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Criminal History Record Checks

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1 UNITED STATES OF AMERICA

2 NUCLEAR REGULATORY COMMISSION

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4 REQUIREMENTS FOR FINGERPRINT-BASED

5 CRIMINAL HISTORY RECORD CHECKS

6 + + + + +

7 WORKSHOP

8 + + + + +

9 THURSDAY,

10 JUNE 4, 2009

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12 ROCKVILLE, MD

13 + + + + +

14 The Workshop convened in Salon I of the
15 Rose Hill Ballroom, Legacy Hotel, 1775 Rockville Pike,
16 Rockville, Maryland, at 8:30 a.m., Harry Tovmassian,
17 Facilitator, presiding.

18 PRESENT:

19 HARRY TOVMASSIAN, Facilitator

20 TOM BLOUNT, NRC

21 RALPH BUTLER, University of Missouri

22 GEOFF WURTZ, NRC

23 LINH TRAN, NRC

24 JERUD HANSON, Nuclear Energy Institute

25 GARY PURDY, NRC

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1 PRESENT (Continued):

2 STEVE MILLER, Armed Forces Radiobiology Research
3 Institute

4 STEVE REESE, Oregon State University

5 JERE JENKINS, Purdue University

6 KATHRYN BROCK, NRC

7 BETH REED, NRC

8 DUANE HARDESTY, NRC

9 SEAN O'KELLY, University of Texas (present via
10 telephone)

11 MARK TRUMP, Penn State University (present via
12 telephone)

13 ALAN ADAMS, NRC

14 ANDREW KAUFFMAN, Ohio State University (present via
15 telephone)

16 KENAN UNLU, Penn State University (present via
17 telephone)

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P R O C E E D I N G S

(8:33 a.m.)

1
2
3 MR. TOVMASSIAN: Well, good morning,
4 everyone. This morning we're conducting NRC's public
5 workshop and its advanced notice of proposed
6 rulemaking on fingerprint-based criminal history
7 record checks for individuals granted unescorted
8 access to the research and test reactors.

9 This is a Category 3 meeting. In addition
10 to industry representatives, licensees, and vendor
11 organizations, non-government organizations, private
12 citizens and other interested parties are encouraged
13 to participate.

14 This public workshop is being transcribed,
15 and the minutes of this meeting will become part of
16 the public record. So, of course, you should not use
17 any proprietary information or any sensitive
18 information of any kind during this meeting.

19 Now, for the purpose of the transcription,
20 I'd like everybody at the table to identify
21 themselves. The folks who are not at the table, we'll
22 get your names off of the addressee list, but if
23 you're going to make any comments, please do it at the
24 podium and address yourselves for purpose of the
25 transcription here.

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1 My name is Harry Tovmassian. I'm from the
2 Regulatory Analysis, Policy and Rulemaking Branch of
3 NRR, and I'm the project manager rulemaking lead for
4 this particular project.

5 I wonder if the rest of you can identify
6 yourselves for the sake of the transcription, please.

7 MR. MYERS: Tom Myers, National Institute
8 of Standards and Technology.

9 MR. BLOUNT: Tom Blount, Deputy Director
10 for the Division of Policy and Rulemaking in NRR.

11 MR. BUTLER: Ralph Butler, Chair of TRTR,
12 Director of the University of Missouri Research
13 Reactor.

14 MR. WURTZ: Geoff Wurtz, project manager,
15 NRC.

16 MS. TRAN: Linh Tran, project manager,
17 NRC.

18 MR. HANSON: Jerud Hanson, Senior Project
19 Manager, Nuclear Energy Institute.

20 MR. PURDY: Gary Purdy, NRC Office of
21 Nuclear Security and Incident Response.

22 MR. STEVE MILLER: Steve Miller, Armed
23 Forces Radiobiology Research Institute and TRTR.

24 MR. REESE: Steve Reese, Director, Oregon
25 State Radiation Center and member of TRTR.

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1 MR. JENKINS: Jere Jenkins, Purdue
2 University and TRTR.

3 MS. BROCK: Kathryn Brock. I'm a Branch
4 Chief in NRR with responsibilities for Research in
5 Test Reactors.

6 MS. REED: Hi. I'm Beth Reed. I'm with
7 NRC Research Test Reactor Branch.

8 MR. HARDESTY: And I'm Duane Hardesty,
9 project manager, Research in Test Reactors.

10 MR. TOVMASSIAN: Okay. I would like all
11 of you to make sure that you sign the attendance sheet
12 at the back so that we can get a full accounting for
13 everybody that was here.

14 I'd like you to remember to silence all
15 cell phones or electronic devices, if you could, and
16 those of you that are on the Webinar, please mute your
17 phones so that we won't get any background noise from
18 you.

19 Okay. Now, those of you who are here, if
20 you'd like to make any comments or questions, please
21 use the microphone that's provided. Identify your --

22 MS. REED: Yeah, we've got microphones
23 throughout the table.

24 MR. TOVMASSIAN: Well, they are provided
25 on the table. Also, that one is active.

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1 MS. REED: Is it?

2 MR. TOVMASSIAN: The other microphone is
3 set up.

4 MS. REED: Excellent.

5 MR. TOVMASSIAN: So you can use either
6 one.

7 Now, all meeting participants, whether
8 you're on the Webinar or here, are encouraged to
9 submit your comments in writing in response to the
10 Federal Register notice announcing this meeting.

11 Now, it's particularly important because
12 we get more accurate comments, and we'll understand
13 your comments better if they're in writing. So please
14 send them in if you can.

15 Now, on advanced notices for proposed
16 rulemaking, on March 14th, 2009, the NRC published an
17 advanced notice of proposed rulemaking announcing its
18 intention to conduct rulemaking to require
19 fingerprint-based criminal history record checks for
20 individuals granted unescorted access to RTRs. This
21 is required in the Energy Policy Act of 2005.

22 Now, an ANPR is the most formal mechanism
23 for federal agencies to develop regulations through
24 enhanced public participation. Now, one thing that
25 you should remember is even though an ANPR is

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1 published in the proposed rules section of the Federal
2 Register, they are not to be mistaken for proposed
3 rules. They do not require anybody to do anything,
4 and they are not proposed rules. They are not final
5 rules, and they do not represent a commitment by the
6 NRC to publish proposed or final rules, except in
7 cases where Congress has mandated rulemaking for the
8 contemplated action, and in this case it has done so.

9 So in other words, what is going to happen
10 after this ANPR process is completed, the public
11 comments will be considered and resolved. A proposed
12 rule will be published, and you will get another
13 opportunity for public comment, and then a final rule
14 will be developed after public comment is considered
15 and resolved as well.

16 Now, generic requirements for fingerprint-
17 based criminal history records check are not new to
18 the NRC. We do these in other areas of NRC
19 applications and we have experience doing this. What
20 is new is the applicant of such generic requirements
21 for RTR facilities.

22 Applying generic requirements to such a
23 diverse group of facilities presents a unique
24 challenge to the NRC. In our ANPR, and it is an ANPR,
25 the NRC has presented its proposed approach to this

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1 problem and has posed a number of questions that it
2 would like stakeholders to address.

3 Now, the answers to some of these
4 questions will help the NRC develop the proposed
5 regulations that we're going to come up with, but
6 answers to other questions will address the impacts
7 that these requirements may have and should provide a
8 basis for a better regulatory analysis or a more
9 informed regulatory analysis that will accompany the
10 proposed and final rules.

11 So we actually want to accomplish a couple
12 of things this morning. One of them is to answer
13 questions that interested parties have about the
14 intentions of NRC and what we mean by our ANPR so that
15 we can formulate a better set of public comments that
16 will inform us better for our rulemaking activities.

17 But in addition to that, we want to get a
18 better appreciation of how these proposed requirements
19 might influence the operations of various RTR
20 facilities.

21 So with that, I'll give you Beth Reed.
22 Now, Beth, as she mentioned before, she's from the RTR
23 branch, and she is the technical lead for this
24 rulemaking.

25 Beth.

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1 MS. REED: Hi. Good morning. I thought
2 that we would start this whole workshop, and you'll
3 notice I emphasize "workshop" because this is not
4 meant to be a meeting where I talk and you all listen;
5 this is a workshop. We want input from everybody. So
6 I'm going to kick it off first by just refreshing
7 everybody's memory about what is happening and where
8 we are now.

9 Pre-9/11 the regulations focused mostly on
10 physical protection. Ten CFR 7360 and 67 covered
11 requirements that included measures for storing and
12 using special nuclear material, monitoring the
13 controlled access areas, and insuring a response to
14 all unauthorized activities.

15 Two thousand two to 2004, compensatory
16 measures were issued for the site specific background
17 investigations for individuals granted unescorted
18 access. These were dependent on local restrictions
19 and could be rather inconsistent depending on state
20 laws, university laws, things like that.

21 In August 2005, the Energy Policy Act
22 amended Section 149 of the Atomic Energy Act of 1954,
23 when it gave the NRC authority to require fingerprint
24 for research test reactors. The Atomic Energy Act has
25 previously only covered nuclear power plants, and the

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1 Energy Policy Act then said, okay, let's cover
2 research test reactors as well.

3 So in March 2007, the Commission directed
4 NRC staff to issue orders to RTRs to require
5 fingerprint-based criminal history record checks for
6 individuals with unescorted access to these
7 facilities. Now, throughout the morning I may just
8 say "fingerprint," but what I am actually talking
9 about is the fingerprint-based criminal history record
10 checks. But just to make it simple, I'll just say
11 "fingerprint."

12 The orders were to require fingerprinting
13 only for individuals with unescorted access to risk
14 significant areas of materials within the facilities.

15 Then August 2007, an order imposing fingerprinting
16 and criminal history record check requirements for
17 unescorted access to research test reactors was
18 issued.

19 Later, in August 2007, an order imposing
20 fingerprinting and criminal history records check
21 requirements for unescorted access to the General
22 Atomics research test reactor was issued.

