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# NRC NEWS

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## **NRC REVISES AND ISSUES FOR COMMENT PROPOSED RULE ON SAFEGUARDS INFORMATION**

The Nuclear Regulatory Commission is revising and issuing for public comment a proposed rule, which would amend its regulations on the designation and handling of security-related information known as "Safeguards Information," or SGI.

The proposed rule was initially published Feb. 11, 2005, in the *Federal Register*. It reflects the Commission's recent experience and actions, and addresses, in NRC regulations, new requirements issued by the Commission as Orders following the Sept. 11, 2001, terrorist attacks.

The revision, published today, includes changes in response to public comments and new authority granted to the NRC by the Energy Policy Act of 2005.

For example, the Energy Policy Act grants the NRC increased authority to require fingerprinting of individuals, for criminal history check purposes, prior to their access to SGI. Previously, the NRC could only require fingerprinting of individuals to be granted access to SGI by power reactor licensees. This new authority is reflected in the revised version of the proposed rule. Other changes reflect public comments received on the initial proposed rule and new Orders issued by the Commission to licensees authorized to possess and transfer certain quantities of radioactive material.

SGI is a special category of sensitive unclassified information authorized to be protected under the Atomic Energy Act. In many ways it is handled like classified information. Individuals provided access to SGI must have a valid "need to know" the information, and an authorization for access based on a background check for trustworthiness and reliability.

The unauthorized release of SGI could result in harm to public health and safety and the nation's common defense and security. Release could also result in damage to the country's nuclear power plants and other facilities and materials licensed and regulated by the NRC.

Information designated as SGI must be protected from unauthorized disclosure and must be physically controlled and protected. Protection requirements include secure storage, restricted access, document marking, limited reproduction, protected transmission, controls for information processing on electronic systems, and controls for destruction.

Under the Atomic Energy Act, inadequate protection of SGI, including inadvertent release and unauthorized disclosure, may result in civil penalties; willful violation of any regulations or Orders governing SGI is a felony subject to fines or imprisonment.

Because much of the proposed rule was already published for comment, the agency requests that commenters focus on the changes in the revised version and not on areas discussed in the previous proposed rule. Comments on the revised proposed rule will be accepted for 60 days following publication in the *Federal Register*. Comments may be mailed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, Attn: Rulemakings and Adjudications Staff. Comments may also be e-mailed to [SECY@nrc.gov](mailto:SECY@nrc.gov) or submitted online via the NRC's rulemaking Web site at <http://ruleforum.llnl.gov>.

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