



T. Moser, Chairman
STARS Integrated Regulatory Affairs Group
P.O. Box 620, Fulton, Missouri 65251

STARS-09004

April 17, 2009

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

3/12/09

74 FR 10786

4

RECEIVED

2009 APR 20 PM 12:47

RULES AND DIRECTIVES
BRANCH
10000

**STRATEGIC TEAMING AND RESOURCE SHARING (STARS)
COMMENTS RELATING TO PROPOSED GENERIC
COMMUNICATIONS; PROTECTION OF SAFEGUARDS
INFORMATION (NRC-2009-0106)**

Reference: 1) 74 FR 10786, Proposed Generic Communications; Protection of Safeguards Information, dated March 12, 2009. NRC-2009-0106

The Strategic Teaming and Resource Sharing (STARS)¹ alliance submits the enclosed comments in response to the referenced Federal Register notices soliciting comments on the Commission's development of a Proposed Generic Communication related to the Protection of Safeguards Information. As the comments generally reflect, STARS takes seriously the responsibility of the licensee in establishing and maintaining a strong program to protect Safeguards Information.

¹ STARS consists of thirteen plants at seven stations operated by Luminant Power, AmerenUE, Wolf Creek Nuclear Operating Corporation, Pacific Gas and Electric Company, STP Nuclear Operating Company, Arizona Public Service Company, and Southern California Edison.

SUNSF Review Complete
Temp Note = ADM-013

LE-RIDS = ADM-013
Add = R. Yerman (RLN2)

Thank you for your consideration of these comments. If there are any questions regarding these comments, please contact me at 573-676-4775, or tmoser@ameren.com, or Ted Koser at 361-972-8963, or tckoser@stpegs.com.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Moser".

T. Moser, Chairman

STARS Integrated Regulatory Affairs Group

Attachment Comments on Proposed Generic Communications on
Protection of Safeguards Information

The following comments are provided regarding the current implementation of the NRC's initiative on safeguards information (Note: the page numbers refer to the document located on the NRC web site, <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/nrr-sgi-rule-fm.pdf> / ML090630662).

1. Page 4 – In the Background section, it discusses a “Reviewing Officer”; however, in the Grandfathering of Persons with Current Access to SGI the term used for the same function is “Responsibility Party”, in the Elimination of Categories of Persons Permitted Access to SGI the term used is “Possessor” and finally in the Validity of Active Federal Security Clearances the term “Adjudicating Officer” is used. Either all of these instances should use the same term, or a better explanation of the differences between the parties is necessary.
2. Page 10 - Marking, Reproduction, and Transmittal of SGI or SGI-M: Like the Rule wording, this RIS section indicates that "Correspondence to the NRC containing SGI and non-SGI must be portion marked (i.e. cover letters, but not the attachments) to allow the recipient to identify and distinguish those sections of the correspondence or transmittal document containing SGI from those that do not." Typically, utilities will send documents with a non-SGI cover letter containing SGI attachments. In this case, the cover letter would be clearly marked that when detached from the attachment, it can be decontrolled. It would be clearer if the RIS were to just state that for cover letters containing both SGI and non-SGI, portion marking is required so that the letter would not be posted in ADAMS without first having the SGI redacted. Also, for attachments containing SGI, the attachments do not have to be portion marked. Rather all the attachment pages, top and bottom, would be clearly marked as "SAFEGUARDS INFORMATION."
3. Page 10 - Marking, Reproduction, and Transmittal of SGI or SGI-M: This section also states "The portion marking requirement is no longer applicable to guard qualification and training plans." However, this does not make sense as the plans were never required to be portion marked.
4. Pages 12 and 13 - The RIS needs to address/clarify a new NRC Staff position that removable magnetic medium, used to store encrypted Safeguards Information, must be properly marked and stored in a security storage container when not in use. The NRC's justification was that the rule makes no distinction between the marking and safekeeping requirement for encrypted safeguards information on removable magnetic media devices versus the marking and safekeeping requirements for unencrypted safeguards information on removable magnetic media devices.

5. General Comment - The RIS should also address/clarify another new NRC Staff position provided during the recent Webinar that Security storage containers can not be marked to indicate that they house safeguards information. Marking locked security storage containers to indicate they contain SGI may assist in identifying the location of SGI. If a room has security storage containers and those security storage containers house safeguards information, the marking of the room to indicate that it holds safeguards information would violate the spirit and intent of the rule and should not be done. However, the industry has since learned that DOD security containers are all marked with the level-of-classification of the information they contain; even their thumb drives have stickers designating the category of classified information. Therefore, this RIS should further clarify the basis for this new requirement, and the reason for treating SGI more stringently than other types of classified information. The RIS should also discuss that the use of devices that strengthen day-to-day information security awareness, such as the use of bright pink folders or the wearing of a particular badge are permissible and should be viewed as a security enhancer.