23 The Commission also directed the NRC staff
24 to proceed with a rulemaking to determine if
25 fingerprint-based criminal history record checks

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1 should be required for additional RTR personnel.

2 As Harry mentioned earlier, and as I
3 mentioned, this is a workshop. So there will be
4 plenty of opportunities to ask questions or comments
5 on the proposed approach discussed in the Federal
6 Register notice. Because there are so many on the
7 phone, I will stop every few slides for input. Those
8 using the Webinar -- sorry, sorry -- for those using
9 the Webinar, you just take your phone off mute, and
10 you can then participate, and we ask that after you
11 ask your question or state your comment, please put
12 the phone back on mute.

13 We want this to be an interactive type of
14 meeting, not one where I just stand up here and talk
15 and you listen. Your input is desired and valued.

16 NRC proposes to revise 10 CFR 7360 by
17 adding a Paragraph G that will specify the
18 requirements for fingerprints for individuals with
19 unescorted access. Before determining the exact
20 nature of a proposed rule implementing the
21 requirements of the Energy Policy Act, the NRC is
22 seeking comments on the language of the proposed rule.

23 Some of the language would be that each
24 RTR licensee have a program for obtaining fingerprint-
25 based criminal record checks for individuals granted

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1 unescorted access to areas of significance; a
2 procedure to assure that certain prohibited
3 information is not used as the basis for the denial of
4 unescorted access; specific procedures for the conduct
5 of fingerprinting; a procedure for correction of
6 completion of criminal record information; a procedure
7 for protection of information; and a procedure for
8 official review.

9 Let me stop at this point and ask if there
10 are any questions or comments so far. Yes, Steve.

11 MR. REESE: Yes. What kind of prohibited
12 permission are you referring to in sub-bullet two?

13 MS. REED: That's a good question. Linh,
14 do you have more specifics?

15 MS. TRAN: I think that's the SGI
16 information.

17 MR. REESE: No, it's talking about
18 evaluation of a denial of unescorted access, and it's
19 implying that there's information that's not allowed
20 for us to review. What type information would that
21 be?

22 MR. BUTLER: To be clear, the NRC doesn't
23 know what this sentence is?

24 MR. MYERS: Is this information from NRC
25 or is this information from the licensee? For

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1 instance, criminal conviction for a minor.

2 MS. BROCK: I think that it is information
3 like, as you say, about the individual, yeah.

4 MR. MYERS: That would be provided by the
5 licensee.

6 MR. REESE: But the NRC is then making the
7 decision?

8 MS. TRAN: I think this is the -- I think
9 if you send in the information for the background
10 check and you don't use that information against the
11 person. I think that's what we're coming from with
12 this.

13 MR. REESE: I don't understand.

14 PARTICIPANT: That doesn't make sense.

15 MR. STEVE MILLER: There is discussion
16 about one of the orders describing the types of
17 information.

18 MS. TRAN: Can you speak up please?

19 MR. STEVE MILLER: There is a description
20 of one of the orders that came out that describes the
21 type of information --

22 THE REPORTER: Please keep your voice up,
23 sir.

24 MR. STEVE MILLER: There is a discussion
25 in the orders that were issued about a half a page

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1 long about types of information that cannot be
2 considered. I don't recall everything that's in it,
3 but I believe it's things like minor traffic
4 conditions, things that perhaps have not been fully
5 adjudicated yet, things that might come up on an FBI
6 check that don't really apply to this, but there is a
7 discussion in one of the orders.

8 MR. BLOUNT: What it sounds like is we
9 need to go back and look at this, too, and make sure
10 we understand what that language is about.

11 MS. REED: Yes, yes. We'll make sure we
12 clarify that.

13 MR. BLOUNT: And understand.

14 MS. REED: And understand it and let
15 everybody know what exactly --

16 MR. BLOUNT: -- further dialogue on that
17 aspect of it.

18 MS. REED: Any other questions, comments?

19 Anybody on the phone?

20 (No response.)

21 MS. REED: Okay. We'll move on. So at
22 this point in formulating the rule, the staff was
23 directed to strive for risk informed graded approach
24 that considers, among other things, the type of
25 significance of special nuclear material and other

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1 sensitive materials, as well as the research and test
2 reactor's licensed power level.

3 The rulemaking would generally require RTR
4 licensees to insure that individuals granted
5 unescorted access to risk significant areas and risk
6 significant materials and RTRs are subject to an FEI
7 fingerprint check or an acceptable alternative. What
8 we need help defining is what are the areas of
9 significance and can they be generally defined. What
10 constitutes unescorted access? Those are going to be
11 the two main topics we'd like to tackle in this
12 workshop today.

13 First let's discuss areas of significance.

14 As a result of the Energy Policy Act, the NRC is
15 directed by Section 149 of the Atomic Energy Act to
16 require the licensee to obtain fingerprint-based
17 criminal history record checks for individuals who are
18 permitted unescorted access to either a utilization
19 facility or radioactive material or other property
20 subject regulations by the Commission.

21 The unique nature of each RTR makes it
22 difficult to develop generically applicable
23 definitions of utilization facilities that would
24 result in an effective and implementable regulation.
25 This objective would be better achieved by limiting

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1 this requirement to an area within the RTRs identified
2 as the area of significance.

3 There are three proposed options for
4 defining areas of significance. They are controlled
5 access areas as defined in 10 CFR 73.2; areas of the
6 facility as determined in each licensee security
7 assessment or prescriptive locations.

8 Let's look at the first one, controlled
9 areas of access. The NRC believes that areas at the
10 facility that are designated as access controlled are
11 already defined in each licensee's security plans or
12 security procedures and access to these are already
13 being controlled. The definition of 73.2 of a
14 controlled access area is any temporarily or
15 permanently established area which is clearly
16 demarcated, access to which is controlled and which
17 affords isolation of the material or persons within
18 it.

19 There's a couple of questions associated
20 with this first option. What would be the appropriate
21 number of additional personnel that must be
22 fingerprinted for unescorted access based on this
23 definition?

24 Does anybody have any idea of how many
25 more would have to be fingerprinted? How you thought

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1 about this before?

2 And I'm getting these. These were all
3 questions from the Federal Register notice, and that's
4 what the NRC is attempting to answer is those
5 questions in that Federal Register notice.

6 MR. O'KELLY: This is Sean O'Kelly,
7 University of Texas.

8 We would not -- for a controlled access
9 area, we would not have to fingerprint any more
10 individuals that do not already have access to the
11 area.

12 MS. REED: Okay.

13 MR. BUTLER: I would believe that to be
14 true for most of the affected licensees.

15 MS. REED: Okay.

16 MR. BLOUNT: Are there any that would not
17 -- who would have issues with additional
18 fingerprinting? That's really, I guess, the group
19 that we would want to focus on and see how we can
20 bring that group in, see what we would need to do to
21 minimize that impact. Is there anyone?

22 MR. TRUMP: This is Mark Trump at Penn
23 State.

24 MR. BLOUNT: Yeah.

25 MR. TRUMP: Right now we do allow access

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1 of maintenance workers from the university into these
2 areas without being continuously supervised. They
3 vary, whether it was an air condition technician or an
4 electrician. There's supervision on site. There's
5 supervision to provide access in the area, but we do
6 not require that they be continuously observed, and we
7 do not fingerprint these individuals. So it's a
8 rather large maintenance force, a variety of
9 individuals. So it would have to have either
10 continuous monitoring or trying to get a core of
11 individuals that are cleared.

12 MS. REED: Okay. Good input.

13 MS. BLOUNT: So for that situation are
14 there alternatives? Say you have a group of
15 maintenance folks that are going into an area. Could
16 you have that group with someone that was of that
17 group that was fingerprinted that could provide that
18 oversight?

19 MR. TRUMP: Procedurally, if there is one
20 individual who has unescorted access and monitored
21 them, if we would move to the definitions proposed, it
22 would mean that I would potentially have an operator
23 staying there watching them while they change air
24 filters and perform other activities.

25 MS. REED: Okay.

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1 MR. TRUMP: So the burden is tying up an
2 operator continuously to monitor long time university
3 crafts personnel who are working on systems not
4 directly related to the reactor but in the areas of
5 significance.

6 MR. REESE: We have the reactor fuel is
7 designated as a -- what do they call it? -- vital area
8 based on the old definition. Under this condition we
9 have new employees that come in, new operators that
10 have not yet received their full security clearance,
11 but have been issued an interim clearance. We allow
12 them to be in the controlled access areas but not in
13 the vital access areas. So we would have a group of
14 people that would not be allowed in the inner offices
15 for a year or more under this definition.

16 MR. BLOUNT: Which would be a significant
17 impact.

18 MR. REESE: Which would be very
19 significant. DoD will issue an interim clearance or a
20 clearance waiver based on preliminary information
21 while their background checks and security clearances
22 are being processed.

23 MR. BLOUNT: So could we have an interim
24 clearance?

25 MR. REESE: Or even a waiver. You know,

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1 they will or we have a security department that looks
2 at the application for a clearance, and based on the
3 information that they have at their disposal will
4 issue an interim clearance or a waiver, but we don't
5 generally accept those in lieu of a clearance for that
6 purpose.

7 MR. ADAMS: When you say "clearance," do
8 you mean a secret document, top secret clearance?

9 MR. REESE: Secret, yeah.

10 MR. ADAMS: But we're talking for the
11 purpose of this rule something much less than that.

12 MR. REESE: I understand, but that's what
13 we go after when somebody new comes in, is a secret
14 clearance if they're allowed access to the reactor.
15 So they're issued something less by the university in
16 the interim because a secret takes about a year to
17 adjudicate.

18 MR. ADAMS: Is that something less? Does
19 it match up with what we're asking for?

20 MR. REESE: No. The fingerprints are not
21 processed. We don't have results of a fingerprint
22 check until the security clearance comes through.
23 They do fingerprint them, but they're processed along
24 with the clearance.

25 MR. ADAMS: Would it be a problem to send

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1 those fingerprint through our methodology also at the
2 same time? Because you get a turnaround much quicker
3 from us.

