



U.S. Nuclear Regulatory Commission (NRC) Controlled Unclassified Information (CUI) Virtual Public Meeting

June 2, 2022

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**Office of the Chief Information Officer (OCIO)
US Nuclear Regulatory Commission (NRC)**

c u i

Purpose

To hold a focused discussion with NRC stakeholders (i.e., licensees, Agreement States, etc.) regarding the NRC's plans to establish CUI information-sharing agreements and to discuss potential alternatives when sharing CUI that minimize burden on stakeholders.

Key Messages

**NRC CUI
Schedule**

**CUI
Information-
Sharing
Agreement**

**CUI
Dissemination**

Q&A Session

Reminder: Please do not put questions in the chat.

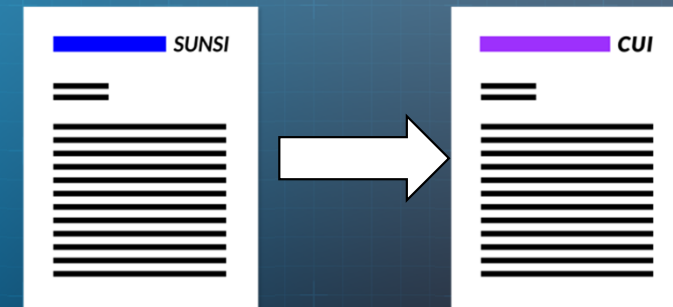
You will have the opportunity to ask questions or comment at a designated time in the meeting.



Key Messages

c u i is coming

- ❑ The NRC plans to transition to CUI on September 20, 2022.
 - ❑ ***All NRC employees and contractors continue to follow the existing agency policy for Sensitive Unclassified Non-Safeguards Information (SUNSI), which remains in effect until CUI is implemented.***
- ❑ CUI will:
 - ❑ Replace the NRC's current Sensitive Unclassified Non-Safeguards Information (SUNSI) Program.
 - ❑ Includes Safeguards Information (SGI) and SGI-Modified Handling (SGI-M) ***[10 CFR Part 73 requirements remain the same]***
- ❑ The NRC is evaluating potential alternatives (“view only” and/or “mail”) to minimize the burden on NRC stakeholders of complying with National Institute of Standards and Technology (NIST) Special Publication (SP) 800-171, “Protecting Controlled Unclassified Information in Nonfederal Systems and Organizations.”
- ❑ The NRC is committed to minimizing the impact of this transition for NRC internal and external stakeholders, to the extent practicable.



What Is CUI?



A federally mandated information security reform that standardizes the way the entire Federal government handles information that is not classified or Restricted Data but requires protection.

Information qualifies as CUI because a law, regulation, or governmentwide policy either requires or permits that information to be protected.

Replaces more than one hundred different agency policies and associated markings with one shared policy (CUI) and standardized markings for Federal executive branch agencies.

Key Differences Between SUNSI and CUI

- As defined in 32 CFR 2002, “Controlled Unclassified Information” and the NARA CUI Registry, there are:
 - Specific marking and handling requirements for CUI
 - Specific requirements for Federal and non-Federal IT Systems
 - Controlled environment requirements
 - Destruction requirements
 - Decontrolling requirements
 - Challenge, waiver, incident response, and self-assessment requirements
- Formal CUI information-sharing agreements are required, where feasible, when sharing CUI.

Key NRC CUI Implementation Tasks & Estimated Milestones



NRC CUI Policy Statement

- ✓ **Published the NRC's high-level CUI Policy Statement in the [Federal Register](#)** on November 12, 2021.

NRC CUI Implementing Policy & Guidance

- ✓ **Published MD 12.6, "NRC Controlled Unclassified Information Program"** on December 3, 2021.
- ✓ Available on the NRC's CUI Public Website: <https://www.nrc.gov/reading-rm/cui.html>

NRC CUI Training

- ☐ **Deploy mandatory CUI training** for NRC employees and contractors (Goal: June 2022).

