

**From:** [800-171comments@list.nist.gov](mailto:800-171comments@list.nist.gov) on behalf of [REDACTED]  
**To:** [800-171comments@list.nist.gov](mailto:800-171comments@list.nist.gov)  
**Subject:** [800-171 Comments] NIST 800-171 comment  
**Date:** Friday, September 16, 2022 2:35:54 PM  
**Attachments:** [image002.png](#)

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Dear Mr/Mrs

Saab Group is an international security and defense and supplier of system and platforms to U.S. Warfighters.

As a part of U.S. Department of Defense supply chain we have followed the progress and development of DFARS 252.204-7012, NIST 800-171/-171A and CMMC we would use the opportunity to comment of NIST 800-171 the feedback from a foreign perspective. The most challenging part as a foreign DIB is the requirement of FIPS 140 validated and no alternative is given.

We would propose that NIST 800-171 opened-up for alternative as Department of State (DoS) have done with the ITAR regulation. This was by DoS in consideration of international company use <https://www.federalregister.gov/documents/2019/12/26/2019-27438/international-traffic-in-arms-regulations-creation-of-definition-of-activities-that-are-not-exports>.

The encryption must be accomplished in a manner that is certified by the U.S. National Institute for Standards and Technology (NIST) as compliant with the Federal Information Processing Standards Publication 140-2 (FIPS 140-2) or must meet or exceed a 128-bit security strength. At the time of publication of this rule, that criterion is expressed in "Table 2: Comparable strengths" of NIST Special Publication 800-57 Part 1, Revision 4. Additionally, the technical data may not be intentionally sent to a person in or stored in a § 126.1 country or the Russian Federation, even in its encrypted state. This will allow for transmissions and storage of encrypted data in most foreign countries, so long as the technical data remains continuously encrypted while outside of the United States or until decrypted by an authorized intended recipient.

We would propose, as ITAR is CUI Specified in NARA CUI Category register, that NIST 800-171 had the same alternative as DoS have implemented in consideration of foreign companies that is authorized to receive and create ITAR.

Alternativ link: [https://www.pmdtdc.state.gov/sys\\_attachment.do?sysparm\\_referring\\_url=tear\\_off&view=true&sys\\_id=1d508454db82c8505c3070808c961968](https://www.pmdtdc.state.gov/sys_attachment.do?sysparm_referring_url=tear_off&view=true&sys_id=1d508454db82c8505c3070808c961968)

Yours sincerely

**Urban Lyxzén Bervelius**

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