



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

June 24, 2020

Douglas M. Osborn, PhD
Principal Investigator
International Nuclear Security
Engineering Department
Sandia National Laboratories
P.O. Box 5800
Albuquerque, NM 87185-0789

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION RELATED TO SANDIA
NATIONAL LABORATORIES REQUEST FOR SAFEGUARDS INFORMATION
AND OFFICIAL USE ONLY-SECURITY-RELATED INFORMATION
DOCUMENTS

Dear Mr. Osborn

By letter dated June 1, 2020, you requested two (2) regulatory guidance documents. Specifically, you requested U.S. Nuclear Regulatory Commission (NRC) Regulatory Guide 5.76 "Physical Protection Program at Nuclear Power Reactors," and NRC Regulatory Guide 5.81 "Target Set Identification and Development for Nuclear Power Reactors." The documents that you requested contain information that is designated as Safeguards Information (SGI) and Official Use Only – Security-Related Information (OUO-SRI), respectively.

Approval for such a request is contingent upon the requestor having met the access requirements for SGI as specified in Title 10 of the *Code of Federal Regulations* (10 CFR) 73.22(a) and possessing a valid need-to-know for both the SGI and the OUO-SRI that was requested. Additionally, when a request is received from an entity, such as a National Laboratory, the request is typically associated with an existing contract or statement of work that was prepared by the NRC. That contract or statement of work would include or be addressed to an employee of the Federal government that provides oversight to the National Laboratory.

In reviewing your June 1, 2020 letter, the NRC staff was unable to ascertain if the request was associated with an existing contract or statement of work that was prepared by the NRC or if coordination had been conducted with a Department of Energy (DOE) employee that could serve as an indication of their awareness with the request. This information is necessary in support of the NRC's determination regarding whether there is a net advantage to the NRC if it were to share the information that was requested. Your letter made it clear that you, and others that would obtain access to the requested information, possess the requisite security clearance, but absent the afore mentioned information, I cannot conclude that you have a valid need-to-know.

The staff has informed me that additional information is needed before a final determination can be made concerning your request for the two referenced sensitive documents. The staff's request for additional information (RAI) is identified as follows:

1. Please identify, if any, the contract or statement of work, prepared by the NRC that supports the in-coming request for the two sensitive documents.
2. Please identify, if any, procedures that Sandia National Laboratories, specifically your department, has in place to protect Safeguards Information as is prescribed by 10 CFR 73.21 "Safeguards Information: Performance Requirements."
3. Please identify, if any, if stand-alone computers or computers systems are available for use to process Safeguards Information.
4. Please identify, if any, the name(s) of the DOE Federal employee that is aware of and provides oversight for the requested sensitive information.
5. Please identify, if any, the known or expected NRC net advantage if the sensitive documents are shared.

The staff will evaluate your response to each of the questions listed above and will make a recommendation based on the adequacy of your response. After review and careful consideration of your responses to the questions, the staff will make its recommendation to affirm or disapprove.

I look forward to your response, and ask that you forward any questions, comments or concerns that you may have regarding this letter to Mr. Danté Johnson. Mr. Johnson can be reached by email at Dante.Johnson@nrc.gov.

Sincerely,

/RA/

Sabrina Attack, Director
Division of Security Operations
Office of Nuclear Security and Incident
Response

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DATED: June 24, 2020

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