CUI Rulemaking (Administrative)

- ☐ **Publish Final Rule** (Goal: August 2022)
 - ☐ This rulemaking consists of nomenclature changes proposed to existing regulations in 10 CFR Part 2, "Agency Rules of Practice and Procedure," to avoid potential confusion once the SUNSI program is discontinued.
 - ☐ Reference: [SECY-21-0105](#): Final Rule: Controlled Unclassified Information

CUI Written Agreements

- ☐ **Establish CUI information-sharing agreements** with non-Executive entities.
- ☐ Issue an administrative CUI Regulatory Issue Summary to inform all NRC stakeholders of the NRC's plans to transition to CUI by September 20, 2022, and to establish CUI information-sharing agreements. (Goal: August 2022)

Estimated NRC Transition from SUNSI to CUI (Goal: September 20, 2022)

Requirements



CUI Information-Sharing Agreements (32 CFR 2002.16(a)(5))

- Agencies should enter into a formal information-sharing agreement, whenever feasible, when sharing CUI with a non-executive branch entity.
- When an agency cannot enter into formal agreements, but the agency's mission requires it to disseminate CUI to non-executive entities, the Government strongly encourages non-executive entities to protect CUI in accordance with the CUI Rule.
- CUI protections should also accompany the CUI if the non-executive entity disseminates it further.



NIST SP 800-171

- The CUI rule identifies National Institute of Standards and Technology (NIST) Special Publication (SP) 800-171* as containing the security requirements for protecting CUI's confidentiality on non-Federal information systems.**
 - If the non-executive branch entity's information systems process or store CUI, the CUI Rule requires agencies to prescribe National Institute of Standards and Technology (NIST) Special Publication (SP) 800-171, "Protecting Controlled Unclassified Information in Nonfederal Systems and Organizations," when establishing security requirements in written agreements to protect the CUI's confidentiality.
 - NIST SP 800-171 applies to non-executive branch entities that intend to download, forward, and print CUI they receive from an agency on a non-Federal information system.

* <https://csrc.nist.gov/publications/detail/sp/800-171/rev-2/final>

** NIST CUI Information Security Requirements Workshop:
<https://www.nist.gov/news-events/events/2018/10/controlled-unclassified-information-security-requirements-workshop>



Common NRC CUI Categories*

CUI Basic Categories

- Archaeological Resources
- Emergency Management
- General Law Enforcement
- General Privacy (e.g., Personally Identifiable Information)
- General Proprietary Business Information
- Information Systems Vulnerability Information
- Investigation
- Legal Privilege
- Operations Security
- Physical Security Information
- Whistleblower Identity (includes allegations)

CUI Specified Categories

- Budget
- Critical Electric Infrastructure Information
- Criminal History Records Information
- Export Controlled
- Historic Properties
- International Agreement Information
- Naval Nuclear Propulsion Information
- Nuclear Security-Related Information
- Protected Critical Infrastructure Information
- Safeguards Information
- Source Selection
- Unclassified Controlled Nuclear Information - Energy

*NARA CUI Registry:

<https://www.archives.gov/cui/registry/category-list>

Common Examples of Documents That May Contain CUI

- Non-public information shared with licensees, applicants, Agreement States, nuclear suppliers, U.S. national labs, international agencies.
- Documents pertaining to proprietary applications
 - License Amendment Requests
 - Topical Reports
 - Some Relief Requests and License Renewal
 - Requests for additional information (RAIs)
 - Draft guidance documents
- NRC-generated reports (Research/Technical Report)
- Unredacted Updated Final Safety Analysis Reports
- Inspection Reports
- Investigation documents
- Licensee financial information (e.g., RAIs, Safety Evaluations)
- Decommissioning Trust fund documents
- Reactor operator exam records, questions, medical or other internal records
- Generic Communications (Security Advisories, Information Assessment Team Advisories, and some Regulatory Issue Summaries)
- Security-Related Inspection Procedures
- Documents containing CUI shared with petitioners/intervenors, applicants, and licensees in the course of adjudicatory proceedings

