



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 5, 2019

MEMORANDUM TO: David J. Nelson
Office of the Chief Information Officer

FROM: Tanya M. Mensah, CUI Program Manager /RA/
Office of the Chief Information Officer

SUBJECT: SUMMARY OF THE JULY 25, 2019, PUBLIC MEETING TO
DISCUSS THE STATUS OF THE UNITED STATES NUCLEAR
REGULATORY COMMISSION'S PLANS TO TRANSITION TO
CONTROLLED UNCLASSIFIED INFORMATION

On July 25, 2019, the United States Nuclear Regulatory Commission (NRC) held a Category 3 public meeting at NRC Headquarters for the NRC staff to discuss the status of its plans to establish and transition to a Controlled Unclassified Information (CUI) program. Representatives from the Nuclear Energy Institute and industry attended the meeting in person and also participated by phone. In addition, representatives from the National Archives and Records Administration (NARA) attended to observe the meeting and to address questions on the CUI rule requirements, where appropriate. All information related to this meeting and discussed in this summary is available in the NRC's Agencywide Documents Access and Management System (ADAMS) at Accession No. ML19193A193. A list of attendees is enclosed.

During the meeting, the NRC staff provided an overview of the CUI rule requirements and discussed a proposed timeline to establish and implement a CUI program at the NRC, as listed in the meeting agenda. The staff made no regulatory decisions or commitments during this meeting. The meeting transcript is available at ADAMS Accession No. ML19211B294.

Controlled Unclassified Information Program Update

In summary, the NRC staff provided an overview of the CUI rule requirements as described in Title 32 of the *Code of Federal Regulations* (CFR) Part 2002, "Controlled Unclassified Information." The NRC staff described how NARA established the CUI program and clarified that the change to a CUI program would not affect public access to NRC information under the Freedom of Information Act or the Privacy Act. The NRC staff also informed licensees that the CUI rule does not supersede or replace other laws, regulations, or Governmentwide policies, which may impose their own control requirements (e.g., 10 CFR Part 73, "Physical Protection of Plants and Materials"), and that licensees must continue to comply with the markings specified in NRC regulations. The NRC staff presentation slides provide additional detail and are available at ADAMS Accession No. ML19192A239.

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During the discussion, the NRC staff described how executive branch agencies are required to establish written agreements or arrangements when sharing CUI with non-executive branch entities, such as licensees and Agreement States. Although the NRC has not yet decided the nature and type of these agreements or arrangements, the NRC staff encouraged open dialogue during the public meeting to solicit industry views on proposed methods.

Specifically, the NRC staff conveyed that a “one-size-fits-all” approach to establishing written agreements may not be appropriate given the wide variety of NRC external stakeholders. Therefore, the NRC staff conveyed that it is currently considering a range of potential approaches to minimize the impact on its staff and external stakeholders.

One of the potential approaches to establish written agreements or arrangements includes the development of an online portal. The NRC staff envisions that an online portal would require recipients with a lawful government purpose to accept specific terms and conditions to protect CUI before they are granted access to the information in the portal. The NRC staff sought clarification on whether licensees would need to download and print information that is made accessible via an online portal. The initial feedback received from industry representatives was that CUI shared through any portal would need to be downloaded and potentially printed, not just viewed.

In addition, industry representatives sought clarification during the public meeting about the following:

- the type of information the NRC expects to share with licensees as CUI
- licensee handling of NRC documents that qualify as CUI
- whether written agreements would need to be established between licensees so that they could continue to share operating experience in the form of inspection report findings or other information designated as CUI

The NRC staff conveyed the need for additional discussions on these topics with the NRC’s CUI Working Group, the NRC’s CUI Steering Committee, and NARA.

During the public meeting, the NRC staff also described the current tasks to transition to CUI by the end of calendar year 2021. Those tasks include the publication of a high-level CUI policy statement, the publication of guidance for NRC staff and contractors to meet the CUI requirements, the development of training for NRC staff and contractors, and the publication of a CUI rule to align nomenclature in existing NRC regulations with CUI terminology.

In conclusion, the NRC staff stated that it will continue to work with NARA and other Federal agencies to adopt best practices and avoid undue burden on the staff and affected stakeholders. The industry stated its appreciation for the engagement and plan to coordinate future interactions on CUI to better understand the scope of CUI implementation.

The members of the public in attendance and on the conference bridge line had no comments. The NRC did not receive any public meeting feedback forms.

Please direct any inquiries to Tanya Mensah.

Enclosure:
Attendance Sheet

**July 25, 2019, Controlled Unclassified Information Public Meeting
Attendance Sheet**

(*Participated via teleconference)

Name	Affiliation
Fred Schofer	NRC
Mike Schoppman	Certrec
Rob Norman	NRC
Paul Goldberg	NRC
Amy Roundtree	NRC
Bern Stapleton	NRC
Steve Meyer	STARS Alliance
Maggie Staiger	NEI
Jim Barstow	Exelon Generation Company
Mark Lombard	NRC
Lisamarie Jarriel	NRC
Kathy Lyons-Burke	NRC
Charlene Wallace	NARA
Edmond Lee	NARA
Gary Langlie	NRC
David Skeen	NRC
Phil Couture*	Entergy Nuclear Operations
Wade Mattox*	GE Hitachi Nuclear Energy
Yanely Malave-Velez*	NRC
Kevin Deyette*	NuScale Power
Camille Zozula*	Westinghouse Electric Company
Dan Mussatti	NRC
Scott Flanders	NRC
Tanya Mensah	NRC
John Moses	NRC
James Adler	NRC
Nick Mertz	NRC

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DATE	08/23/2019	08/23/2019	08/26/2019	09/04/2019

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