4 MR. REESE: We have a new person. We have
5 been unable to contact that office for three weeks.
6 We've gotten no answers to E-mails, no answers to
7 phone calls. Our phones are ringing. This is based
8 on the number that's published.

9 MR. BLOUNT: For us?

10 PARTICIPANT: I would actually reiterate
11 Steve's comment on vital areas. Typically the CAAs
12 are larger in the vital areas I would imagine in
13 everybody's facility, correct? Where a vital area is
14 more consistent with the concern at hand, meaning
15 access to the actual material itself.

16 The difference between a controlled access
17 area and a vital area I think you will find is
18 significant for probably 60 to 70 percent of the
19 facilities where they're controlling access as opposed
20 to controlling access to the actual material itself.

21 This would actually have huge impact
22 because of the number of students, researchers, and
23 faculty that are involved in a control access area as
24 opposed to the vital area.

25 MR. JENKINS: That would be true for

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1 Purdue as well. We'd have to fingerprint 120 people a
2 year, and that's not something we can afford to do.

3 MR. O'KELLY: That would triple the number
4 of people we fingerprint.

5 MS. BROCK: And these people that come in,
6 they might not stay for many years. It might be
7 fingerprinted one year and they're gone nine months
8 later or something like that.

9 MR. JENKINS: They're students. We have a
10 lab next door to the reactor, and we teach classes in
11 there.

12 MR. REESE: So it depends on how you
13 define controlled access areas and how you define
14 vital areas, and I think we need to keep this focused
15 on vital areas and not talk about controlled access
16 areas.

17 PARTICIPANT: Speak up, please.

18 MS. TRAN: I don't think so because I
19 think we're going to a sample of security plans.
20 Control access area, I think I found that most people
21 have it, but vital area, I mean, some RTR and security
22 plants do not have vitals area, and that's where we
23 got stuck. Some do and some don't, and how we're
24 going to be able to define that if you don't have it.

25 MR. ADAMS: We spent a lot of time looking

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1 at the definition of vital equipment and vital area,
2 and that seemed logical, but then when you started
3 looking at security plans, not everybody defined vital
4 areas, and if you look at the definition, it's a
5 pretty broad definition and has a lot of flexibility
6 to it. So that's one of the reasons we went to CAA,
7 was that's something that's defined in the
8 regulations, and it looked like at least, you know,
9 through the security plans that we sampled that's
10 pretty universal in security plans, vitals areas.

11 MR. REESE: But for those of us who do
12 have vital areas, it presents a problem because we've
13 defined both of these, and typically CAA's I would
14 assume is much larger encompassing.

15 MR. STEVE MILLER: Could this be
16 constructed so that the licensee has a choice of
17 definition in what to use?

18 MS. TRAN: This is for discussion. There
19 are other options that we are considering. We are
20 only on Option 1.

21 MR. STEVE MILLER: But for the final rule.

22 MS. TRAN: That's why we're talking
23 because we can't define or at least I can't, you know,
24 where the cutoff is. I can draw the boundaries, and
25 that's why I'm having a lot of problems. We went to

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1 vitals, and I think -- and I went to a couple of
2 inspections out there, and when I looked, they don't
3 have it.

4 MR. REESE: That actually brings up
5 another question which is where -- you know, some of
6 the discussions in the order originally came about is
7 we focused more on the individual rather than a
8 defined area because of this explicit problem. Has
9 that created an issue? Is there a reason why we're
10 moving away from that philosophy?

11 MS. TRAN: Because in the rulemaking you
12 probably need to be a little bit more generic, and so
13 that's what we're trying to write, something generic
14 that everybody can use.

15 MR. ADAMS: I think part of it is the fact
16 that post 9/11 and post security assessments were a
17 lot smarter about, you know, target sets and barriers
18 and time lines, and a lot of stuff that we really
19 didn't think about very deeply pre-9/11. So that's
20 part of it, too.

21 You know, also, it's framed against
22 certain aspects of getting the target sets that we're
23 looking at.

24 MR. BUTLER: What's wrong with the words
25 in the current order as you've got it defined in this

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1 public Federal Register notice? Is this broken?

2 Because the research reactors, we've all
3 implemented the order, and we've had these in effect
4 for a number of years now. What's wrong to just
5 codify these words here?

6 It seems to be working for you. It seems
7 to be working for us.

8 MS. REED: That's a good question, Ralph.
9 That's one of the ones I had towards the end about,
10 you know, has there been a burden implementing the
11 orders. Has there been a problem with the orders?

12 That way, you know, we're asking --

13 MR. BUTLER: We've already undergone the
14 burden of reporting.

15 (Laughter.)

16 MS. REED: Right, and I think what NRC is
17 trying to look at --

18 MR. BUTLER: What you're doing here is
19 creating additional burden for us.

20 MS. REED: And what NRC is trying to look
21 at is can we lift that burden a little bit if we
22 choose a different definition and choose who enters
23 that area, to get back to your question, Steve, you
24 know, focusing on the people. That gets into the
25 unescorted access. Who has unescorted access?

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1 Well, if we shrink the area of who, you
2 know, needs fingerprints for unescorted access, maybe
3 we'll shrink the number of people.

4 MR. REESE: Well, the beauty of the way
5 the order was set up is that we have a lot of
6 flexibility in defining that area, which we assumed --
7 and it sounds correctly so -- that each facility
8 defines differently, and that was the beauty of it so
9 we could each focus on the people who have access to
10 the fuel, and it was not defined by area, but it was
11 more of access, unescorted access to the actual fuel
12 itself, which allowed us some flexibility.

13 MR. ADAMS: And that's true, Steve. I
14 think one of the things we saw was that the
15 interpretation of the order was different from
16 licensee to licensee, and when you looked at those
17 interpretations and looked at the security
18 assessments, there was some disconnects between them,
19 between how those lined up, and that's why we looked
20 at looking at a different way to define things.

21 Again, the orders were put in place to
22 give us a certain level of protection while we went
23 and did the security assessment. So that's why we're
24 back at the table. We know a lot more now and, you
25 know, based on individual licensees' implementation of

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1 the orders we see some places where what some licensee
2 has done and what we looked at in the security
3 assessments don't line up very well.

4 MS. BROCK: I think where we might be
5 going is Option 2, if we want to go to the next slide,
6 where the areas of the facility helps to determine
7 some of the definitions.

8 MR. REESE: Yes.

9 MR. RICHTER: Excuse me. This is Brian
10 Richter at NRR.

11 MS. REED: Yes.

12 MR. RICHTER: On the Webinar.

13 We're not getting the slides. We're still
14 on the cover sheet slide.

15 MS. REED: Is everybody having that same
16 problem on the Webinar?

17 PARTICIPANTS: Yes.

18 MS. REED: How about now?

19 MR. RICHTER: There we go.

20 PARTICIPANT: Thank you.

21 MS. REED: Thank you. Sorry

22 MR. KAUFFMAN: Also, could everyone lean
23 into the microphone. I'm having a lot of trouble
24 hearing what some people are saying.

25 MR. TOVMASSIAN: Who said that?

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1 MR. KAUFFMAN: Sorry. This is Andrew at
2 Ohio State.

3 MR. TOVMASSIAN: Thank you.

4 MR. STEVE MILLER: On page 17117, third
5 column, about two-thirds of the way down on the
6 proposed rule, it says, "Requiring fingerprinting only
7 for individuals with unescorted access to risk
8 significant materials, i.e., fuel, within the research
9 and test reactor facilities."

10 That's really where we all should be
11 heading. It's access to the fuel that we're
12 interested in, and in many of our facilities, you can
13 be standing right on top of the core and not have
14 access to that material. In the case of Florida,
15 you've got several tons of concrete over it

16 MS. TRAN: But the EAct, it says
17 "unescorted access to utilization facilities." So I'm
18 going from a big picture and I'm trying to narrow it
19 down so that it would fit. I just can't go and say
20 access to the field without go back and define, you
21 know, certain area.

22 MR. STEVE MILLER: They define the risk as
23 the fuel.

24 MS. TRAN: Yes, and that's what we're
25 trying to do because in any way you argue it, the law

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1 requires access to a utilization facility. So unless
2 you define a certain area of how you define a certain
3 area, that's where we're at right now.

4 MR. REESE: So the present order is
5 inconsistent with EAct?

6 MS. TRAN: I wouldn't say inconsistent,
7 but to me when I went out and do the inspection, like
8 I said, most of the different people -- the latitude,
9 it's so wide range. Certain things I expect to be
10 fingerprinted and it's not, and you guys are doing it
11 by the letter of the order, and we're taking a step
12 back to make sure that, you know, everything is in
13 accordance with the EAct.

14 Does that make sense?

15 MS. BROCK: So you're saying you need to
16 do a little bit of fine tuning based on what we've
17 learned.

18 MS. TRAN: Correct.

19 MS. BROCK: And what we know about the
20 act.

21 MS. REED: Does anybody on the phone have
22 any questions or comments about either Option 1, which
23 kind of bled over a little bit into Option 2?

24 MR. O'KELLY: This is Sean O'Kelly at the
25 University of Texas.

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1 I think Steve Reese, although he calls the
2 order beautiful, I don't really agree with that, but I
3 certainly agree that that allows a greater -- for each
4 facility to determine based on their threat assessment
5 and local conditions to determine what constitutes an
6 unescorted access area and who are designated and has
7 unescorted access.

8 So I think the existing order allowed that
9 flexibility, and if there was a disconnect that should
10 have been determined in subsequent reviews.

11 MR. ADAMS: A disconnect between what?

12 MR. BLOUNT: What was being required of
13 the act and what the order was directing I believe is
14 what the disconnect that could have been or should
15 have been identified

16 MR. REESE: Is that what you're talking
17 about, Sean?

18 MR. O'KELLY: (Unintelligible.)

19 MR. BLOUNT: If I understood correctly,
20 what I understood was that there was a disconnect
21 between the act and the order. Then we should have
22 identified that during the inspections.