NRC CUI Information-Sharing Agreement Status

Draft NRC CUI Information-Sharing Agreement

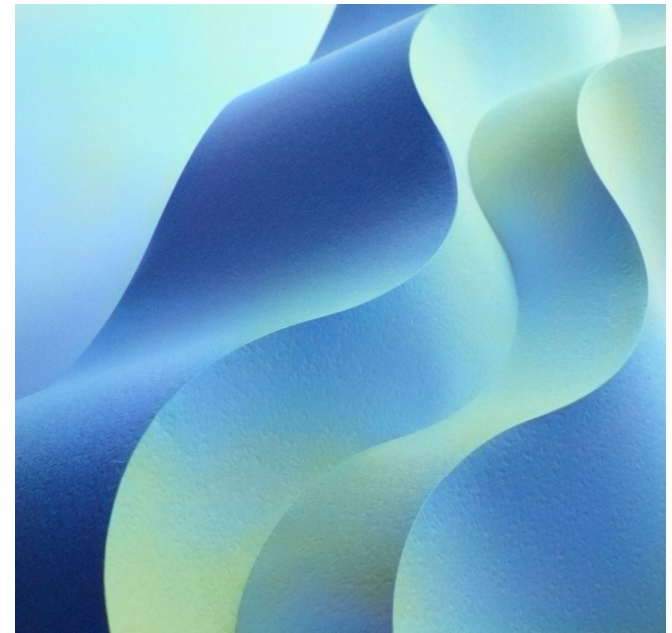
- For use with NRC stakeholders that will receive CUI from the NRC.
- Initial draft was hared during the March 28, 2022, NRC public meeting.

Format

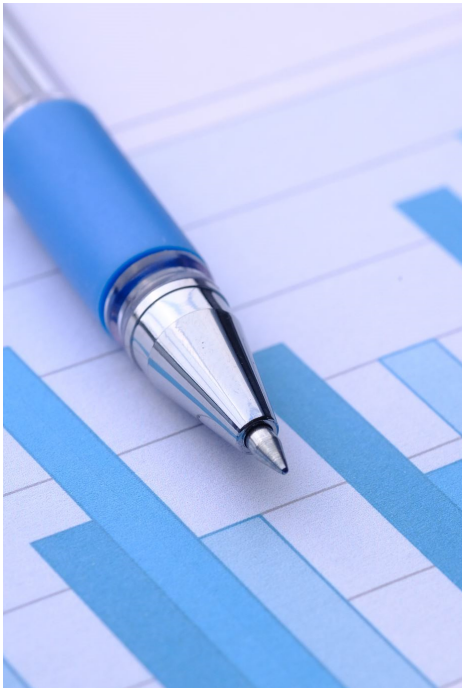
- Body (contains high-level CUI provisions)
- Appendix (identifies CUI categories that the agency may share with the recipient)

Current Status

- Includes the CUI categories the NRC could potentially share with non-Executive branch entities.
- Includes a provision for NRC stakeholders that prefer a “view only” or “mail” solution.
- Requires review and coordination through the Paperwork Reduction Act process.



NRC CUI Regulatory Issue Summary



- While the NRC is working toward establishing the CUI information-sharing agreement, an administrative RIS will be issued to inform stakeholders of:
 - NRC's plans to transition to CUI on September 20, 2022.
 - The CUI rule requirement for all agencies to enter into formal information-sharing agreements with non-Executive branch entities, where feasible.
 - The NRC's plans to provide a "view only" or "mail" alternative to minimize the burden of NIST SP 800-171 on NRC stakeholders.

CUI Dissemination Example (“view only”)

- NARA encourages agencies to provide access to CUI through agency portals or other means, to alleviate the burden of NIST SP 800-171 on non-Executive branch entities.
- OCIO plans to finalize its timeline to support the development of various approaches later this summer.
- The following slides provide an example of a technology under NRC consideration to support a “view only” mode and the challenge associated with this approach.





o365-test,pocuser2-test
to me

1



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[Read Secure Message](#)

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2

We sent a one-time passcode to mmip26074@gmail.com.

