

DOCKET NUMBER

PROPOSED RULE PR-7, 50, 70+73

[45 FR 85459]

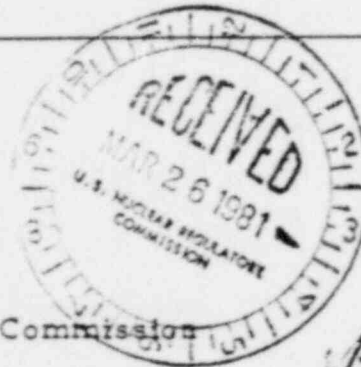
Naval Nuclear Fuel Division

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March 9, 1981



Secretary of the Commission
United States Nuclear Regulatory Commission
Washington, DC 20555

Attention: Docketing and Service Branch

Reference: 45 FR 85459 et. seq.

Dear Sir:

The Federal Register of Monday, December 29, 1980, at Page 85459 and following, gave public notice of the Nuclear Regulatory Commission's proposed amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 2, 50, 70 and 73, all of which relate to the unauthorized disclosure of safeguards information by NRC licensees and other persons.

The Naval Nuclear Fuel Division of Babcock and Wilcox, located in the area of Lynchburg, Virginia, has reviewed the proposed amendments and presents the following comments for consideration:

The items described as "Safeguards Information" under Appendix F to Part 73, except for A (11) and B (4), are already classified as National Security Information (NSI) under 10 CFR 95, Appendix A. Access authorization to such information is specified in 10 CFR Part 25 and is more restrictive than access to Safeguards Information (SI) and is considered to be more than adequate to protect (SI) as defined in the proposed amendments.

Items under A (11) and B (4) of Part 73, Appendix E are directed to information concerning capabilities of local law enforcement agencies. Such information is provided to licensees on a strictly voluntary and cooperative basis. The proposed amendments raise serious questions

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concerning NRC authority to impose such requirements on local law enforcement agencies and could be counter-productive by possibly impairing the voluntary cooperation currently experienced.

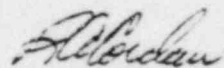
Information pertaining to the capabilities, size, armament, response times are generally considered to be matters of public interest and public knowledge and therefore, not appropriately excluded from the public through indirect encroachment on the Freedom of Information Act.

Insofar as the proposed amendments extend to persons and information outside the protected area of the licensee, the authority of the Commission to impose such requirements on entities of local government raises serious constitutional issues.

For the reasons stated, the proposed amendments should not be imposed upon entities outside the protected area of licensees and over which licensee had no control. With respect to information within the protected area of licensee such information already receives protection under the requirements of 10 CFR 95, Appendix A and the duplication of effort which would be required by the proposed amendments indeed seem difficult to justify.

We appreciate the opportunity to review the proposed amendments and to offer an assessment of the benefits of the proposed amendments in relation to their burden.

Sincerely,



R. A. Cordani

Nuclear Safety and Licensing Officer

RAC:jhg