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**Dominion®**

April 8, 2009

Chief, Rulemaking, Directives and Editing Branch  
Division of Administrative Services  
Office of Administration  
U. S. Nuclear Regulation Commission  
Mail Stop TWB 5B01M  
Washington, D.C. 20555-0001

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RULES AND DIRECTIVES  
BRAND 1

**COMMENTS ON NRC REGULATORY ISSUE SUMMARY 2009-XX**  
**IMPLEMENTATION OF NEW FINAL RULE**  
**PROTECTION OF SAFEGUARDS INFORMATION**

On March 12, 2009, the Nuclear Regulatory Commission (NRC) issued a proposed Regulatory Issue Summary (RIS) 2009-XX in the Federal Register on the implementation of the new final rule on protection of safeguards information. This proposed RIS was issued on pages 10786 through 10790.

Attached are Dominion Resources Services, Inc.'s (Dominion's) comments on this RIS. If you have any questions or require additional information, please contact Ms. Margaret Earle at (804) 273-2768.

Sincerely,

Chris L. Funderburk - Director  
Nuclear Licensing and Operations Support  
Dominion Resources Services, Inc.

Commitments made by this letter: None

Attachment

cc: Mr. Robert Norman  
U. S. Nuclear Regulatory Commission  
Mail Stop O-2D 15  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738

*SOVSI Review Complete*  
*Temp Cite = ADM-013*

*E-RIDS = ADM-03*  
*Add =*  
*B. Norman (RLN2)*

## Attachment

## Comments on RIS 2009-XX

## Implementation of New Final Rule, Protection of Safeguards Information

Whether individuals that do not have unescorted access at a nuclear site but do have access to SGI (safeguards information) are required to have their educational history reviewed as part of the background check is still unclear. Guidance provided in the RIS and the Webinar on this new rule appear to be inconsistent.

RIS 2009-XX

As part of the proposed RIS, under "Grandfathering of Persons With Current Access to SGI," the NRC states that individuals that have access to SGI must get a background check which includes an education history requirement and that individuals with equivalent background checks for unescorted access are not required to have an additional background check as required by this rule.

Webinar Related Qs&As

The NRC posted "Webinar Related Qs&As." This document states "The background check portion for access to SGI requires that a person's education be verified as part of the trustworthiness and reliability determination. The suitability of a person's education to their job responsibilities is considered a key attribute in determining a person's trustworthiness and reliability."

NEI 03-01

The background checks for unescorted access do not include an education review. These backgrounds are in accordance with NEI 03-01, which only looks at education if there are not enough years of employment to review. No consideration is given to what an individual may have studied or if they completed their studies, only if they were actually at the school during that time and if they had any problems at the school.

The determination of the suitability of a person's education to their job responsibilities is not a security issue. That is an employment issue. The security issue is whether the individual was truthful about their work history. Therefore, we propose that the RIS clarify that an acceptable alternative to the education requirement for individuals that do not have unescorted access, is a background check performed in accordance with NEI 03-01. As early as February 5, 2009 the staff provided guidance that for background checks on individuals without unescorted access, the requirements of NEI 03-01 were acceptable. Later the NRC posted the Webinar Q & As that appear to contradict this position and require a background check which includes an education history requirement.

Therefore, we request that the RIS be revised to clarify that for individuals without unescorted access, the background requirements of NEI 03-01 are acceptable without additional education history requirements.