September 22, 2022

Mr. Mark A. Bradley, Director
Information Security Oversight Office
National Archives and Records Administration
700 Pennsylvania Avenue, NW, Room 100
Washington, DC 20408-0001

SUBJECT: RESULTS OF THE U.S. NUCLEAR REGULATORY COMMISSION FISCAL
YEAR 2022 FUNDAMENTAL CLASSIFICATION GUIDANCE REVIEW

Dear Mr. Bradley:

In response to your memorandum dated March 9, 2021, enclosed is the U.S. Nuclear
Regulatory Commission's final report for the fiscal year 2022 Fundamental Classification
Guidance review, as required by Executive Order 13526, "Classified National Security
Information," dated December 29, 2009.

If you have any questions, please contact Mr. Darryl Parsons, Chief of the Information Security
Branch, Division of Security Operations, Office of Nuclear Security and Incident Response, by
telephone at (301) 415-7751 or by email at Darryl.Parsons@nrc.gov.

Sincerely,

Signed by Roberts, Darrell
on 09/22/22

Darrell Roberts
Deputy Executive Director for Reactor
 and Preparedness Programs
Office of the Executive Director for Operations

Enclosure:
As stated

FY 2022
Fundamental Classification Guidance Review (FCGR)

Section A: Identifying Information				
Agency:	U.S. Nuclear Regulatory Commission		Date:	9/30/2022
Name and Title/Position of Senior Agency Official:	*Darrell Roberts* *Deputy Executive Director for Reactor and Preparedness Programs*			
Name, Title/Position, Phone Number, and E-Mail Address of FCGR Point of Contact:	*Darryl Parsons* Chief, Information Security Branch 301-415-7751 Darryl.Parsons@nrc.gov			

Section B: Consolidated Classification Guides (CCG)	
B-1. Does your agency have a CCG that consolidates classification guidance that applies for all components within the agency? If so, how many separate Security Classification Guides (SCGs) did your agency consolidate into the CCG? Please explain in your attached narrative.	No
B-2. Whether or not your agency has a CCG that applies for all components within the agency, does your agency have guides that consolidate classification guidance for specific activities, programs, or topics (including Special Access Programs [SAPs]) within the agency? Please explain in your attached narrative.	No
B-2a. If so, how many classification guides does your agency have that apply to the specific activities, programs, or topics (including Special Access Programs [SAPs])? When was (were) the consolidation(s) implemented? Please explain in your attached narrative.	N/A
B-3. In the absence of a current CCG that applies for all components within the agency, does your agency have a plan to develop one? In your attached narrative, please explain your agency's plan. If your agency has no plan for a CCG that applies for all components within the agency, please explain why not.	See narrative

Section C: Security Classification Guides (SCG)	
C-1. Total number of classification guides at the beginning of the current FY 2022 FCGR. ***DO NOT COUNT DECLASSIFICATION GUIDES.***	14
C-2. Number of classification guides cancelled as a result of this FCGR review.	0
C-3. Number of classification guides consolidated or superceded as a result of the current FY 2022 FCGR. Please explain in your attached narrative.	2
C-4. As a result of the current FY 2022 FCGR, was there a determination that new classification guides are required? Please explain in your attached narrative.	No
C-4a. If there was a determination that new classification guides are required as a result of the FY 2022 FCGR, how many are required? Please explain in your attached narrative.	N/A
C-5. Total number of classification guides at the end of the current FY 2022 FCGR.	See narrative

Section D: Security Classification Elements	
D-1. Total number of modifications made to increase the duration of classifications.	0
D-2. Total number of modifications made to decrease the duration of classifications.	0
D-3. Total number of exemptions from automatic declassification added to guides, pursuant to E.O. 13526, Sec. 3.3, (b)(1-9).	0

D-4. Total number of exemptions from automatic declassification removed from guides, pursuant to E.O. 13526, Sec. 3.3, (b)(1-9).	0

