

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE PRE-LICENSE APPLICATION PRESIDING OFFICER BOARD

In the Matter of)	
)	
U.S. DEPARTMENT OF ENERGY)	Docket No. PAPO-00
)	
(High-Level Waste Repository: Pre-Application Matters))	ASLBP No. 04-829-01-PAPO
)	

RESPONSE OF THE NUCLEAR ENERGY INSTITUTE TO
THE BOARD'S JULY 6, 2007 ORDER

By Order dated July 6, 2007, the Pre-License Application Presiding Officer (PAPO) Board posed a number of questions to the Nuclear Energy Institute (NEI) in its capacity as a potential party.¹ NEI hereby files its answers to those questions.

- 1. a. **10 C.F.R. § 73.56(b)(2)(i) Process**
 - i. **Explain the process by which the background investigations under 10 C.F.R. § 73.56(b)(2)(i) are conducted.**

The process is set forth in NEI 03-01, Rev. 1, *Nuclear Power Plant Access Authorization Program* (April 2004). Applicants for an initial unescorted access undergo a background investigation for the preceding three years, or since the eighteenth birthday if the individual is younger than twenty-one years of age. With respect to the elements of investigations enumerated in 10 C.F.R. § 73.56(b)(2)(i), the following steps are accomplished:

- 1. An extensive Personal History Questionnaire and Self-Disclosure are completed by the individual. This form includes topics such as employment history, education history, credit history, criminal history, military service, and references.
- 2. The true identity of the applicant is verified, e.g., by comparing a government-issued photo identification with the physical characteristics of the applicant.

¹ The July 6, 2007 Order was issued by a majority. On July 16, Board member Alex S. Karlin filed a Dissent.

3. The previous three-year employment/unemployment history of the applicant is verified in accordance with the following instructions:
 - a) For the most recent year preceding the application, conduct a suitable inquiry on a best effort basis and verify every claimed employment (regardless of length) and verify each unemployment period of 30 days or more.
 - b) For the remaining two years of the required three-year period, conduct a suitable inquiry on a best effort basis and verify the longest claimed period of employment in any calendar month and verify each period of unemployment of 30 days or more.
 - c) If active military service is contained within the individual's background during the past three-year period, verify the period and character of service.
 - d) If educational activities are claimed in lieu of employment, verify enrollment.
4. A credit history check is performed, typically through a national credit-reporting agency, and reviewed for the duration of history provided by the applicant. The check includes an inquiry to detect potential fraud or misuse of social security numbers or other financial identifiers.
5. A criminal history check is conducted and evaluation performed consistent with the process set for in 10 C.F.R. § 73.57.
6. The character and reputation of the applicant are verified through at least two developed references.
7. Drug and alcohol tests are verified as negative.

ii. Identify the Staff's responsibilities in the process and responsibilities performed wholly by the Licensee and/or NEI.

The NRC Staff is generally not directly involved in the industry authorization process except for fingerprint review. (See the response to question 1.b.iii).

iii. What guidance has the Staff provided regarding how the investigation should be conducted? Provide a copy of any guidance.

The Staff has endorsed NEI 03-01, Rev. 1, *Nuclear Power Plant Access Authorization Program* (April 2004). See generally <http://www.nrc.gov/reactors/operating/ops-experience/access-authorization.html>

- iv. Is the Licensee permitted to utilize outside contractors in the conduct of background investigations?**
- 1) **If so, to what extent?**
 - 2) **What functions may an outside contractor perform?**
 - 3) **Must the Licensee make the final determination with respect to the background investigation?**

4) Approximately how many companies perform these background checks on behalf of Licensees or assist Licensees in the process?

Licensees utilize outside contractors to varying degrees in performing background investigations. Except as effectively precluded by the provisions of 10 C.F.R. § 73.57 pertaining to criminal history checks, contractors may be involved in any of the elements of investigations enumerated in 10 C.F.R. § 73.56(b)(2)(i). However, in all cases the Licensee is responsible for the ultimate determination concerning whether or not to authorize unescorted access. Approximately 15 primary investigation companies are utilized by Licensees.

1. b. 10 C.F.R. § 73.56(b)(2)(i) Time-lines

- i. How long does it take to complete an average background investigation (which excludes the other requirements of 10 C.F.R. § 73.56(b)(2), such as psychological tests) for a new employee (i.e. an employee who has not been employed previously by a Licensee of the NRC) who is a U.S. citizen? If NEI is unable to provide an average time estimate, provide a range of time estimate.**

It generally takes three to five days to complete all of the elements of background investigations for a new employee. Employment history and reference checks performed in verifying an individual's character and reputation typically control the total time necessary to complete an investigation. Other aspects are typically completed within 72 hours.

- ii. Are the investigations comprised of multiple components? (i.e. criminal history, employment history, character). If so, how long does each component take to complete?**

Yes, investigations are comprised of multiple elements. See responses to questions 1.a.i and 1.b.i.

- iii. The NRC has stated that its goal is a "72-hour turnaround" for Licensee fingerprint reviews. In the view of NEI, has the Staff achieved this goal? If not, what is the approximate length of a fingerprint review submitted today? [Reference omitted.]**

The NRC Staff has generally been successful in meeting a "72-hour turnaround" goal, often completing the review in a period as short as twelve hours.

- iv. If any portion of the investigation is performed by a contractor, provide a brief description of each such component and the typical time required for the completion of such component.**

See responses to questions 1.a.iv and 1.b.i.

- 1. c. How long does it take to complete an average background investigation for a new employee who is a foreign national? If NEI is unable to provide an average time estimate, provide a range of time estimate for each investigation component.**

The process described in the response to question 1.a.i is also applied to foreign nationals. It generally takes seven to nine days to complete a background investigation.

- 1. d. Do Licensees have a process for expedited background investigations? If so, explain the process and provide an estimate of time required to perform an expedited review.**

NEI is not aware of a process for expedited background investigations.

Respectfully submitted,



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