23 MR. REESE: Are we talking facility
24 specific implementation?

25 MR. O'KELLY: I was talking facility

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1 specific implementation where each of us wrote a
2 letter saying how we were going to implement the
3 order.

4 MS. REED: So we've already covered Option
5 2. So let's move --

6 MR. ADAMS: Could we --

7 MS. REED: Sure.

8 MR. ADAMS: -- before we go to Option 2,
9 licensees, I'd like you to think about for a second
10 and they're all different, but the security
11 assessments we did, and at some point we ran, you
12 know, time lines for adversaries, and at some point we
13 started that time line and started responses. At
14 least from a security assessment point of view any
15 person that's sort of inside that boundary where the
16 time line starts would be in an area of concern at
17 least from the security assessment point of view.

18 So that's one thing to think about as you
19 look at this one, and if you're thinking of having --
20 you know, there's different levels of boundaries in
21 your facility. If you're thinking of looking at a
22 boundary that is not consistent with the security
23 assessments, then you'd have to ask yourself and we'd
24 have to ask ourselves what impact would that have on
25 the work that we did and the conclusions we reached.

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1 MS. REED: Did everybody on the phone hear
2 what Al was saying?

3 MR. ADAMS: And did that make sense?

4 MR. O'KELLY: This is Sean, again.

5 I hear it, Beth.

6 MS. REED: Okay.

7 MR. ADAMS: And did you understand what I
8 was trying to say? Because I'm being cryptic.

9 MR. O'KELLY: Well, that's your job, but
10 my comment is --

11 (Laughter.)

12 MR. O'KELLY: -- you're saying that if we
13 assume that there are individuals who are trying to
14 gain access, start from some distance away from the
15 facility, then we start a time line from there, but as
16 we move people closer and closer to the materials,
17 then you want to shift your time line or throw out
18 previous delays, and so that's where your unescorted
19 access definition comes in.

20 MR. ADAMS: That's one aspect to think
21 about. You know, part of this is making an assumption
22 about the reliability of people, and if an unreliable
23 person can defeat a detection barrier, then the
24 question becomes, you know, from a security assessment
25 point of view where do I start my time line.

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1 MR. O'KELLY: I agree with that, and
2 Steve's point of the assumption that we would have a
3 skilled group of people trying to gain access to our
4 facility, those time lines were based on usually crash
5 and run scenarios. Being in the facility, each
6 individual facility, let's take on the burden of
7 evaluating their psychology because the fingerprints
8 don't do anything other than prove that they were
9 caught.

10 So each facility has the director and the
11 management and the reactor operators who have to --
12 each student or person for physical plant and evaluate
13 whether they are a risk, and you can't do that with
14 fingerprints, and you can't do that with a definition.

15 MR. BUTLER: And that's my comment. If
16 you take your example where the time line starts, in
17 most of these cases, the time line started a
18 significant distance away from the special nuclear
19 material. This would be probably even broader than
20 what's in the EAct, but most is access to the
21 facility. So we need to be careful how we define that
22 as what portion of this security assessment we're
23 talking about.

24 MR. ADAMS: Right, and that's exactly what
25 we saw, was

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1 MR. BUTLER: It would end up
2 fingerprinting everyone in the neighborhood.

3 MR. ADAMS: Well, let me ask this
4 question. If in the end we, you know -- and when I
5 say time line starting, I think, you know, what I'm
6 talking about is the time line started at the point of
7 first detection. That's when the response forces
8 would start moving.

9 If you're saying I need to fingerprint at
10 a barrier that's further into that, you know, that
11 becomes the area of concern. Then the question is do
12 I, NRC, need to go back and look at my evaluations
13 again starting at a different point of detection.

14 PARTICIPANT: (Unintelligible.)

15 MR. TOVMASSIAN: We can't understand you.

16 MR. BLOUNT: In my mind, the fingerprint
17 rule gets to your behavioral observation program.
18 Essentially it says who are we going to look at to
19 make sure that we have as much information as possible
20 to understand are they a worthy valued, yaddy-yadda,
21 person versus is this individual going to be -- is
22 this someone who is have none or will do, et cetera.
23 It weeds out or make a separation. It's part of the
24 standing ongoing process versus an active barrier, if
25 you will.

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1 So actually I think all we're trying to do
2 is identify a small cadre or relatively small cadre of
3 folks that we're going to actually make sure this
4 group is the trustworthy group, whatever that happens
5 to be.

6 MR. O'KELLY: Well, I agree, and I think
7 Al mentioned first detection. So those individuals
8 who have access to the facility and can clear security
9 systems would change the dynamics of my security
10 assessment. If I felt like the people who have access
11 to turn off my security system or disable an alarm,
12 those are the individuals that have unescorted access.

13 They can change the time line, but if the alarms are
14 set and people are in place, the time lines doesn't
15 change. Still it's a first detection, and that's a
16 first alarm.

17 MR. ADAMS: That's right, John. If
18 someone can say prop open the door that we assumed
19 would be, you know, alive to detect the adversaries;
20 if someone has the capability to prop that door open
21 and not be detected, then, you know, I think that's a
22 person whose reliability needs to be confirmed to some
23 extent.

24 MR. REESE: sure, but I think that the
25 original orders should have covered people like that.

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1 As a matter of fact, there was specific language in
2 there about having the ability to defeat security
3 systems and having the knowledge and not only security
4 systems, electronic security systems, but physical
5 barriers, to remove physical barriers, too.

6 MR. STEVE MILLER: And exercise control
7 over the material.

8 MR. REESE: Yeah, that being the ultimate
9 endpoint.

10 MR. STEVE MILLER: Right.

11 MR. ADAMS: Again, we saw different
12 interpretations of that, and they varied. I can't go
13 into details about that, you know. That's what we
14 saw.

15 MR. O'KELLY: And each one of those would
16 be a case-by-case justification because if the
17 language of the order allows flexibility for those
18 facilities that have the best intentions without
19 compromising security or causing an undue burden on
20 the facility, but those who read the order that I
21 could do almost nothing in accordance with this order
22 as written, there is a disconnect between how they
23 were written. I think in good faith I was obviously
24 not because I Don't mention that. I would hope the
25 securities would make a best effort to meet the goals

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1 of both.

2 MR. ADAMS: And I think something was said
3 that it's knowledge and capability and the security
4 assessments made assumptions about knowledge,
5 capability, tool sets and things like that. So you
6 know, there's a lot of information there to look at in
7 determining things like that, you know, what
8 constitutes knowledge, what constitutes capabilities.

9 MR. BUTLER: I think we just need to end
10 up that we've got to be careful how we define this
11 first bullet under Option 2.

12 MS. REED: Okay.

13 MR. BUTLER: That might need to be behind
14 closed doors.

15 MR. ADAMS: Yeah. If this is the way it
16 goes, I would see that being a case-by-case
17 discussion between the licensee and the NRC.

18 MR. REESE: But aren't you already there
19 with the way we do it now? I mean, I keep coming back
20 to the fact why change anything. If there's a
21 discontinuity or if there's a specific licensee, a
22 discontinuity between the way they fingerprint and
23 results of a BA, then that's probably a discussion you
24 should have with the individual licensee, but I'm not
25 sure it warrants changing the way we implement the

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1 order.

2 MR. ADAMS: I think that's a very good
3 thought. Maybe that's, you know, something that we
4 need to think about, is, you know, we need to
5 memorialize something here because we need to go from
6 orders which were not meant to be permanent for all
7 time. What we're doing is we're taking those ideas
8 and throwing them in something that's permanent, but
9 in the process of doing that, you know, if it's a case
10 where we believe maybe the implication of the earlier
11 orders need to be tweaked, you know, that's a
12 discussion we can have, but I don't think we have --
13 we have not pursued that I don't think

14 MR. BUTLER: And I think we agree that the
15 purpose of rulemaking is to allow for comment by the
16 public and by the licensees, to develop regulations,
17 and there's real disadvantages to regulating by
18 orders. So we believe this is the appropriate path to
19 go down to rulemaking.

20 Our thinking is perhaps maybe there's one
21 or two facilities that perhaps did get a little
22 tweaking, but the majority of us, that thing is broke.

23 So why not just codify the current language in the
24 order and you all go have a little conversation with
25 the one or two facilities that need to have a

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1 conversation.

2 That would be minimizing the impact to all
3 the rest of us.

4 MR. HANSON: I guess saying don't reinvent
5 the wheel on this, what we have there, and we will
6 make it work.

7 MS. REED: That's very good input. I
8 think --

9 MS. BROCK: That's what we're looking for.

10 MS. REED: Yeah, exactly. That's what
11 we're looking for. Some of these ideas we were think
12 that it would make it a little bit more consistent,
13 maybe less of an impact, but if it's making it more
14 confusing, you know, through these discussions we're
15 finding out, you know, that's the type of input that
16 we need. Wonderful. Thank you.

17 On the phone, anybody else have comments?

18 (No response.)

19 MS. REED: Okay. Let's discuss Option 3
20 then for --

21 MR. BLOUNT: Purposes of completeness.

22 MS. REED: Exactly. For defining areas of
23 significance. One of the other ideas to try to narrow
24 the area down is to use descriptive locations, which
25 for example would be the reactor, the spent fuel

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1 storage areas, fresh storage areas. So it would be
2 very prescriptive and possibly a smaller area.

3 Any comments on this approach, defining
4 what the areas of significance would be as opposed to
5 what is now in the orders?

6 Would this, indeed, narrow the area?

7 MR. JENKINS: Well, maybe it would, but
8 this is certainly reinventing the wheel.

9 MR. O'KELLY: I disagree. Everything
10 covers fuel, but we start getting into the control
11 room and I can't speak for all of us, but then you
12 don't really have access to the fuel. You can control
13 the reactor, but given key control and other reasons,
14 you can't really reach the fuel.

15 So I think the original definition, I
16 think, as Jere said, if you're talking about special
17 nuke material and the fuel, that's the risk, not the
18 control room, and I can't look at all of the
19 engineering safety feature equipment, but that also
20 doesn't gain access to the fuel, which is as we all
21 know the risk at the small package.