Section E: Shared or Multi-agency Guides	
E-1. Does your agency use any shared or multi-agency classification guides?	Yes
E-1a. If so, how has your agency conducted the review of such shared or multi-agency classification guides for purposes of the FY 2022 FCGR? Please describe in your attached narrative.	See narrative
E-1b. If not, is your agency considering the development of any shared or multi-agency classification guides? Please explain in your attached narrative.	N/A

Section F: Classification Guides in Electronic Format	
F-1. Does your agency maintain classification guides in electronic format?	Yes
F-1a. If so, are your agency's classification guides provided to users in a machine-readable electronic format? Please explain in your attached narrative.	Yes
F-1b. If all of your agency's classification guides are not maintained in a machine-readable electronic format, do you plan to put them in a machine-readable electronic format as part of the FCGR process? Please explain in your attached narrative.	N/A
F-1c. What is the total number of classification guides currently maintained by your agency in an electronic format at the end of the current FY 2022 FCGR, expressed as a raw number and as a percentage of the total number of classification guides? Please explain in your attached narrative.	14 100%
F-1d. What is the total number of classification guides currently maintained by your agency in a machine-readable electronic format at the end of the current FY 2022 FCGR, expressed as a raw number and as a percentage of the total number of electronic classification guides? Please explain in your attached narrative.	14 100%
F-2. Does your agency use an electronic marking tool to mark classified information in accordance with the appropriate classification guide? Please identify the electronic marking tool(s) used by your agency.	Yes
F-2a. If so, what metadata standard does your electronic marking tool use to mark classified information in accordance with the appropriate classification guide? Please explain in your attached narrative.	See narrative
F-2b. If your agency uses an electronic marking tool, does the electronic marking tool apply electronic markings in a machine-readable electronic format? Please explain in your attached narrative.	Yes

Section G: FGCR Review Process	
G-1. Was a working group formed to conduct the review?	Yes
G-2. If yes, did the working group include subject matter experts, classification and declassification experts, technical experts, and users of the guides? Please describe the process in your attached narrative.	Yes
G-3. If no, please describe the process used to conduct the review in your attached narrative.	N/A
G-4. During the review process, did your agency consider the following:	
G-4a. Should the information retain its current level of classification?	Yes
G-4b. Should any information be downgraded?	Yes
G-4c. Should any information be declassified?	Yes
G-4d. Is the current duration of classification appropriate?	Yes

G-4e. Are current exemptions from automatic declassification valid?	N/A
G-4e(1). If so, what is your process for confirming the exemption(s)? Please describe in your attached narrative.	
G-4f. Does each guide contain the following information: (as required by 32 CFR 2001.15):	
G-4f(1). Identification of the subject matter.	Yes
G-4f(2). Approval and signature by the appropriate OCA by name or personal identifier, and position.	Yes
G-4f(3). Agency point of contact (and contact information) for questions regarding the guide.	Yes
G-4f(4). Date of issuance or last review.	Yes
G-4f(5). Precise statement of each element of information that requires protection.	Yes
G-4f(6). The level of classification for each element of information.	Yes
G-4f(7). If applicable, handling caveats.	Yes
G-4f(8). The concise reason for classification as described in E.O. 13256, Sec. 1.4.	No
G-4f(9). A specific date or event for declassification.	Yes
G-5. Have past and recent classification and declassification decisions been incorporated?	Yes
G-5a. If so, please describe the process in your attached narrative. If not, please describe why not.	See narrative
G-6. Has your FY 2022 FCGR process included cross-referencing information with other classification guides (internal and external) and coordinated the cross-referencing of classification guides with the appropriate OCAs to ensure consistency? Please explain in your attached narrative.	No

