May 29, 2007

EA-07-124

Mr. Stephen M. Quennoz, Vice President
Nuclear and Power Supply/Generation
Portland General Electric Company
Trojan Independent Spent Fuel Storage Installation
121 South West Salmon Street
Portland, OR 97204

SUBJECT: ISSUANCE OF ORDER IMPOSING FINGERPRINTING AND CRIMINAL HISTORY CHECK REQUIREMENTS FOR UNESCORTED ACCESS TO THE TROJAN INDEPENDENT SPENT FUEL STORAGE INSTALLATION

Dear Mr. Quennoz:

You recently received "Order Imposing Fingerprinting and Criminal History Records Check Requirements for Access to Safeguards Information (Effective Immediately)," (EA-06-298) from the U.S. Nuclear Regulatory Commission (NRC) requiring fingerprinting and a criminal history records check for access to Safeguards Information (SGI), as part of the implementation of Section 652 of the Energy Policy Act of 2005 (EPAct). As a result of the implementation of that Order, the NRC has approved one or more individuals, as requested by the Portland General Electric Company (PGE), to act as a reviewing official. The reviewing official is responsible for determining other licensee employees' need-to-know SGI, and for reviewing the results of the Federal Bureau of Investigation (FBI) criminal history records check, based on fingerprints, in conjunction with other trustworthiness and reliability information to make SGI access determinations for those individuals.

Section 652 of the EPAct required the Commission to impose additional fingerprinting requirements for all individuals who seek or currently have unescorted access to radioactive materials possessed by spent fuel storage facility licensees, determined by the Commission, to be of such significance to the public health and safety or common defense and security as to warrant fingerprinting and background checks. "Access" to radioactive material means that an individual could exercise some physical control over the material or device. Thus, the NRC is issuing the enclosed Order (Enclosure 1) to expeditiously implement, in part, these additional security requirements.

To implement the enclosed Order, PGE must submit fingerprints of individuals who seek or currently have unescorted access to spent fuel storage facilities as a result of the implementation of the Orders imposing interim compensatory measures and additional security measures. The reviewing official must consider the results of the FBI criminal history records check, in conjunction with the information obtained in response to the trustworthiness and reliability requirements of the Order when making a determination of whether an individual may be granted or given continued unescorted access to spent fuel storage facilities, subject to the enclosed Order (see the Attachment to the Order and Enclosure 2 to this letter). The reviewing official may be one that has previously been approved by NRC in accordance with EA-06-298. PGE may nominate additional reviewing officials in accordance with the Order. The reviewing official, and only the reviewing official, can make determinations for unescorted access to spent fuel storage facilities for other licensee employees who have been fingerprinted and have had a criminal history records check. Individuals who have been fingerprinted and granted access to

SGI under previous Orders, do not need to be fingerprinted again, and the reviewing official need not make a separate determination for unescorted access.

This Order does not obviate the need for PGE to continue to meet the requirements of previous Orders, and to maintain the effectiveness of security measures taken in response to the events of September 11, 2001. These requirements, which will remain in effect until the Commission determines otherwise, supplement, but do not replace, existing requirements concerning unescorted access to spent fuel storage facilities.

PGE has 90 days from the date of this Order to submit fingerprints and complete their review of the FBI criminal history records check for all individuals currently authorized unescorted access to spent fuel storage facilities. Individuals approved by the reviewing official for access to SGI do not need to submit fingerprints again for compliance with this Order.

PGE is required to submit fingerprints in accordance with this Order. The current processing fee is $27.00 per submission and payment, payable to "U.S. NRC," must accompany the request. The details regarding fingerprint submittals and payment of fees are found in the Attachment to the Order. The enclosed Order requires that you respond to this Order within twenty (20) days from the date of its issuance, and implement the requirements before allowing unescorted access to your spent fuel storage facility to any individual.

PGE responses to the enclosed Order (not fingerprint cards) must be submitted to the Director, Office of Nuclear Material Safety and Safeguards, and addressed to the attention of L. Raynard Wharton. The following mailing addresses should be used:

For normal postal delivery, mail to:

Director, Office of Nuclear Material
Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C., 20555-0001
Attn: L. Raynard Wharton, Mail Stop EBB-3D-02M

For delivery services requiring a street address, mail to:

Director, Office of Nuclear Material
Safety and Safeguards
U.S. Nuclear Regulatory Commission
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852-2738
Attn: L. Raynard Wharton, Mail Stop EBB-3D-02M

Licensee fingerprint cards must be submitted separately to the Director, Division of Facilities and Security, and should be addressed to the attention of the Criminal History Program. The following mailing addresses should be used:

For normal postal delivery, mail to:

Director, Division of Facilities and Security
U.S. Nuclear Regulatory Commission
Washington, D.C., 20555-0001
Attn: Criminal History Program, Mail Stop T-6E46

For delivery services requiring a street address, mail to:
Director, Division of Facilities and Security
U.S. Nuclear Regulatory Commission
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852-2738
Attn: Criminal History Program, Mail Stop T-6E46

Please include your docket number in all correspondence with NRC. In addition, your responses are "Security-Related Information" or "Official Use Only" and shall be properly marked.

In accordance with 10 CFR 2.390 of NRC's "Rules of Practice," a copy of this letter and its enclosures will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible through the NRC Web site at http://www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room).

Please contact L. Raynard Wharton at (301) 492-3316, or via email to lrw@nrc.gov, for facilitating resolution of any issues or questions related to compliance with the requirements in the enclosed Order. The enclosed Order has been forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

Michael F. Weber, Director
Office of Nuclear Material
Safety and Safeguards

Docket No: 72-17

Enclosures:
1. Order Imposing Fingerprinting and Criminal History Records Check Requirements for Unescorted Access to Certain Spent Fuel Storage Facilities
2. Guidance for Licensee's Evaluation of Unescorted Access to Spent Fuel Storage Facilities With the Inclusion of Criminal History (Fingerprint) Records Checks

cc: Mailing list

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11545 Rockville Pike
Rockville, MD 20852-2738
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