

January 30, 2012

Mr. John P. Fitzpatrick, Director  
Information Security Oversight Office  
National Archives and Records Administration  
700 Pennsylvania Avenue, NW  
Washington, DC 20408-0001

Dear Mr. Fitzpatrick:

In response to your memorandum entitled "Fundamental Classification Guidance Review," dated January 27, 2011, the U.S. Nuclear Regulatory Commission (NRC) is providing an updated status of its efforts to complete a comprehensive review of its classification guidance. This was done in accordance with Section 1.9 of Executive Order (EO) 13526, "Classified National Security Information" and Title 32 of the *Code of Federal Regulations* 2001.16 to ensure the guidance reflects current circumstances.

The NRC, along with the concurrence of the Department of Energy (DOE), Department of Transportation (DOT), and the Department of Homeland Security (DHS), has retired the following two guides: *CG-RWT-1, Joint DOE/NRC/DOT/DHS Classification and Sensitive Unclassified Information Guide for the Transportation of Radioactive Waste to Yucca Mountain* and *CG-OCRWM-1, Joint DOE and NRC Sensitive Unclassified Information and Classification Guide for the Office of Civilian Radioactive Waste Management Program*. This decision was coordinated with the other affected Federal agencies and appropriate subject matter experts as a result of DOE's withdrawal of the funding for the license application for Yucca Mountain as a repository for nuclear waste. Documents created after the date of cancellation will be reviewed for classification using the applicable agency classification guidance. Historical documents will be referred to the originating agency for classification review for purposes of declassification or downgrading.

We concluded that the remaining NRC classification guides conform to current operational and technical circumstances, and that the dissemination of the guides is appropriate and effective, given the fact that most of them are classified and, therefore, the distribution is very limited. In addition, the remaining guides are joint guides with DOE, so any cross-reference information between the two agencies has been incorporated into them.

Also as requested, the NRC has not made any original classification decisions over the past 3 years. Therefore, no incorporation of the original classification decisions into appropriate security classification guides was required.

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The NRC is continuing its fundamental classification guidance review to include possible declassification actions and development of new joint classification guidance. As requested in your memorandum referenced above, the NRC will provide a final update on its continuing efforts no later than June 27, 2012.

Should you have any questions regarding this summary, please contact Bernard W. Stapleton, Chief, Information Security Branch, Division of Security Operations, Office of Nuclear Security and Incident Response at 301-415-2214.

Sincerely,

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Martin J. Virgilio  
Deputy Executive Director for Reactor  
and Preparedness Programs  
Office of the Executive Director for Operations