Section H: Training	
H-1. For the period under review, did agency personnel receive any training in the use of your SCGs, CCG, and all classification guides for specific activities, programs, or topics (including SAPs)? If so, describe the training in your attached narrative.	Yes
H-2. For the period under review, did agency personnel receive any training in the use of electronic classification marking tools? If so, describe the training in your attached narrative.	No
H-2. For the period under review, did agency personnel receive any training in the development of your SCGs, CCG, and all classification guides for specific activities, programs, or topics (including SAPs)? If so, please describe the training in your attached narrative.	No
H-3. For the period under review, were OCAs involved in the process of developing your CCG, SCGs, and all classification guides for specific activities, programs, or topics (including SAPs)? Please explain in your attached narrative.	Yes

Section B:

The 2022 Fundamental Classification Guidance Review (FCGR) did not result in the consolidation of any classification guides or bulletins. The Nuclear Regulatory Commission (NRC) has a relatively small number of classification guides and does not currently see a need to consolidate its classification guides. The NRC will continue to monitor whether the consolidation of certain classification guides would be beneficial.

Section C:

At the time the NRC received the incoming tasking from ISOO to conduct an FY 2022 FCGR, the agency maintained 14 active classification guides and bulletins, including 6 multi-agency classification guides. The NRC staff reviewed 9 of the agency's 14 classification guides and bulletins under the scope of the FY 2022 FCGR. The NRC focused its review efforts on those classification guides and bulletins that had not been reviewed in the past five CYs. Within the past 5 CYs, the NRC had reviewed 3 of its 14 active classification guides and determined that subsequent review was not required during the FY 2022 FCGR. While no guides were cancelled by the end of the FCGR reporting period, it was determined that two guides will be cancelled in FY 2023.

Section E:

The NRC currently has 6 multi-agency classification guides. The NRC has coordinated with the external agencies on the review and update of those guides.

Section F:

NRC security classification guides (SCG) are stored on systems commensurate with the level of classification of each guide. NRC does not have a unified system/database which contains all NRC SGC's. When a user requests access to an SCG it is provided to them electronically.

The NRC uses the Titus Data Classification Suite to electronically mark classified emails. NRC SCG's are loaded into the system for users to select. The NRC does not currently store any metadata associated with the electronic classification of information. All electronic markings are in a machine-readable electronic format.

Section G:

In accordance with the December 2021 memorandum from ISOO, NRC's Office of Nuclear Security and Incident Response, Division of Security Operations, Information Security Branch (NSIR/DSO/ISB) was tasked by the Senior Agency Official with leading a robust review of the NRC's existing classification guidance and emergent classification needs. NSIR/DSO/ISB initiated the FCGR by querying NRC staff that possess derivative classification authority and subject matter experts regarding the sufficiency of the agency's existing classification guidance. At the time of identifying that a classification guide needed to be revised, NSIR/DSO/ISB convened individual working groups unique to each classification guide being addressed. Working groups included subject matter experts and derivative classifiers from the NRC Headquarters and regional facilities; users of classification guidance both internal and external to the NRC, including NRC licensees; and other government agencies, as appropriate.

G-4e:

The NRC has not been granted authority by the Interagency Security Classification Appeals Panel (ISCAP) to apply exemptions on newly created documents. As such, they are not listed in our classification guides and were not reviewed as part of the 2022 FCGR.

G-4f(8):

Certain NRC classification guides do not contain a concise reason for classification as described in Executive Order 13526. These guides are scheduled to be revised to add the required information.

G-5:

The NRC uses a "Classification Memorandum" to issue classification decisions outside of classification guides. When the associated classification guide is updated, the NRC incorporates that decision into the guide.

Section H:

Agency personnel receive generic training in the responsibilities of a derivative classification authority, including training in the use of classification guidance, additional guide-specific training that needs to be developed and administered to applicable staff members with derivative classification authority. DOE develops guide-specific training for the DOE/NRC joint guidance, but the NRC has developed guide-specific training only for NRC-authored classification guides and bulletins in limited circumstances. The NRC will initiate the development of guide-specific training for NRC-authored classification guides and bulletins as resources permit.

No specific training was given related to the creation of SCG's. However, the NRC has an Office Procedure that provide consistent guidance on the creation and maintenance of agency classification guidance in accordance with the applicable Federal requirements and NRC-developed management directives.