22 MR. BLOUNT: So just for the sake of
23 discussion, if the rule read something along the lines
24 of what the existing order language is or there was an
25 option to look at a specific or specify on a facility

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1 specific basis particular areas, so you had a choice;
2 a licensee could choose in your security plan to do it
3 this way or do it that way. Would that be of any
4 value?

5 MR. JENKINS: We already do that, don't
6 we?

7 MR. O'KELLY: Yeah, I agree. I think
8 we're already allowed to do that. Nothing prevents me
9 from fingerprinting people in the control room who
10 have access to the control room, but an individual
11 case-by-case decision.

12 MR. REESE: Yeah, we've already really
13 kind of done that, right? So we make a determination
14 on where people can go, how they can gain access, and
15 in some cases that is determined by an area and in
16 other cases that may not be determined by an area.

17 MR. BLOUNT: Okay.

18 MR. ADAMS: Can I add something? And it
19 was a comment about small reactors, and you know,
20 we're looking at the entire fleet of reactors here,
21 and there are some facilities that if you can get to
22 engineered safety features and prevent them from
23 performing their intended functions, that can lead to
24 fuel damage in some scenarios.

25 MR. O'KELLY: That's what I was saying.

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1 In some cases the control room is alongside the
2 reactor. There's no separate room. So you by default
3 when you had access to fuel, you have access to the
4 control room.

5 MR. BUTLER: Well, I think what they've
6 got outlined here is two different items. One is on
7 theft and one is on sabotage, for the larger
8 facilities where we have to consider sabotage. That's
9 where the control room and the safety features I think
10 you're talking about, Al.

11 I know for us we already do this.

12 MR. ADAMS: And you know, prescriptive
13 locations, that set of locations might not be
14 applicable to each and every licensee.

15 MR. O'KELLY: So on page 17117 where it
16 says "i.e., fuel," as an example, not as a definition,
17 you could -- as prescriptive, the difficulty with
18 prescriptive is you start making a list and everybody
19 either feels obligated to do control room monitoring
20 because that's the new regulation, but giving an
21 example but not defining areas that must be
22 controlled.

23 We know we have to control to controlled
24 access area fuel access, and I agree with Ralph saying
25 that there are safety features that are in the control

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1 room that could cause problems with the reactor.

2 MR. REESE: In some cases.

3 MR. O'KELLY: I think those are defined.
4 If you would define vital area, you would have control
5 for those, too.

6 MR. STEVE MILLER: The way it's currently
7 defined, vital area has a short definition. I believe
8 exercise control over the fuel, and there's a few
9 other things, but that in itself would be guidance for
10 each facility to determine where those areas are.

11 MR. ADAMS: The definition of vital area
12 says simply the vital area is where the vital
13 equipment is located, and when you go to vital
14 equipment, it's a longer definition, but it's material
15 and it's interesting. It's material and/or equipment.

16 If it gets damaged, it can have an impact on health
17 and safety, and without the rules in front of me,
18 that's, you know, my paraphrase of it.

19 So it's a very short definition that has a
20 lot of room for interpretation and to cover a lot of
21 the waterfront because it's not only equipment, but
22 it's also the material which could be, you know, a
23 vital area. It could be where the fuel is because it
24 talks about material, too, and then you get the health
25 and safety of the public angle in there.

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1 MS. REED: One of the things I guess we
2 can go ahead and we've talked about the significant
3 areas, and the next slide is actually asking for other
4 options, which I think we heard other options. Just
5 stick with the language in the orders. Is that what
6 I'm understanding?

7 MR. BLOUNT: Correct.

8 MS. REED: So are there any preferable
9 ways to define areas of significance? Again, areas of
10 significance isn't defined in the orders, is it?

11 MR. REESE: It doesn't even show up,
12 right?

13 MS. REED: Right. So what I'm hearing is
14 don't define areas of significance. We don't need to
15 define that. is that what I'm hearing?

16 MR. REESE: It's the problem we
17 encountered before, is trying to define an area. We
18 came back to let's let the facilities decide who has
19 access, to beat a dead horse.

20 MS. TRAN: So I guess in that way then,
21 you want it to be like a prescriptive rule in which we
22 can say we'd like to see you have a program for this,
23 and then you would describe whatever you have for
24 EPAct, the rule, and so you have to send us something
25 for you. This is my area and this how I'm going to

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1 control it. So if you prefer a prescriptive --

2 MR. REESE: No, no.

3 MS. TRAN: -- versus the one that we define
4 an area.

5 MR. REESE: Because if it gets issued like
6 the order or if the order gets issued, promulgated in
7 regulation, no one should be sending any mail. There
8 shouldn't be any correspondence. There shouldn't be
9 any correspondence. We shouldn't have to justify the
10 program that we're already implementing through orders
11 just because it promulgated through regulation.

12 I certainly wouldn't imagine anybody wants
13 to send this correspondence in. See what I mean?

14 MR. JENKINS: Your inspectors visit us
15 once a year.

16 MS. BROCK: As part of the inspection.

17 MR. JENKINS: But you do. I mean we
18 didn't --

19 MR. BLOUNT: We inspect the program. That
20 should be the existing program.

21 MR. REESE: Because the inspector
22 specifically came out to inspect those things after
23 the orders.

24 MR. BLOUNT: And that's what your
25 inspection --

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1 MR. REESE: Specific order related
2 inspections.

3 MR. O'KELLY: But let me -- this is Sean
4 O'Kelly.

5 Are we talking about inspections on the
6 orders? The NRC staff can correct me, but the
7 inspector's job is to see if we've implemented what
8 we've committed to you in a separate letter. They
9 don't come out and make any on-site -- at least my
10 inspector doesn't interpret the rules or regulations
11 on site. They just verify that we are doing what we
12 said we would do.

13 MR. JENKINS: And what we're saying is
14 that we don't need to resubmit that telling them again
15 what we're going to do. We've already told you what
16 we're going to do.

17 MR. O'KELLY: Well, that's what I'm
18 saying. I know when we talk about inspectors, and I
19 think that's a separate issue, we submit many letters
20 to the NRC and through changes of our security plan
21 how we work them, if we change the definition or the
22 wording of the order by regulation, new regulation, we
23 start this whole thing all over again.

24 That would be a burden. I can tell you
25 that.

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1 MR. ADAMS: How does the the NRC deal with
2 those licensees that we believe need to tweak what
3 they're doing a little bit? You know, if we clarified
4 the order, then that means we're completely -- I guess
5 that sends a message we're completely satisfied with
6 the way the orders are written, and I'm not 100
7 percent sure that's a true statement, or the way the
8 orders were being interpreted.

9 MR. REESE: Yeah, but can't the NRC simply
10 start a dialogue with the licensee to say what needs
11 to be said?

12 MR. BLOUNT: When we do an inspection on
13 our existing licensees and identify that Licensee A is
14 not implementing the manner in which we expect to,
15 then we should be able to deal with that licensee
16 specifically.

17 You know, we have not documented that as
18 an issue, abut we would need to do that. That's how I
19 would think that we would apply that. So if we've got
20 outliers out there, we know who the outliers are.
21 Then we need to go talk to them, now, today, versus
22 waiting for anything else.

23 MR. REESE: Before this would get
24 promulgated.

25 MR. BLOUNT: There would be no need to

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1 wait for that. I mean, the regulation, the order is
2 what you're operating under.

3 MR. STEVE MILLER: Get rid of the order.

4 MR. BLOUNT: Exactly. So, therefore, if
5 I've got issues, I need to go deal with those issues.

6 Am I missing something?

7 MR. JENKINS: That's the PA.

8 MR. O'KELLY: Yeah, if there are
9 individual facilities that took the flexibility in the
10 order to the extreme, case by case, NRC's issue with
11 that facility and I guess however the NRC would start
12 that dialogue of special inspection of just a phone
13 call that starts the special inspection, I don't know,
14 but if there are outliers as you say that are not
15 meeting the intent of the order, that is really a case
16 by case of the facilities.

17 It should have never got to that point,
18 but when you go back and rein us in.

19 MS. REED: One of the steps, I think, that
20 NRC would take with the whole rulemaking process is
21 after a rule has been developed, develop a regulatory
22 guide that would help assist interpretations unlike
23 with the orders. I hear that there are some varying
24 interpretations.

25 So part of this process would include a

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1 reg. guide.

2 MR. BLOUNT: That certainly would help
3 with the background because there would be guidance
4 documents. There would be a deeper understanding made
5 available for folks to recognize this is what's
6 intended in this area hopefully.

7 So what I think we found in other areas
8 like this is that it's the reg guide and the guidance
9 documents after the rule which provide the best
10 opportunity to enhance the understand which insures
11 that people are lined up and everybody is on the same
12 page. When you have issues, you go back to the
13 guidance document and say this is what we say and this
14 is what we are aligned around. This is what we agreed
15 to, and then people go on to say, "Oh, sorry. Missed
16 that, and we go on about our way."

17 MS. REED: So that we
18 re not confusing our transcriber any more than he is,
19 folks on the phone, if you're not talking, could you
20 please put your phone on mute?

21 Thank you.

22 MR. O'KELLY: Oh, that's not your PA
23 system. Okay.

24 (Laughter.)

25 MR. O'KELLY: On my comment on the reg.

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1 guide --

2 MS. REED: Right.

3 MR. O'KELLY: -- when we start getting
4 specifics about the security, is the reg. guide going
5 to be a controlled document?

6 MS. BROCK: We'll assess that when we work
7 on it. Again, I think you used "control" well.

8 MS. REED: It depends on, I guess, how
9 specific we get, but that would definitely be one of
10 the questions we'll have to answer when we start
11 developing it.

12 MR. REESE: You're going to have to
13 because you're going to have to provide examples that
14 will get uncomfortably close.

15 MS. REED: Okay.

16 MR. BLOUNT: And there could be subparts
17 to the document, you know, broad guidance, shallow
18 guidance, and then specific areas which are limited
19 and which would be controlled with the limited
20 documents. So there are words to handle that.

