



NRC NEWS

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NRC REVISES REGULATIONS ON ACCESS TO CLASSIFIED INFORMATION

The Nuclear Regulatory Commission is changing its regulations to expand the categories of persons who may seek access to classified information associated with NRC-regulated activities, as well as the categories of facilities that may be authorized to store such information. The effective date will be July 5, 2005.

An initial version of the revised regulations was published in the *Federal Register* on Dec. 15, 2004, with an effective date of Feb. 28, 2005. The NRC indicated that if significant adverse comments were received, the revisions would be withdrawn. Since at least one significant comment was received, the agency withdrew the rule on Feb. 24 to consider the comments, which were contained in a letter from a group of seven national environmental and public interest organizations.

The comments dealt primarily with concerns over how the rule would affect members of the public, including environmental and public interest organizations, that plan to seek to intervene in the expected Yucca Mountain licensing proceeding. As explained in a *Federal Register* notice published today, the rulemaking will broaden the scope of the regulations so that potential intervenors, such as the environmental and public interest organizations that commented, can seek access authorizations and facility security clearances. The revisions to the regulations do not affect how information is classified and do not expand the scope of information that can only be obtained by those with access authorizations.

The revisions will allow the agency to process any requests for security clearances from

- (1) potential intervenors in a hearing for a potential high-level radioactive waste repository and
- (2) advanced reactor design vendors.

Before access authorization to classified information is granted, a satisfactory background investigation must be completed, and the individual will be informed that unauthorized disclosure of classified information could result in civil or criminal penalties. A person seeking access to classified information must, in addition to having a security clearance, have a need to know the particular information being sought.

The amendments also extend the regulations on facility security clearances. Current regulations permit persons and companies associated with NRC-regulated reactors, fuel cycle facilities and independent spent fuel storage installations to seek a facility security clearance to use, store, reproduce, transmit, transport or handle NRC classified information. The changes allow persons associated with

other activities designated by the Commission (such as advanced reactor design vendors) to apply for a facility security clearance.

After considering the public comments, the NRC decided to adopt, without change, the initial version of the revised regulations that was published in the *Federal Register* on Dec. 15, 2004.

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