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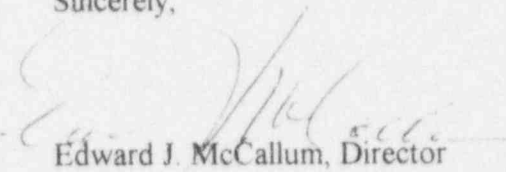
Secretary of the Commission
U.S. Nuclear Regulatory Commission
ATTN: Docketing and Regulatory Services Branch
Washington, DC 20555-0001

Dear Sir:

Attached are comments from the Department of Energy on the Nuclear Regulatory Commission proposed rules 10 CFR Parts 25 and 95, "Access to and Protection of Classified Information." I hope you find these comments useful in the finalization of these rules.

If you have any questions about the attached comments, please contact Cathy Tullis on 301-903-4805.

Sincerely,


Edward J. McCallum, Director
Office of Safeguards and Security

Attachment

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Comments to Proposed NRC Rule

General Comment. The draft regulation refers to "access authorization" throughout. The introduction to the proposed rule references "personnel security clearance" and some of the language in the text contains variations, such as "personnel access authorization." A common term should be used throughout, or the fact that a personnel security clearance is a synonym for access authorization established.

General Comment. The draft regulation uses the term "Critical Secret Restricted Data." This term has not been implemented by any agency. A review group was formed to review this issue and has decided not to use this term. Instead information will be appropriately upgraded to Top Secret. It is strongly recommended that NRC not use the term "Critical Secret Restricted Data" in this regulation. Instead we suggest that all Secret Restricted Data continue to be protected at the NISPOM supplement level until the critical information has been upgraded to Top Secret.

§25.5: The definition for "access authorization" is confusing, stating that it means an individual is eligible for "security clearance for access to classified information." Suggest the following: "Access authorization means an administrative determination that an individual is eligible for access to classified information."

§25.17(e): This section requires the licensee/contractor to review the SF-86, including Part 2, for completeness and correctness. As the changes to the rule are largely being made to comply with new Executive Order and the NISPOM, this section should more carefully address the terms under which this information can be reviewed by a third party. The NISPOM restricts this type of review.

§95.3: It is not clear why the scope is not written to include all classified information, especially Formerly Restricted Data.

§95.17(a)(2): To ensure consistency with the NISPOM it is suggested that the term "survey be changed to "review."

§95.18: A NISPOM transposition requiring some clarification. Senior management cannot be cleared to the "level of the facility" by NRC, as NRC can only grant "Q" and "L" access authorizations and facilities are classified as Secret, Top Secret, etc. Perhaps senior management could be cleared to a level commensurate with that of the facility clearance.

§95.25: The storage requirements for Secret contained in this sections are not consistent with the storage requirements for Secret Restricted Data in the NISPOM supplement.

§95.25(c)(2)(v): The requirement to change combinations once every 12 months is above and beyond the requirements contained in the NISPOM. Suggest this requirement be eliminated.

§95.37(c)(1)(i): Suggest a sentence be added to indicate that on a document marked "multiple

sources" that the multiple sources must be identified in the records copy of the document.

§95.57: This seems to be the first reference to a "person" having a facility clearance. The definition of facility clearance needs to be more detailed as to what constitutes a facility under this rule.