21 MR. TOVMASSIAN: We would have to do that
22 anyway because reg. guides are going to have to go out
23 and they'll be published in no the Federal Register,
24 but they'll be published and they'll be public. So
25 portions of them may actually --

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1 MR. BLOUNT: Right.

2 MR. TOVMASSIAN: -- if they have security
3 information in them. That's not a problem though.

4 MS. REED: Okay. Well, the next topic
5 we're going to move to is discussing the unescorted
6 access, and you know, it already sounds like areas of
7 significance may not be a term we'll be using since
8 that's really not in the orders, but for discussing
9 purposes, this is what was proposed in the Federal
10 Register notice in the ANPR as the definition for
11 unescorted access.

12 "The NRC plans to define an individual
13 with unescorted access to the utilization facility as
14 any individual who has the ability to access licensee
15 designated areas of significance without continuous
16 direct supervision or monitoring by an authorized
17 individual."

18 Now, what this is, it's linking the Energy
19 Policy Act where they specifically say utilization
20 facility to our definition of who gets unescorted
21 access. Because we're defining in this definition
22 that the utilization facility basically has areas of
23 significance, and these are the ones that need to be
24 fingerprinted. At least that's the way I'm reading
25 it. This is that tie to cover that term "utilization

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1 facilities."

2 Is this proposed definition of individuals
3 who has unescorted access reasonable and sufficient?
4 Okay, Steve.

5 MR. REESE: I would argue you could just
6 replace that whole second half of the sentence with
7 what was put into page 17117, where we talked about
8 orders were issued only for individuals with
9 unescorted access to risk significant materials, i.e.,
10 fuel, within the research and test reactor facilities.
11 You could say within the utilization facility

12 MS. REED: What exactly page are you on?

13 MR. REESE: Third column, second
14 paragraph, bottom of the second paragraph, the last
15 sentence. "In implementing the requirements."

16 MS. REED: Got it.

17 MR. REESE: If you need to tie the words
18 "utilization facilities" that can easily be done and
19 not identify this function of area.

20 MS. REED: Okay. So risk significant
21 materials within the research and test reactor
22 facilities as opposed to --

23 MR. REESE: Replace research and test
24 reactor facilities with utilization facilities.

25 MS. TRAN: So how do you define risk

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1 significant area though? I have to have like a room,
2 like a boundary.

3 MR. REESE: In this case it's risk
4 significant materials.

5 MS. TRAN: But that doesn't define me an
6 area. So --

7 MR. BLOUNT: Where do we keep them?

8 MR. REESE: But that's the problem we ran
9 into, right? That's the reason why we're looking for
10 individual areas.

11 MS. TRAN: I tried to make the connection
12 before, but I just couldn't do it, and that's why we
13 have to go back and do the ANPR, because I could not
14 make the connection between this, because they wanted
15 to have like an area. Risk significant area could be
16 anywhere.

17 MR. BLOUNT: But the situation with the
18 materials.

19 MS. TRAN: Materials, but the material has
20 to be within an area.

21 MR. BLOUNT: That's right, but if I attach
22 it to that material, let the material where it's
23 located define the area. So the risk of that area
24 becomes that area where the material is store.

25 MS. BROCK: Which then is in that

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1 facility.

2 MR. BLOUNT: Correct. It may very well be
3 different, but if it --

4 MS. TRAN: So if you consider the control
5 room a risk significant area?

6 MR. REESE: It may not be in some of these
7 facilities. In a lot of facilities it's not going to
8 be.

9 MR. ADAMS: And I think your area has to
10 be one of the boundaries that's in a security system,
11 so to speak, you know, that if you have a room that's
12 not secure, that can't be secured in and of itself,
13 I'm not sure that can be the boundary, that that
14 boundary has to be going outward from that place, the
15 first place you run into where, you know, can secure a
16 boundary.

17 But, again, you know, that's just a
18 thought

19 MS. REED: But that also then tied back to
20 definition Option 3 where we talk about prescriptive
21 locations as areas of significance. The ones listed
22 are basically where the material is located, the
23 reactor, the spent fuel storage, not the control room,
24 yeah, as John was noting. I think most people don't
25 agree with that, but these are just suggestions. We

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1 can delete or add, but if I understand what you're
2 saying, Steve, it sounds like we're almost tying this
3 to this Option 3 where the material is located,
4 prescriptive locations, which is basically a little
5 inconsistent because each facility is different, but
6 it also makes it a little bit easier to combine, I
7 believe.

8 MR. ADAMS: Well, it has the possibility
9 of being more than just where the material is located.

10 For some facilities we're back to it could be where
11 engineered safety features are located or equipment is
12 located. Then if that equipment is damaged, it can
13 lead to fuel damage. So it's not only direct access
14 to the material or the ability to hold that material
15 in a way that's unacceptable to public health and
16 safety.

17 MR. REESE: But that's the language of the
18 order directly, isn't it? Well, I mean paraphrasing
19 the order. So that should already exist.

20 MR. STEVE MILLER: There is some language
21 to that effect in there.

22 MS. REED: In the reg. guide we would give
23 specific examples of that definition. So the
24 regulation would be pretty broad, but in the reg.
25 guide we would define and discuss what examples would

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1 be covered by that.

2 MR. JENKINS: Well, if you say control
3 room, that means the control room is a risk
4 significant area.

5 MS. TRAN: But do you think that people
6 can enter the control room that's operating need to be
7 fingerprinted?

8 MR. STEVE MILLER: It depends on the
9 facility. In the control room, you can't remove fuel.
10 You can't damage fuel. So the access to the reactor
11 where the safety features were, it's located. The
12 control room would do very little good if you were
13 trying to harm something.

14 MS. TRAN: Okay.

15 MR. MYERS: Beth, I have a question about
16 this.

17 MS. REED: Yes.

18 MR. MYERS: Monitoring doesn't necessarily
19 mean visual options, correct?

20 MS. REED: That is one thing that would be
21 up for, you know -- in the reg. guide if we would give
22 examples of what monitoring is, and that is definitely
23 an option that is not actually being in the room.

24 MR. BLOUNT: Or the right visual
25 observation.

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1 MS. REED: Right. Did everybody hear that
2 on the phone?

3 MR. O'KELLY: Could you repeat it please?

4 MR. MYERS: I asked if monitoring in this
5 last slide necessarily meant direct visual
6 observation, and the answer was no.

7 MR. O'KELLY: Okay.

8 MS. REED: Okay. The next slide is
9 implementation of the orders. When you folks first
10 started talking about the orders, I said, you know, we
11 were kind of already reading my slides and this is why
12 we're closing up, is discussing the orders and what
13 has worked well and has not and why.

14 And from what I'm hearing of the
15 discussion, you seem to feel that orders are -- the
16 language in there is fine. Is that what I'm hearing,
17 or are there areas of the orders that you think that
18 we could tweak in the rulemaking?

19 PARTICIPANT: That came past the original
20 order.

21 MR. MYERS: This was brought up by Steve.
22 If there was some allowance in the regulation, if
23 there was some allowance for interim security.

24 MS. REED: Security.

25 MR. TRUMP: This is Mark Trump at Penn

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1 State.

2 One of the things I was wondering about,
3 why do we have to submit plans through the NRC to the
4 FBI and, in fact, through again? It does result in
5 sometimes substantial delays, although it has gotten
6 better.

7 MR. PURDY: I think that actually goes
8 back to the EPA Act and how the FBI wants to
9 coordinate. They actually prefer to coordinate
10 through the NRC, and I think it might actually say
11 that through the -- in the revised Atomic Energy Act,
12 that things go through the Commission.

13 In the materials world, all the materials
14 licensees that need to be fingerprinted, all 70,000 of
15 their fingerprints come through the NRC, that come
16 through that way, even from the agreement states. The
17 agreement states aren't even allowed to directly
18 submit fingerprints to the FBI through this program
19 So everything comes through us.

20 MR. MYERS: What about reciprocity? You
21 have somebody coming from the military or somebody
22 comes from DOE?

23 MR. PURDY: Well, on our side when we do
24 the fingerprinting, anybody who has been adjudicated
25 with an FBI criminal history, if you're a fed. or DOE,

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1 DoD, somebody like that, you don't have to go through
2 the process again. You've already been done, as long
3 as it's current, and that's the thinking.

4 MR. STEVE MILLER: What about somebody who
5 has come from another facility that has gone through
6 it?

7 MR. PURDY: In our proposed rule on the
8 material side, the radioactive material side, we're
9 going to be -- we're allowing for that TMI to be
10 transferred.

11 And while I've got the mic, I'm going to
12 jump back to a question that talked about -- right up
13 front that talked about information that you can't use
14 in the determination, and what we're doing anyway,
15 with the criminal history record, sometimes they tend
16 to be incomplete. There may be a record of an arrest,
17 but there's no endpoint. What happened? Was he put
18 in prison? Were the charges dropped?

19 It's that kind of information that you
20 can't use. If an arrest is more than a year old,
21 which there's no information on the disposition of the
22 arrest, we can't use that to say this person is not
23 trustworthy and reliable, or an arrest that resulted
24 in a dismissal of the charges cannot be used to say
25 that this person is not trustworthy and reliable. You

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1 can't use that single point of information.

2 But for us, we also throw in the criminal
3 history record checks, education, employment, credit
4 history, those sorts of things. We throw all of that
5 in as part of the T&R determination, but it's just an
6 example of things that you can't use, for us anyway in
7 the radar materials world.

8 MR. TOVMASSIAN: I would just like to
9 throw out that I think the sense of this question when
10 we wrote the ANPR was that when you implemented the
11 orders, were there things that were particularly
12 onerous that you felt did not add anything to your
13 security? And could those resources be used in any
14 better way, more effective way?

15 So that was kind of the sense of lessons
16 learned from the implementation of the orders, and
17 that's the kind of feedback that we were looking for
18 in that particular question. So I didn't know if any
19 of you would have any input on that. Of course, you
20 could write it in if you don't E-mail.