Please check your email, enter the one-time passcode and click continue. The one-time passcode will expire in 15 minutes.

One-time passcode

☐ This is a private computer. Keep me signed in for 12 hours.

The new one-time passcode was successfully sent.

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3

Didn't receive the one-time passcode? Check your spam folder or [get another one-time passcode](#).

Your one-time passcode to view the message

Inbox x



Microsoft Office 365 Message Encryption <MicrosoftOffice365@messa... 8:37 AM (0 minutes ago) to me



Here is your one-time passcode

66978664

To view your message, enter the code in the web page where you requested it.

NOTE: This one-time passcode expires 15 minutes after it was requested.

4

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One-time passcode

☐ This is a private computer. Keep me signed in for 12 hours.

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CUI Info Demo

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CUI (Sensitive) - READONLY - Nuclear Security-Related Information - ReadOnly Related to information that could be useful, or could reasonably be expected to be useful, to a terrorist in a potential attack that does not qualify as Safeguards or classified information, including the exact location and quantities of radioactive material, certain detailed design drawings, information on nearby facilities, emergency planning information, and certain assessments of vulnerability and safety analyses.

CUI//SP-SRI

Tuesday,
Sep 20,
YYYY

CUI INFORMATION

Issue
#10

Latest news and bulletin updates

Miriam Nilsson

DISCLAIMER

The latest updates

DISCLAIMER: Non-Federal entities (i.e., NRC licensees, applicants, vendors, Owners' Group, Agreement State regulators, State Liaison Officers, Tribes, etc.) that need to



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CUI Info Demo



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Today, 8:32 AM

mmip26074@gmail.com



CUI INFORMATION DE...
3 MB

CUI//SP-SRI

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Estimated Timeline To Establish CUI Information-Sharing Agreements



Summary/Conclusion

1

Maintain communications with NRC stakeholders regarding the NRC's plans to transition to CUI and following the transition to CUI.

2

Submit the information-sharing agreement to OMB for a clearance number. Public comment is afforded through the Paperwork Reduction Act.

3

Finalize decisions regarding a "view only" alternative to minimize the burden of NIST SP 800-171 on NRC stakeholders.

4

Coordinate with NRC stakeholders who plan to meet NIST SP 800-171 so that they can download, print, and forward CUI they receive from the NRC onto a non-Federal information system.

How Can You Obtain Additional Information?

- NRC CUI Program Contact
 - Scott Flanders, OCIO Deputy Chief Information Officer
 - Jon Feibus, Acting NRC CUI Senior Agency Official
 - Tanya Mensah, NRC CUI Program Manager
 - Email: CUI@nrc.gov
- NARA CUI Website (<https://www.archives.gov/cui>)
 - CUI Registry
 - Policy & Guidance
 - Training (NARA CUI videos)
 - CUI Blog
 - CUI Program Update To Stakeholders Meeting
- NRC CUI Public Website: <https://www.nrc.gov/reading-rm/cui.html>
 - CUI FAQs now available



