability or content to the original requester. (2)

Glossary

Copyright. A form of protection provided by the laws of the United States in Title 18 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 (OGC).

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 (OIP).

International Agreements. Arrangements between the United States and foreign countries or international organizations. Agreements of this type are administered by OIP and, where research agreements are involved, RES.

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 OGC.

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 2.790).

Exhibit
NRC Form 190, "Proprietary Information"

PROPRIETARY INFORMATION

NOTICE

THE ATTACHED DOCUMENT CONTAINS OR IS CLAIMED TO CONTAIN PROPRIETARY INFORMATION AND SHOULD BE HANDLED AS NRC SENSITIVE UNCLASSIFIED INFORMATION. IT SHOULD NOT BE DISCUSSED OR MADE AVAILABLE TO ANY PERSON NOT REQUIRING SUCH INFORMATION IN THE CONDUCT OF OFFICIAL BUSINESS AND SHOULD BE STORED, TRANSFERRED, AND DISPOSED OF BY EACH RECIPIENT IN A MANNER WHICH WILL ASSURE THAT ITS CONTENTS ARE NOT MADE AVAILABLE TO UNAUTHORIZED PERSONS.

COPY NO. _____
DOCKET NO. _____
CONTROL NO. _____
REPORT NO. _____
REC'D W/LTR DTD. _____

NRC FORM 190
(1-84)
NRCMD 3.12

PROPRIETARY INFORMATION

U. S. NUCLEAR
REGULATORY COMMISSION