21 MR. FRANTZ: This is Stephen Frantz at
22 Reed College.

23 This is probably specific to me, but
24 virtually everybody I do a fingerprint check on is
25 under 21 and there's never a record. I'm not sure

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1 there's some way for the age to be changed or
2 exemptions for students could be made.

3 MR. TOVMASSIAN: Thank you.

4 MR. O'KELLY: This is -- and this is just
5 information for the group. This is Sean O'Kelly from
6 University of Texas.

7 We have had an individual who had a
8 background check and came back at 17 with a record.
9 So they will go back to the age of 17 at least in
10 Texas.

11 MR. TOVMASSIAN: Thanks.

12 MR. O'KELLY: So you've just been lucky
13 having good kids.

14 (Laughter.)

15 MR. FRANTZ: We've never had anything on
16 any of our reports. That's three students as opposed
17 to Texas.

18 (Laughter.)

19 MR. TOVMASSIAN: We can't hear you, sir.

20 MS. REED: Can you speak up and restate
21 your name, please?

22 MR. GEORGE MILLER: George Miller.

23 MS. REED: Thanks.

24 MR. GEORGE MILLER: In Irvine California,
25 everyone who works as students has to go through

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1 LiveScan, FBI checks for criminal history record, and
2 for us it would be nice if some kind of reciprocity
3 could be gained there so somehow that could get to the
4 NRC and so forth because we have these LiveScan
5 systems that are much easier to send people to get
6 fingerprints than the old fashioned cards. We found
7 that somewhat burdensome and we had to do something
8 rather special in order to get records to send to NRC.

9 It may be that there's nothing you can do about it,
10 but if there is any way to have that information
11 somehow from California transferred to the main FBI
12 files and get a note to the NRC that this person is
13 cleared, that would certainly be less burdensome for
14 us.

15 MS. REED: That's an interesting question.

16 MR. UNLU: This is Kenan Unlu from Penn
17 State. Sorry. I joined late.

18 I have this question. What's going to
19 happen to the foreign students or the foreign
20 individuals?

21 MS. BROCK: That's one of the questions we
22 have.

23 MR. UNLU: I mean this question of the
24 fingerprinting, but you know, in terms of the record,
25 I don't think that the FBI or anyone else has records.

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1 The only records they have is they have the visa.

2 MS. REED: Good question. As a matter of
3 fact, I have that a couple of slides after this that I
4 wanted to put out on the table for discussion. Since
5 you've already brought it up, let's go ahead and
6 discuss it though.

7 MR. UNLU: Well, in my opinion, that you
8 have any graduate students coming from abroad, since
9 they are going to be or they're coming with a visa and
10 the visa requirement is that they already have the
11 fingerprinting as well as the security check and et
12 cetera, and what kind of things should apply for them?

13 Because having them fingerprinted and also searching
14 their record and et cetera from here to abroad is
15 almost impossible.

16 So do we have to assume that that's
17 already done because they have the visa to be here, or
18 what you should follow on with?

19 MS. BROCK: Yeah, I think we're going to
20 have to follow on to that. I don't know the answer,
21 but it's a common problem I think with the facilities.

22 MR. TOVMASSIAN: That's why we asked the
23 question.

24 MS. BROCK: Yes.

25 MR. REESE: But doesn't the State

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1 Department vet those people?

2 MS. BROCK: I think that's what Ken is
3 saying.

4 MR. PURDY: Well, what we had found, many
5 things came up but what we had found about five years
6 ago is no, that it wasn't adequate for us when we had
7 the T&R determination for access to radioactive
8 material, that just the -- I forget the number on the
9 form -- but just that form was not adequate at that
10 time.

11 Now, maybe they've improved the process
12 that we were not aware of right now, but at that time
13 it was not adequate.

14 MS. BROCK: Okay. Maybe we can reach
15 across somehow and talk with both.

16 MR. BLOUNT: Yeah, involve the State
17 Department and find out what's done there.

18 MS. REED: Right yea.

19 MS. BROCK: What about are any facilities
20 having trouble with any university rules or did you
21 get past that pretty well about fingerprinting
22 students? In fact, there might have been some
23 problems with fingerprinting the students. Are you
24 okay with aligning with the university rules on that?

25 MR. O'KELLY: This is Sean O'Kelly at the

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1 University of Texas.

2 We have only fingerprinted those students
3 who became operators. I know it's different at some
4 facilities. The way we've defined access and control,
5 we haven't had to touch on that, but our university is
6 very leery about fingerprinting students.

7 MS. BROCK: Was it a burden then to go
8 through that process --

9 MR. O'KELLY: Yes.

10 MS. BROCK: -- after you signed it?

11 MR. O'KELLY: At least at UT, the students
12 in particular, even though we said you're going into
13 the nuclear field and you're going to be fingerprinted
14 the rest of your life, we had problems with some.

15 MR. REESE: We ran into a problem when we
16 first started this, and it took about a year to work
17 through all of the lawyers, but what it came down to
18 is our lawyers felt that the order was in direct
19 conflict with FRPA law about student protection of
20 information, and so the compromise we reached is that
21 we had a form for just students, not employees, but
22 specifically students that identified this issue, and
23 the check part said we do not want to -- the student
24 cannot make an option if it's inspected by the NRC to
25 not having any individually, specifically identifiable

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1 information on the form handed to the NRC, and then
2 it's clear that if the NRC wishes to find out who that
3 individual is, that they have to get essentially a --
4 what is the legal term for a judge issuing it?

5 MR. O'KELLY: Court order?

6 MR. REESE: Court order ordering us to
7 identify who the individual is. So far it hasn't come
8 up, but that was the compromise that had to be
9 reached, and I was up front with the inspector about
10 it, and we had a preliminary discussion with some
11 lawyers at the NRC if I remember correctly, who first
12 started this, and they said okay.

13 MS. BROCK: Okay. Thanks.

14 MR. FRANTZ: Steve, this is Steve Frantz
15 from Reed College.

16 How could you submit fingerprint
17 information without people's names on it? I must have
18 missed something there.

19 MR. REESE: No. For inspection after that
20 happens.

21 MR. FRANTZ: Oh, I see.

22 MR. REESE: So they have to agree to go
23 through the background check and the fingerprint
24 analysis, but after that is concluded and I make a
25 determination on whether it's reliable and

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1 trustworthy, prior to giving me any of that
2 information, they're going to check a box so I'm aware
3 of what the restrictions are on any information I
4 collect.

5 MR. FRANTZ: I see. I see.

6 MS. REED: So we've discussed the
7 alternative methods and we talked about foreign
8 nationals.

9 MS. BROCK: For the benefit of people,
10 which slide are you on?

11 MS. REED: We're on Slide 19. We were. I
12 want to go back to Slide 18, talking about the orders,
13 and you guys have lived with them. You folks have
14 lived with them for a couple of years. So are there
15 any enhancements that could be made to the orders?
16 We've said that you pretty much like the language. Is
17 there anything that we have not discussed yet that
18 could enhance the orders in your opinion?

19 MR. BUTLER: I think the only guidance
20 that would help is on the foreign national issue and
21 if we all start over with that issue.

22 MS. REED: Okay.

23 MR. BUTLER: If we all developed our own
24 ways of dealing with that outside of the order.

25 MS. REED: Okay, excellent.

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1 MR. O'KELLY: This is Sean O'Kelly,
2 University of Texas.

3 I don't know if it's appropriate in the
4 regulation or not, but one way of reducing the burden
5 on some of the small facilities is to waive the fee to
6 have this check done based on the same reasoning on
7 why the universities don't pay the annual licensing
8 fee.

9 MR. PURDY: That's actually passe through
10 what FBI charges us, and I think then we tack on a
11 couple of bucks for our processing.

12 MR. STEVE MILLER: There's also a very
13 small amount of money in the long range.

14 MR. O'KELLY: So we should go to the FBI.

15 MR. PURDY: Well, the FBI will charge you
16 just about the same amount as you do to go through us.
17 I think we -- I forget the dollar value, but I think
18 it's three to five dollars, something like that that
19 we've put on top of the charge for what FBI charges us
20 to process the fingerprinting.

21 I might be able to get rid of the three to
22 \$5 charge, but not the 30-something that the FBI
23 charges.

24 MS. REED: But that is an avenue that may
25 be worth pursuing though. Are there options? Can we

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1 work with the FBI for the smaller facilities, as you
2 said, to see about is it possible to waive the fee or
3 reduce the fee?

4 We'll put that down and pursue that. Any
5 other possible enhancements?

6 MR. GEORGE MILLER: This is George Miller
7 again at Irvine.

8 It's sort of a related issue. If we
9 use -- in California anybody who is a teacher or even
10 our students to go on outreach, you go and give a
11 presentation in a high school and you have to be
12 fingerprinted. And so our students are used to this
13 in that sense because we have a lot of students going
14 out there.

15 But if we could use that information
16 rather than having to add onto it another cost to
17 send something to the NRC, that would certainly be
18 beneficial to us.

19 PARTICIPANT: This goes back to
20 reciprocity.

21 MS. BROCK: Are there any other states
22 like that? Anybody else have that?

23 MR. JENKINS: No, but being able to submit
24 the individual fingerprints would be a huge help to
25 us.

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1 MR. STEVE MILLER: Yes. We've had several
2 people whose fingerprints came through in a fax poorly
3 enough that the third time through the process got --

4 MS. REED: Sorry. What was that?

5 MR. STEVE MILLER: We've had several
6 people whose fingerprints couldn't be processed
7 through the faxing and all of that.

8 MR. FRANTZ: This is Stephen at Reed.

9 We've had individuals getting kicked back
10 four or five times because they can't read the
11 fingerprints. Also we have a lot of trouble getting
12 the fingerprints taken. We don't have the facilities
13 on campus, and our local county won't do it, and we
14 end up going two counties away to have someone
15 fingerprinted.