CUI Reference/Background Information

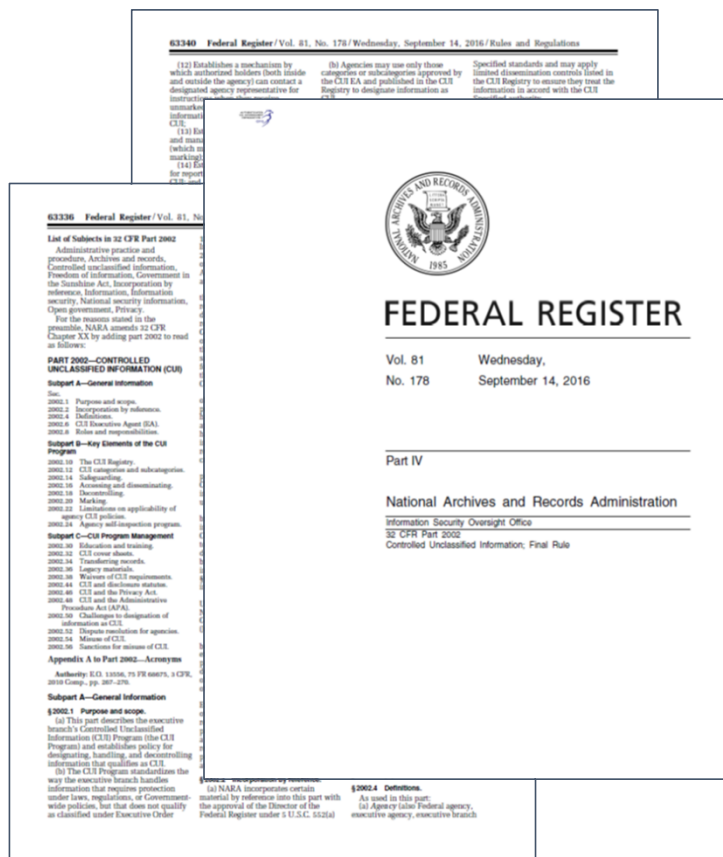
Executive Order 13556

- Designated National Archives and Records Administration (NARA) as the CUI Executive Agent (EA) responsible for implementing Executive Order 13556 and overseeing department and agency actions to ensure compliance.
- Information Security Oversight Office (ISOO) is the specific office within NARA that performs the CUI Executive Agent role, which includes the CUI Program.

[illegible]



CUI Rule



- **32 CFR 2002 (September 14, 2016) [CUI rule]**
- Implements the CUI Program
 - Establishes policy for designating, handling, and decontrolling information that qualifies as CUI
 - **Effective: November 14, 2016 (Day 0)**
- Describes the minimum protections for CUI
 - Physical and Electronic Environments
 - Marking
 - Sharing
 - Destruction
 - Decontrol

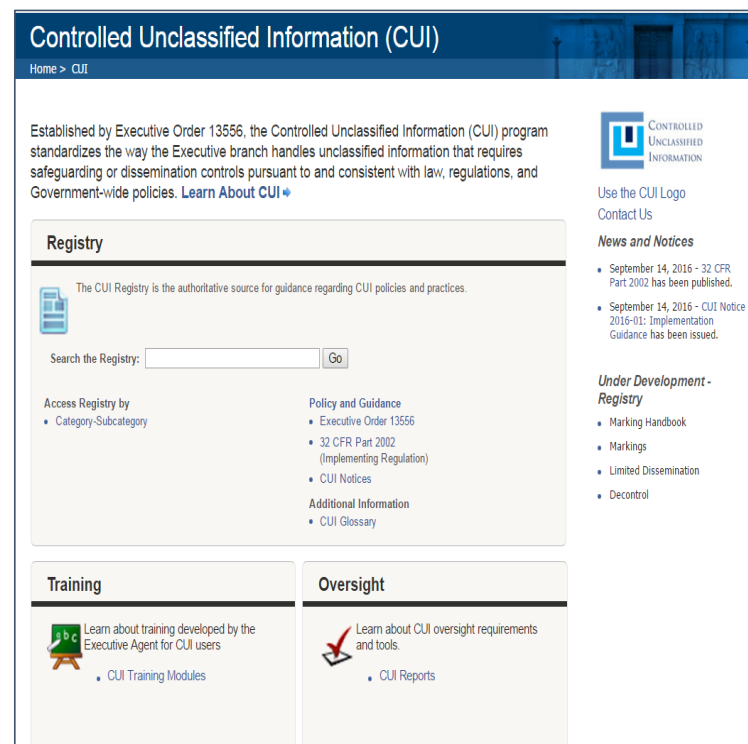
NARA CUI Registry

The CUI Registry, maintained and managed by the NARA, identifies all approved CUI categories, provides general descriptions for each category identifies the basis for controls, establishes markings, and includes guidance on handling procedures.

The registry contains

- Categories
- Limited Dissemination Controls
- Marking Guidance
- CUI Notices
- Training and Awareness
- Annual CUI Status Reports to the President

CUI Registry = What we protect



<https://www.archives.gov/cui/registry/category-list>