

DRAFT CUI Challenge Request Form
(to be converted to a Web Form when final)

This collection of information contains information collections that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). These information collections were approved by the Office of Management and Budget, approval number 3150-XXXX, which expires MM/DD/YYYY. The CUI challenge process is required by 32 CFR § 2002.50 and the CUI challenge form is a voluntary means for authorized holders to file challenge requests. Confidentiality is governed by 10 CFR 9.17(a) and 10 CFR 2.390(b). This collection is estimated to take 1.5 hours per authorized holder to complete the challenge request, submit it to the NRC, and respond to inquiries from the CUI Program Manager. Time may vary depending upon the individual case. Send comments regarding this burden estimate to the Information Services Branch (T6 A10M), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by email to INFOCOLLECTS.RESOURCE@NRC.GOV; and to the OMB Office of Information and Regulatory Affairs (3150-XXXX), Attn: Desk Officer for the Nuclear Regulatory Commission, 725 17th Street, NW Washington, DC 20503; e-mail: oir_submission@omb.eop.gov. The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

Usage of the CUI Challenge Request Form is limited to Authorized Holders of CUI who, in good faith, believe that an NRC document's designation as CUI is improper or incorrect, or who believe they have received unmarked CUI.

Please note that the purpose of the form is to request the evaluation of suspected inaccuracies in the CUI designations of documents that the requestor already possesses or has access to, not to request the release of documents to the requestor. Accordingly, this form is not intended as a substitute for requests for information under the Freedom of Information Act (FOIA) or the Privacy Act. For more information on how to submit such requests, see <https://www.nrc.gov/reading-rm/foia/foia-privacy.html>.

IMPORTANT NOTES:

- Personally Identifiable Information (PII) and Safeguards Information (CUI//SP-SGI) should **NOT** be included on this form.
 - o PII: Information submitted on this form is subject to the "Use and Privacy of Information Submitted" terms described further inside of the NRC Public Website's Privacy Policy: <https://www.nrc.gov/site-help/privacy.html#2>
 - o SGI: Please only identify the document containing SGI by name. If you feel that SGI needs to be discussed to accurately understand your request, in the rationale field please only write that you need to discuss the rationale with a CUI Program Member. A CUI Program Member will then contact you through an authorized communication channel that allows for SGI discussion.
- Questions regarding how to complete this form should be e-mailed to cui@nrc.gov. **PLEASE NOTE** that the NRC will be able to see identifying information (e.g. if a person associated their e-mail address with their name, the business if a person uses their business e-mail address) and that complete anonymity cannot be provided when directly e-mailing the above e-mail address.

Requestor Information:	Name:
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<p>Please note that if contact information is not provided, NRC's capability to inform you on the status of this request or to seek additional clarifying information may be limited. <i>(Reminder: Do not include PII such as a home address, home or personal cellular telephone number, or a personal email address on this form)</i></p>	<p>Organization: Business Mailing Address If NRC - Office / Division / Branch: Business Phone: Business Email:</p>
<p>Are you requesting to remain anonymous? If yes, your e-mail address will not be displayed when you submit this form, and the NRC will not attempt to identify you if you wish to remain anonymous.</p>	<p>Yes / No</p>
<p>Can you provide unique identifying information for the document / content to support review by the NRC CUI Senior Agency Official? Examples include: Author Name, Agency/Department/Branch Name, Document Title and/or Date, Information Name, Information Version, Date Updated, Information Medium (hardcopy, database information, electronic file, etc.)</p>	
<p>Do you know if this Information is associated with any ongoing (active or inactive) Government litigation that may or may not involve the NRC? If known, please identify the Agency / Department(s) involved in the legal action and the docket number, if applicable. Examples include: adjudicatory proceedings before the Commission or an Atomic Safety and Licensing Board, federal court litigation, and proceedings before other administrative agencies and tribunals. Please note that this CUI challenge process, consistent with 32 CFR § 2002.50(b), is not the proper forum for determining the CUI status of information associated with ongoing Government litigation. Accordingly, the NRC will not use the CUI challenge process for that purpose.</p>	<p>Yes/No (If Yes, there should be an option for the requestor to provide additional detail to identify the agency/department involved and a docket number, if applicable)</p>
<p>What is the Information's current CUI designation? Please identify if a CUI category name(s) is provided, and whether it is Basic or Specified.</p>	
<p>If the Information is not currently marked as CUI and you believe that it should be, please identify the proposed CUI category name(s), and if it is Basic or Specified. Please visit NARA's CUI Registry located at: https://www.archives.gov/cui/registry/category-list</p>	
<p>If the Information is currently marked as CUI and you believe that it is not CUI, please provide your basis here to justify removal of the CUI marking(s).</p>	

<p>The NRC CUI Program goal is to make a decision on Challenge Requests that it receives within 45 calendar days of the request's submission. If there is a need for an expedited NRC review, please describe why an expedited review is needed.</p>	
<p>Rationale for CUI Challenge: When describing the rationale, citation of the CUI Registry content to support the request is highly encouraged.</p>	

Reference: 32 CFR § 2002.50 Challenges to designation of information as CUI

(a) Authorized holders of CUI who, in good faith, believe that its designation as CUI is improper or incorrect, or who believe they have received unmarked CUI, should notify the disseminating agency of this belief. When the disseminating agency is not the designating agency, the disseminating agency must notify the designating agency.

(b) If the information at issue is involved in Government litigation, or the challenge to its designation or marking as CUI arises as part of the litigation, the issue of whether the challenger may access the information will be addressed via the litigation process instead of by the agency CUI program. Challengers should nonetheless notify the agency of the issue through the agency process described below, and include its litigation connection.

(c) CUI SAOs must create a process within their agency to accept and manage challenges to CUI status. At a minimum, this process must include a timely response to the challenger that:

- (1) Acknowledges receipt of the challenge;
- (2) States an expected timetable for response to the challenger;
- (3) Provides an opportunity for the challenger to define a rationale for belief that the CUI in question is inappropriately designated;
- (4) Gives contact information for the official making the agency's decision in this matter; and
- (5) Ensures that challengers who are authorized holders have the option of bringing such challenges anonymously, and that challengers are not subject to retribution for bringing such challenges.

(d) Until the challenge is resolved authorized holders should continue to safeguard and disseminate the challenged CUI at the control level indicated in the markings.

(e) If a challenging party disagrees with the response to a challenge, that party may use the Dispute Resolution procedures described in §2002.52.