16 MS. REED: Interesting.

17 MR. PURDY: I'll offer up one more item
18 from the materials world. We actually allow the
19 facility to take their own fingerprints. There's a
20 course, and I think that it might even be on line,
21 that the FBI provides to show you how to take proper
22 fingerprints so that they can be processed.

23 MR. STEVE MILLER: We do it.

24 MR. O'KELLY: Thank you.

25 MR. PURDY: I don't know whether you want

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1 to do that in the research and test reactor world.

2 PARTICIPANT: Is that training --

3 MR. PURDY: NO, it's online.

4 MR. FRANTZ: -- fingerprints, but some
5 people smear no matter what we do. So we send them
6 down to the county.

7 MR. STEVE MILLER: One percent of the
8 population doesn't have fingerprints.

9 MR. TRUMP: This is Mark Trump at Penn
10 State.

11 I don't know that this is on the table,
12 but the radioactive material quantities of concern
13 rule is different, and of course one of the things
14 there is reference checks, which become pointless
15 or -- excuse me -- difficult, particularly, again,
16 once you go into 18 year olds and foreign students.
17 How does that all fit into this? Are we just going to
18 have two sets of requirements?

19 MS. REED: Are you talking in terms of
20 transporting the material?

21 MR. TRUMP: No, I'm talking about access
22 to areas of the facility that contain radioactive
23 materials, quantities of concern, not -- of the
24 reactor. It may or may not depend on what state
25 you're in -- be of interest to the NRC anymore.

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1 MR. PURDY: It's of interest that we're
2 doing that rulemaking right now, Part 37. We're going
3 to have a brand new part, and yes, we are going to
4 have the additional background checks, and we do
5 recognize that there is an issue with foreign
6 nationals and 18 year olds. Sometimes people haven't
7 been in the country long enough to have a criminal
8 record.

9 (Laughter.)

10 MR. PURDY: But they have -- yeah, they've
11 got to go through it.

12 MS. REED: Gary, can you let the folks on
13 the phone know what part of the NRC you're from?

14 MR. PURDY: Oh, I'm from the Office of
15 Nuclear Security Incident Response, and I've been
16 working with radioactive material security since I
17 joined the office back in 2004, and I'm on the
18 rulemaking team that's producing our enhanced security
19 requirements for, as was mentioned, the quantities of
20 concern, radioactive materials and quantities of
21 concern.

22 And right now we're working on a brand new
23 part to the code, a Part 37, and you can go out to
24 regulations.gov and you can see what we're proposing
25 in that rule. All three options are now out.

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1 We're not at the proposed rule state.
2 We've put it out. We're following an enhanced
3 participation process for this rulemaking, and so all
4 three pieces, the access authorization, the physical
5 security, and the transportation parts have been put
6 out on the Web for early public comment, and yes, with
7 those parts we intend to keep moving forward for that
8 access to require beyond fingerprinting and a criminal
9 history records check that you do the employment
10 history, educational history, references, and there
11 will be a credit history requirement if it goes as
12 proposed right now, a credit history, and we do
13 recognize that some people may not have any of that,
14 but you go through the process and write it down what
15 you were able to do in making your determination for
16 trustworthy and reliability.

17 MS. REED: Thank you, Gary.

18 MR. KAUFFMAN: This is Andrew Kauffman at
19 Ohio State.

20 And we have plenty of concerned sources
21 that we have to meet the requirements of the State of
22 Ohio, and currently for the reviewing official, we
23 have to have an NRC reviewing official for the purpose
24 of the reactor and a State of Ohio reviewing official
25 for the purposes of the finding of concerned sources.

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1 It would be very helpful for us if it
2 could be worded such that an NRC approved or agreement
3 state approved reviewing official has reviewed this.
4 Currently we have to have two separate document trails
5 to show that persons for the same lab are okay.

6 MS. BROCK: Okay. Thanks for that
7 comment.

8 MR. KAUFFMAN: Sure.

9 MR. GEORGE MILLER: George Miller again at
10 California.

11 I'm not sure how relevant this is, but it
12 appears that on our campus there are three kinds of
13 these things going on. One is to the biohazard lab,
14 and so it would be wonderful if the government could
15 put that together and have rather similar rules rather
16 than three sets, which is what we seem to have at the
17 moment.

18 MS. REED: Good comment. Thank you.

19 The government coordinating, that's always
20 a good move, I think, to happen, and I think that
21 would fall under one of the discussions we just had
22 earlier about reciprocity. Can we pursue that? And
23 if you've already got fingerprints through another
24 way, can we accept those?

25 So thank you for that comment.

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1 We're still on Slide 18. The other
2 question we have up there, has the implementation of
3 the orders identified any new issues that should be
4 addressed through rulemaking? I think we touched on
5 that with the foreign nationals, and I think Reed
6 College also mentioned or I think it was Reed,
7 mentioned the under 21 not having too many records.
8 So I think that's two of the possible things that have
9 come up through these orders.

10 Anything else?

11 MR. REESE: I don't know if somebody else
12 jumped in, but it would seem to me that those kinds of
13 issues could be better handled through a reg. guide.

14 MS. REED: Right.

15 MS. BROCK: But that's part of the whole
16 umbrella process. We want to develop the guidance as
17 we develop the rules so that we can coordinate it, and
18 anything like that we'd love to hear your comments.

19 MS. REED: Thanks.

20 MR. TOVMASSIAN: Can I ask one question
21 before you move on? You said that one percent of
22 people you're finding have no fingerprints. How are
23 you determining trustworthy and reliability in those
24 cases?

25 MR. REESE: The way the NRC and the FBI

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1 have agreed, at least in the correspondence I'm
2 getting, is you go through it three times, and if the
3 third time you can't receive a good fingerprint, they
4 ask you to send three more cards, and if that doesn't
5 come back, they tell you ahead of time, "If we can't
6 determine from these three future cards, then we're
7 just going to use name, Social Security number, and do
8 our own search."

9 MR. FRANTZ: This is Stephen from Reed.

10 My experience has been if they take it to
11 five or six attempts and then you send them six cards.

12 (Laughter.)

13 MR. FRANTZ: That's what the big board
14 says.

15 MR. WURTZ: Are those electronic
16 fingerprints or ink?

17 PARTICIPANTS: Ink.

18 MR. WURTZ: Okay. If you get your
19 fingerprints done electronically, the device that
20 scans will tell if they're acceptable or not. They
21 actually reject your fingerprints if they're not
22 acceptable.

23 MR. REESE: The problem is we know ahead
24 of time that they're going to be rejected.

25 MS. REED: That's one of the advantages of

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1 us pursuing can we accept digital fingerprint. That
2 will be one of the avenues we'll pursue based on your
3 comments. That was brought up earlier.

4 MR. STEVE MILLER: And then you get back
5 to the equipment and resources to take electronic
6 fingerprints.

7 MR. PURDY: I think we can accept the
8 electronic fingerprinting, but it's more of the up
9 front equipment cost that might be prohibitive.

10 MR. O'KELLY: And we're talking
11 electronically. My hand was scanned on a scanner and
12 they printed out the prints onto the card, which I
13 then submitted. So they can print out as many cards
14 as you want from one scan, but they don't give me a
15 CD.

16 MR. FRANTZ: I hadn't thought about that,
17 that we can get all six copies made at one sitting.

18 MR. O'KELLY: Right. If you go to one of
19 those places that have a scanner.

20 MR. FRANTZ: We do that, yeah.

21 MS. REED: Okay.

22 MR. STEVE MILLER: And then you'd have six
23 unusable copies.

24 (Laughter.)

25 PARTICIPANT: It satisfies the

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1 requirement, but it might not get the result you're
2 looking for.

3 MR. JENKINS: Well, the scanner, people
4 who ink doesn't work for, the scanner tends to pick
5 them up, and then another step beyond that is the ones
6 who nothing is going to work. So if we can have the
7 digitally scanned one sent in, that would.

8 MR. STEVE MILLER: Probably so.

9 MS. REED: So any other comments before we
10 wrap this workshop?

11 (No response.)

12 MS. REED: In conclusion, the rulemaking
13 process will provide RTR licensees and other
14 interested stakeholders several opportunities to
15 comment on the proposed requirements. Harry was
16 talking about that at the very beginning, that this is
17 just a first step and there will be other
18 opportunities for stakeholder input.

19 One bit of housekeeping. The Webinar, if
20 you are on the phone, you called in but you're not
21 using the Webinar, could you please identify yourself
22 so that we have a record of your attendance for this
23 meeting?

24 MR. UNLU: Kenan Unlu from Penn State.

25 MS. REED: Can you spell that please?

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1 MR. UNLU: Kenan Unlu, K-e-n-a-n; last
2 name is U-n-l-u.

3 MS. REED: Thank you.

4 Do we have anybody else on the phone that
5 was not logged in through Webinar?

6 (No response.)

7 MS. REED: Okay. Well, thank you,
8 everybody for all of your valuable input. I think we
9 had some good discussions, and given us some
10 directions on next steps.

11 MR. TOVMASSIAN: Also, just two other
12 things. There's some feedback sheets in the back. If
13 you would, would you go ahead and fill those out and
14 give us some feedback? You can take them back with
15 you and mail them in postage free.

16 Anybody here that has not signed in,
17 please make sure that you sign in before you leave.
18 Okay?

19 And otherwise thank you very much for your
20 participation. Anything else?

21 MS. REED: Tom, do you want to say
22 anything in closing?

23 MR. BLOUNT: Basically have a good flight,
24 but thank everyone for being here. We do appreciate
25 folks engaging in the process. We certainly here at

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1 the NRC don't have all the answers, although sometimes
2 we might like to think we do.

3 But with that being said, this is an
4 opportunity for everyone that has a stake in this
5 activity to engage in it, to provide input and to get
6 us to where we need to be.

7 With that, I appreciated the conversation
8 that we have had today, the dialogue that we've had
9 today. I think we'll have a far better product at the
10 end, as a result of that.

11 So with that, that's all I have to say and
12 thank you very much.

13 MS. REED: Thank you.

14 (Whereupon, at 10:13 a.m., the workshop
15 was concluded.)

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